Report Supplement

This supplementary document contains materials referenced in the Future of Privacy Forum's September 2024 report on "U.S. State AI Legislation." **The supplementary materials supporting the Report are divided into four tables:**

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Table 1: Key Relevant Bills and Laws

This report focuses on a handful of notable bills and laws at the state level, the majority of which were introduced in the 2024 legislative session. The most cited bills in this report are featured in the table below, as well as links to public resources or analysis by the FPF U.S. Legislation team. Passing references are made in the report to federal bills, other state bills, and legislative frameworks or proposals, but those resources are not linked in the table below. Many of the relevant bills were amended while this report was being drafted. Thus, different versions of the bill may be cited or quoted throughout.

Jurisdiction	Bill, Law, or Framework	Category
Colorado	**SB 24-205** (Colorado AI Act) (enacted) **FPF Resource: Policy Brief; Two-Page Cheat Sheet**	Governance of AI in Consequential Decisions
California	**AB 2930** (Automated Decision Systems) (proposed) (July 3, 2024)	Governance of AI in Consequential Decisions
Connecticut	**SB 2** (proposed) (Apr. 24, 2024) **FPF Resource: Blog Post**	Governance of AI in Consequential Decisions
Virginia	**HB 747** (proposed) (Feb. 5, 2024)	Governance of AI in Consequential Decisions
Vermont	**H 710** (proposed) (Jan. 9, 2024)	Governance of AI in Consequential Decisions
Washington	**HB 1951** (proposed) (Jan. 19, 2024)	Governance of AI in Consequential Decisions
Illinois	**HB 3773** (enacted) (Aug. 9, 2024)	Governance of AI in Consequential Employment Decisions
New York City	**L.L. 144** (enacted) (2021) **L.L. 144 Rule** (enacted) (2023)	Governance of AI in Consequential Employment Decisions
California	**CPPA Draft Regulations** (draft) (July 2024)	Comprehensive Data Privacy
Minnesota	**HF 4757** (Minnesota Consumer Data Privacy Act) (enacted) **FPF Resource: Blog Post**	Comprehensive Data Privacy
Utah	**SB 149** (enacted) (2024)	Technology-specific (Generative AI)

Jurisdiction	Bill, Law, or Framework	Category
California	AB 2013 (passed, awaiting signature) (Aug. 27, 2024)	Technology-specific (Generative AI)
California	AB 3211 (proposed) (June 24, 2024)	Technology-specific (Generative AI)
California	SB 942 (proposed) (Aug. 19, 2024)	Technology-specific (Generative AI)
California	SB 970 (proposed) (Apr. 11, 2024),	Technology-specific (Generative AI)
New York	S 9450A (proposed) (June 6, 2024)	Technology-specific (Generative AI)
California	SB 1047 (proposed) (July 3, 2024)	Technology-specific (Frontier AI or Foundation Models)

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Table 2: Key Terms and Definitions in the Regulation of AI in Consequential Decisions

The following table outlines the definitional scope and definitions used in key bills and laws that follow the 'Governance of AI in Consequential Decisions' approach. It aligns with the Report's framework, covering definitions of:

Key Term	Definition	Framework
Operative Terms		
High-Risk Artificial Intelligence System	[A]ny artificial intelligence system that, when deployed, makes, or is a **substantial factor** in making, a **consequential decision**. A "high-risk artificial intelligence system" does not include: (I) An artificial intelligence system if the artificial intelligence system is intended to: (A) Perform a narrow procedural task; or (B) Detect decision-making patterns or deviations from prior decision -making patterns and is not intended to replace or influence a previously completed human assessment without sufficient human review; or (II) The following technologies, unless the technologies, when deployed, make or are a substantial factor in making a consequential decision: [List of technologies omitted]	Colorado AI Act (enacted) (2024) Sec. 6-1-1701(9).
	[A]ny artificial intelligence system that is **specifically intended** to autonomously make, or be a **controlling factor** in making, a **consequential decision**. A system or service is not a "high-risk artificial intelligence system" if it is intended to (i) perform a narrow procedural task, (ii) improve the result of a previously completed human activity, (iii) detect decision-making patterns or deviations from prior decision-making patterns and is not meant to replace or influence the previously completed human assessment without proper human review, or (iv) perform a preparatory task to an assessment relevant to a consequential decision.	Virginia HB 747 (proposed) (Feb. 5, 2024) Sec. 59.1-603.

Automated Decision System	[A]n artificial intelligence system or service that makes a consequential decision, or is a **substantial factor** in making **consequential decisions**.	California AB 2930 (proposed) (July 3, 2024) Sec. 22756, subd.(c).
Automated Decisionmaking Technology	[A]ny technology that processes personal information and uses computation to execute a decision, replace human decisionmaking, or **substantially facilitate** human decisionmaking.	CCPA Draft Regulations (proposed) (July 2024) Sec. 7001(f).
Context		
	[A] decision that has a material legal or similarly significant effect on the provision or denial to any consumer of, or the cost or terms of: (a) Education enrollment or an education opportunity; (b) Employment or an employment opportunity; (c) A financial or lending service; (d) An essential government service; (e) Health-care services; (f) Housing; (g) Insurance; or (h) A legal service	Colorado AI Act (enacted) (2024) Sec. 6-1-1701(3).
	[A]ny decision that has a material legal, or similarly significant, effect on a consumer's access to credit, criminal justice, education, employment, health care, housing, or insurance.	Virginia HB 747 (proposed) (Feb. 5, 2024) Sec. 59.1-603.

Consequential Decision	[A] decision or judgment that has a legal, material, or similarly significant effect on an individual's life relating to access to government benefits or services, assignments of penalties by government, or the impact of, access to, or cost, terms, or availability of, any of the following:
	(1) Employment with respect to all of the following:
	  (A) Pay or promotion.
	  (B) Hiring or termination.
	  (C) Automated task allocation that limits, segregates, or classifies employees for the purposes of assigning or determining material terms or conditions of employment.
	(2) Education and vocational training as it relates to all of the following:
	  (A) Assessment or placement.
	  (B) Detecting student cheating or plagiarism.
	  (C) Accreditation.
	  (D) Certification.
	  (E) Admissions or enrollment.
	  (F) Discipline.
	  (G) Evaluation.
	  (H) Financial aid or scholarships.
	(3) Housing or lodging, including rental or short-term housing or lodging.
	(4) All of the following essential utilities:
	  (A) Electricity.
	  (B) Heat.
	  (C) Water.
	  (D) Internet or telecommunications access.
		California AB 2930 (proposed) (July 3, 2024)
		
		Sec. 22756, subd.(d).

Deployer *(continued)*	(E) Transportation.
	(5) Family planning.
	(6) Adoption services, reproductive services, or assessments related to child protective services.
	(7) Health care or health insurance, including mental health care, dental, or vision.
	(8) Financial services, including a financial service provided by a mortgage company, mortgage broker, or creditor.
	(9) All of the following aspects of the criminal justice system:
	  (A) Risk assessments for pretrial hearings.
	  (B) Sentencing.
	  (C) Parole.
	(10) Legal services.
	(11) Private arbitration.
	(12) Mediation.
	(13) Voting.	

Impact and Role of the AI System		

Substantial Factor	[A] factor that:
	  (I) Assists in making a consequential decision;
	  (II) Is capable of altering the outcome of a consequential decision; and
	  (III) Is generated by an artificial intelligence system.
	
	"Substantial factor" includes any use of an artificial intelligence system to generate any content, decision, prediction, or recommendation concerning a consumer that is used as a basis to make a consequential decision concerning the consumer.
		Colorado AI Act (enacted) (2024)
		
		Sec. 6-1-1701 (11)(a), (b).

	[A]n element of a decisionmaking process that is capable of altering the outcome of the process.	California AB 2930 (proposed) (July 3, 2024) Sec. 22756, subd.(j).
Substantially Facilitate	[U]sing the output of the technology as a key factor in a human's decisionmaking. This includes, for example, using automated decisionmaking technology to generate a score about a consumer that the human reviewer uses as a primary factor to make a significant decision about them.	CCPA Draft Regulations (proposed) (July 2024) Sec. 7001(f).
Controlling Factor	(not defined)	California AB 2930 (proposed) (Feb. 15, 2024) Virginia HB 747 (proposed) (Feb. 5, 2024)

Regulated Entities		
Deployer	[A] person doing business in this state that deployed a high-risk artificial intelligence system.	Colorado AI Act (enacted) (2024)

		Sec. 6-1-1701(6)
		Virginia HB 747 (proposed) (Feb. 5, 2024)
		Sec. 59.1-603.
	[A] person, partnership, local government agency, developer, corporation, or any contractor or agent of those entities, that uses an automated decision tool to make a consequential decision.	California AB 2930 (proposed) (July 3, 2024) Sec. 22756, subd.(e).
Developer	[A] person doing business in this state that develops or intentionally and substantially modifies an artificial intelligence system.	Colorado AI Act (enacted) (2024) Sec. 6-1-1701(7)
	[A] person, partnership, state or local government agency, or corporation that designs, codes, or produces an automated decision tool, or substantially modifies an artificial intelligence system or service for the intended purpose of making, or being a substantial factor in making, consequential decisions, whether for its own use or for use by a third party.	California AB 2930 (proposed) (July 3, 2024) Sec. 22756, subd.(f).

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Table 3: Example Business Obligation Language and Sub-Requirements

The following table contains exemplary language from key bills and laws on developer and deployer obligations under the 'Governance of AI in Consequential Decisions' approach. It aligns with the Report's analysis on common obligations for:

Transparency and Disclosures	
Individual Notice	
Colorado AI Act (enacted) (2024) Sec. 6-1-1703(4)(a).	[N]o later than the time that a deployer deploys a high-risk artificial intelligence system to make, or be a substantial factor in making, a consequential decision concerning a consumer, the deployer shall: (I) Notify the consumer that the deployer has deployed a high-risk artificial intelligence system to make, or be a substantial factor in making, a consequential decision before the decision is made; (II) Provide to the consumer a statement disclosing the purpose of the high-risk artificial

	intelligence system and the nature of the consequential decision; the contact information for the deployer; a description, in plain language, of the high-risk artificial intelligence system; and instructions on how to access the statement required by subsection (5)(a) of this section; and (III) Provide to the consumer information, if applicable, regarding the consumer's right to opt out of the processing of personal data concerning the consumer for purposes of profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer under section 6-1-1306 (1)(a)(I)(C).

California AB 2930 (proposed) (July 3, 2024)
 	
Sec. 22756.2, subd.(a).
	Prior to an automated decision tool making a consequential decision, or being a substantial factor in making a consequential decision, a deployer shall notify any natural person that is subject to the consequential decision that an automated decision tool is being used.
	
	A deployer shall provide to a natural person notified pursuant to this subdivision all of the following:
	
	(A) A statement of the purpose of the automated decision tool.
	(B) Contact information for the deployer.
	(C) A plain language description of the automated decision tool that includes all of the following:
	  (i) The personal characteristics or attributes that the automated decision tool will measure or assess.
	  (ii) The method by which the automated decision tool measures or assesses those attributes or characteristics.
	  (iii) How those attributes or characteristics contribute to the consequential decision.
	  (iv) The format and structure of the automated decision tool's outputs.
	  (v) How those outputs are used to make, be a substantial factor in making, a consequential decision.
	  (vi) A summary of the most recent impact assessment performed on the automated decision tool.
	(D) Information sufficient to enable the natural person to request to be subject to an alternative selection process or accommodation, as applicable, in lieu of the automated decision tool, as provided in subdivision (b).

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<tr><td colspan="2" align="center">Public Notice</td></tr>
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Colorado AI Act (enacted) (2024) Secs. 6-1-1702(4) & 6-1-1703(5).	**Deployers:** [A] deployer shall make available, in a manner that is clear and readily available on the deployer's website, a statement summarizing: (I) The types of high-risk artificial intelligence systems that are currently deployed by the deployer; (II) How the deployer manages known or reasonably foreseeable risks of algorithmic discrimination that may arise from the deployment of each high-risk artificial intelligence system described pursuant to subsection (5)(a)(I) of this section; and (III) In detail, the nature, source, and extent of the information collected and used by the deployer. A deployer shall periodically update the statement described in subsection (5)(a) of this section. **Developers:** [A] developer shall make available, in a manner that is clear and readily available on the developer's website or in a public use case inventory, a statement summarizing: (I) The types of high-risk artificial intelligence systems that the developer has developed or intentionally and substantially modified and currently makes available to a deployer or other developer; and (II) How the developer manages known or reasonably foreseeable risks of algorithmic discrimination that may arise from the development or intentional and substantial modification of the types of high-risk artificial intelligence systems described in accordance with subsection (4)(a)(I) of this section. A developer shall update the statement described in subsection (4)(a) of this section: (I) As necessary to ensure that the statement remains accurate; and

	(II) No later than ninety days after the developer intentionally and substantially modifies any high-risk artificial intelligence system described in subsection (4)(a)(I) of this section.

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<tr><td colspan="2" align="center">Developer to Deployer Disclosures</td></tr>
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<td><u>Colorado AI Act</u> (enacted) (2024)

Sec. 6-1-1702 (2), (3) & (5).</td>
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[A] developer of a high-risk artificial intelligence system shall make available to the deployer or other developer of the high-risk artificial intelligence system:

(a) A general statement describing the reasonably foreseeable uses and known harmful or inappropriate uses of the high-risk artificial intelligence system;

(b) Documentation disclosing:

    (I) High-level summaries of the type of data used to train the high-risk artificial intelligence system;

    (II) Known or reasonably foreseeable limitations of the high-risk artificial intelligence system, including known or reasonably foreseeable risks of algorithmic discrimination arising from the intended uses of the high-risk artificial intelligence system;

    (III) The purpose of the high-risk artificial intelligence system;

    (IV) The intended benefits and uses of the high-risk artificial intelligence system; and

    (V) All other information necessary to allow the deployer to comply with the requirements of section 6-1-1703;

(c) Documentation describing:

    (I) How the high-risk artificial intelligence system was evaluated for performance and mitigation of algorithmic discrimination before the high-risk artificial intelligence system was offered, sold, leased, licensed, given, or otherwise made available to the deployer;

    (II) The data governance measures used to cover the training datasets and the measures used to examine the suitability of data sources, possible biases, and appropriate mitigation;

    (III) The intended outputs of the high-risk artificial intelligence system;

    (IV) The measures the developer has taken to mitigate known or reasonably foreseeable risks of algorithmic discrimination that may arise from the reasonably foreseeable deployment of the high-risk artificial intelligence system; and

    (V) How the high-risk artificial intelligence system should be used, not be used, and be monitored by an individual when the high-risk artificial intelligence system is used to make, or is a substantial factor in making, a consequential decision; and

(d) Any additional documentation that is reasonably necessary to assist the deployer in understanding the outputs and monitor the performance of the high-risk artificial intelligence system for risks of algorithmic discrimination.

[A] developer that offers, sells, leases, licenses, gives, or otherwise makes available to a deployer or other developer a high-risk artificial intelligence system . . . shall make available to the deployer or other developer, to the extent feasible, the documentation and information, through artifacts such as model cards, dataset cards, or other impact assessments, necessary for a deployer, or for a third party contracted by a deployer, to complete an impact assessment pursuant to section 6-1-1703 (3).

A developer that also serves as a deployer for a high-risk artificial intelligence system is not required to generate the documentation required by this section unless the high-risk artificial intelligence system is provided to an unaffiliated entity acting as a deployer.

[A] developer of a high-risk artificial intelligence system shall disclose to the attorney general, in a form and manner prescribed by the attorney general, and to all known deployers or other developers of the high-risk artificial intelligence system, any known or reasonably foreseeable risks of algorithmic discrimination arising from the intended uses of the high-risk artificial intelligence system without unreasonable delay but no later than ninety days after the date on which:

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	(a) The developer discovers through the developer's ongoing testing and analysis that the developer's high-risk artificial intelligence system has been deployed and has caused or is reasonably likely to have caused algorithmic discrimination; or (b) The developer receives from a deployer a credible report that the high-risk artificial intelligence system has been deployed and has caused algorithmic discrimination.

Assessments and Audits

Assessments

Colorado AI Act (enacted) (2024) Sec. 6-1-1703(3).	**Deployers:** An impact assessment . . . must include, at a minimum, and to the extent reasonably known by or available to the deployer: (I) A statement by the deployer disclosing the purpose, intended use cases, and deployment context of, and benefits afforded by, the high-risk artificial intelligence system; (II) An analysis of whether the deployment of the high-risk artificial intelligence system poses any known or reasonably foreseeable risks of algorithmic discrimination and, if so, the nature of the algorithmic discrimination and the steps that have been taken to mitigate the risks; (III) A description of the categories of data the high-risk artificial intelligence system processes as inputs and the outputs the high-risk artificial intelligence system produces; (IV) If the deployer used data to customize the high-risk artificial intelligence system, an overview of the categories of data the deployer used to customize the high-risk artificial intelligence system; (V) Any metrics used to evaluate the performance and known limitations of the high-risk artificial intelligence system; (VI) A description of any transparency measures taken concerning the high-risk artificial intelligence system, including any measures taken to disclose to a consumer that the high-risk artificial intelligence system is in use when the high-risk artificial intelligence system is in use; and (VII) A description of the post-deployment monitoring and user safeguards concerning the high-risk artificial intelligence system, including the oversight, use, and learning process established by the deployer to address issues arising from the deployment of the high-risk artificial intelligence system. . . . [A]n impact assessment completed pursuant to this subsection (3) following an intentional and substantial modification to a high-risk artificial intelligence system . . . must include a statement disclosing the extent to which the high-risk artificial intelligence system was used in a manner that was consistent with, or varied from, the developer's intended uses of the high-risk artificial intelligence system.

Audits

New York City LL144 Rule (enacted) (2023)
 	
Secs. 5-300, 5-301(b)
	Where an AEDT selects candidates for employment or employees being considered for promotion to move forward in the hiring process or classifies them into groups, a bias audit must, at a minimum:
	
	(1) Calculate the selection rate for each category;
	
	(2) Calculate the impact ratio for each category;
	
	(3) Ensure that the calculations required in paragraphs (1) and (2) of this subdivision separately calculate the impact of the AEDT on:
	   i. Sex categories (e.g., impact ratio for selection of male candidates vs female candidates),
	   ii. Race/Ethnicity categories (e.g., impact ratio for selection of Hispanic or Latino candidates vs Black or African American [Not Hispanic or Latino] candidates), and
	   iii. Intersectional categories of sex, ethnicity, and race (e.g., impact ratio for selection of Hispanic or Latino male candidates vs. Not Hispanic or Latino Black or African American female candidates).
	
	(4) Ensure that the calculations in paragraphs (1), (2), and (3) of this subdivision are performed for each group, if an AEDT classifies candidates for employment or

	employees being considered for promotion into specified groups (e.g., leadership styles); and
	(5) Indicate the number of individuals the AEDT assessed that are not included in the required calculations because they fall within an unknown category.
	"Selection rate" means the rate at which individuals in a category are either selected to move forward in the hiring process or assigned a classification by an AEDT. Such rate may be calculated by dividing the number of individuals in the category moving forward or assigned a classification by the total number of individuals in the category who applied for a position or were considered for promotion.
	"Impact ratio" means either (1) the selection rate for a category divided by the selection rate of the most selected category or (2) the scoring rate for a category divided by the scoring rate for the highest scoring category.

AI Governance Programs

	A deployer or developer shall establish, document, implement, and maintain a governance program that contains reasonable administrative and technical safeguards designed to map, measure, and manage the reasonably foreseeable risks of algorithmic discrimination associated with the use or intended use of an automated decision tool.
	The safeguards required by this subdivision shall be appropriate to all of the following:
	(A) The use or intended use of the automated decision tool.
	(B) The deployer's or developer's role as a deployer or developer.
	(C) The size, complexity, and resources of the deployer or developer.
	(D) The nature, context, and scope of the activities of the deployer or developer in connection with the automated decision tool.
	(E) The technical feasibility and cost of available tools, assessments, and other means used by a deployer or developer to map, measure, manage, and govern the risks associated with an automated decision tool.
California AB 2930 (proposed) (July 3, 2024) Sec. 22756.4.	The governance program required by this section shall be designed to do all of the following:
	(1) (A) Designate at least one employee to be responsible for overseeing and maintaining the governance program and compliance with this chapter.
	(B) (i) An employee designated pursuant to this paragraph shall have the authority to assert to the employee's employer a good faith belief that the design, production, or use of an automated decision tool fails to comply with the requirements of this chapter; and (ii) An employer of an employee designated pursuant to this paragraph shall conduct a prompt and complete assessment of any compliance issue raised by that employee.
	(2) Identify and implement safeguards to address reasonably foreseeable risks of algorithmic discrimination resulting from the use or intended use of an automated decision tool.
	(3) If established by a deployer, provide for the performance of impact assessments as required by Section 22756.1.
	(4) If established by a developer, provide for compliance with Sections 22756.2 and 22756.3.
	(5) Conduct an annual and comprehensive review of policies, practices, and procedures to ensure compliance with this chapter.
	(6) Maintain for five years after completion the results of an impact assessment.
	(7) Evaluate and make reasonable adjustments to administrative and technical safeguards in light of material changes in technology, the risks associated with the automated decision tool, the state of technical standards, and changes in business arrangements or operations of the deployer or developer.
Colorado AI Act	[A] deployer of a high-risk artificial intelligence system shall implement a risk management policy and program to govern the deployer's deployment of the high-risk artificial intelligence

(enacted) (2024) Sec. 6-1-1703(2).	system. The risk management policy and program must specify and incorporate the principles, processes, and personnel that the deployer uses to identify, document, and mitigate known or reasonably foreseeable risks of algorithmic discrimination. The risk management policy and program must be an iterative process planned, implemented, and regularly and systematically reviewed and updated over the life cycle of a high-risk artificial intelligence system, requiring regular, systematic review and updates. A risk management policy and program implemented and maintained pursuant to this subsection (2) must be reasonable considering: (I) (A) The guidance and standards set forth in the latest version of the "Artificial intelligence risk management framework" published by the National Institute Of Standards And Technology in the United States Department Of Commerce, Standard ISO/IEC 42001 of the International Organization For Standardization, or another nationally or internationally recognized risk management framework for artificial intelligence systems, if the standards are substantially equivalent to or more stringent than the requirements of this part 17; or (B) Any risk management framework for artificial intelligence systems that the attorney general, in the attorney general's discretion, may designate; (II) The size and complexity of the deployer; (III) The nature and scope of the high-risk artificial intelligence systems deployed by the deployer, including the intended uses of the high-risk artificial intelligence systems; and (IV) The sensitivity and volume of data processed in connection with the high-risk artificial intelligence systems deployed by the deployer. A risk management policy and program implemented pursuant to subsection (2)(a) of this section may cover multiple high-risk artificial intelligence systems deployed by the deployer.

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Table 4: Example Individual Rights Language and Sub-Requirements

The following table contains exemplary language from key bills and laws on developer and deployer obligations under the 'Governance of AI in Consequential Decisions' approach. It aligns with the Report's analysis on common obligations for:

Right to Notice and Explanation	
Pre-Use Notice	
Colorado AI Act (enacted) (2024) Sec. 6-1-1703(4)(a).	[N]o later than the time that a deployer deploys a high-risk artificial intelligence system to make, or be a substantial factor in making, a consequential decision concerning a consumer, the deployer shall: (I) Notify the consumer that the deployer has deployed a high-risk artificial intelligence system to make, or be a substantial factor in making, a consequential decision before the decision is made; (II) Provide to the consumer a statement disclosing the purpose of the high-risk artificial intelligence system and the nature of the consequential decision; the contact information for the deployer; a description, in plain language, of the high-risk artificial intelligence system; and instructions on how to access the statement required by subsection (5)(a) of this section; and (III) Provide to the consumer information, if applicable, regarding the consumer's right to opt out of the processing of personal data concerning the consumer for purposes of profiling in furtherance of decisions that produce legal or

	similarly significant effects concerning the consumer under section 6-1-1306 (1)(a)(I)(C).

California AB 2930 (proposed) (July 3, 2024)
 	
Sec. 22756.2.
	Prior to an automated decision tool making a consequential decision, or being a substantial factor in making a consequential decision, a deployer shall notify any natural person that is subject to the consequential decision that an automated decision tool is being used.
	
	A deployer shall provide to a natural person notified pursuant to this subdivision all of the following:
	(A) A statement of the purpose of the automated decision tool.
	(B) Contact information for the deployer.
	(C) A plain language description of the automated decision tool that includes all of the following:
	  (i) The personal characteristics or attributes that the automated decision tool will measure or assess.
	  (ii) The method by which the automated decision tool measures or assesses those attributes or characteristics.
	  (iii) How those attributes or characteristics contribute to the consequential decision.
	  (iv) The format and structure of the automated decision tool's outputs.
	  (v) How those outputs are used to make, be a substantial factor in making, a consequential decision.
	  (vi) A summary of the most recent impact assessment performed on the automated decision tool.
	(D) Information sufficient to enable the natural person to request to be subject to an alternative selection process or accommodation, as applicable, in lieu of the automated decision tool, as provided in subdivision (b).

Adverse Action Notice	

Fair Credit Reporting Act (FCRA)
 	
15 U.S.C. § 1681m(a) (2023).
	If any person takes any adverse action with respect to any consumer that is based in whole or in part on any information contained in a consumer report, the person shall—
	(1) provide oral, written, or electronic notice of the adverse action to the consumer;
	(2) provide to the consumer written or electronic disclosure—
	  (A) of a numerical credit score . . . used by such person in taking any adverse action based in whole or in part on any information in a consumer report; and
	  (B) of the information set forth in subparagraphs (B) through (E) of section 1681g(f)(1) of this title;
	(3) provide to the consumer orally, in writing, or electronically—
	  (A) the name, address, and telephone number of the consumer reporting agency . . . that furnished the report to the person; and
	  (B) a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and
	(4) provide to the consumer an oral, written, or electronic notice of the consumer's right—
	  (A) to obtain, under section 1681j of this title, a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (3), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and
	  (B) to dispute, under section 1681i of this title, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.

Colorado AI Act	[I]f the consequential decision is adverse to the consumer, provide to the consumer:

(enacted) (2024) Sec. 6-1-1703(4)(b).	(I) A statement disclosing the principal reason or reasons for the consequential decision, including: (A) The degree to which, and manner in which, the high-risk artificial intelligence system contributed to the consequential decision; (B) The type of data that was processed by the high-risk artificial intelligence system in making the consequential decision; and (C) The source or sources of the data described in subsection (4)(b)(I)(B) of this section; . . . .

Right to Correct Inaccurate Information Used in Decisionmaking	
California AB 2930 (proposed) (July 3, 2024) Sec. 22756.2, subd. (c).	A deployer that has deployed an automated decision tool, to make, or be a substantial factor in making, a consequential decision concerning a natural person, the deployer shall provide to the natural person all of the following: . . . (3) The opportunity to correct any incorrect personal data that the automated decision tool processed in making, or as a substantial factor in making, the consequential decision.
Colorado AI Act (enacted) (2024) Sec. 6-1-1703(4)(b).	[I]f the consequential decision is adverse to the consumer, provide to the consumer: . . . An opportunity to correct any incorrect personal data that the high-risk artificial intelligence system processed in making, or as a substantial factor in making, the consequential decision;
Fair Credit Reporting Act (FCRA) 15 U.S.C. § 1681i(a)(1)(A) (2023).	[I]f the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly, or indirectly through a reseller, of such dispute, the agency shall, free of charge, conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date on which the agency receives the notice of the dispute from the consumer or reseller.

Right to Either Appeal or Opt-Out	
Right to Appeal	
Colorado AI Act (enacted) (2024) Sec. 6-1-1703(4)(b).	[I]f the consequential decision is adverse to the consumer, provide to the consumer: . . . An opportunity to appeal an adverse consequential decision concerning the consumer arising from the deployment of a high-risk artificial intelligence system, which appeal must, if technically feasible, allow for human review unless providing the opportunity for appeal is not in the best interest of the consumer, including in instances in which any delay might pose a risk to the life or safety of such consumer.
Minnesota Consumer Data Privacy Act (enacted) Sec. 6(1)(g)	If a consumer's personal data is profiled in furtherance of decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer, the consumer has the right to question the result of the profiling, to be informed of the reason that the profiling resulted in the decision, and, if feasible, to be informed of what actions the consumer might have taken to secure a different decision and the actions that the consumer might take to secure a different decision in the future. The consumer has the right to review the consumer's personal data used in the profiling.

Right to Opt-Out	
California AB 2930 (proposed) (July 3, 2024) Sec. 22756.2, subd. (b).	(1) If a consequential decision is made solely based on the output of an automated decision tool, a deployer shall, if technically feasible, accommodate a natural person's request to not be subject to the automated decision tool and to instead be subject to an alternative selection process or accommodation. (2) After a request pursuant to paragraph (1), a deployer may reasonably request, collect, and process information from a natural person for the purposes of identifying the person and the associated consequential decision. If the person does not provide that information, the deployer shall not be obligated to provide an alternative selection process or accommodation.
CPPA Draft Regulations (proposed) (July 2024) Sec. 7221(f).	(a) Consumers have a right to opt-out of ADMT as set forth in section 7200, subsection (a). A business must provide consumers with the ability to opt-out of these uses of automated decisionmaking technology, except as set forth in subsection (b). . . . (c) A business that uses automated decisionmaking technology as set forth in subsection (a) must provide two or more designated methods for submitting requests to opt-out of ADMT. A business must consider the methods by which it interacts with consumers, the manner in which the business uses the automated decisionmaking technology, and the ease of use by the consumer when determining which methods consumers may use to submit requests to opt-out of the business's use of the automated decisionmaking technology. At least one method offered must reflect the manner in which the business primarily interacts with the consumer...[methods of opt-out] (d) A business's methods for submitting requests to opt-out of ADMT must be easy for consumers to execute, must require minimal steps, and must comply with section 7004. . . . (f) A business must not require a verifiable consumer request for a request to opt-out of ADMT set forth in subsection (a). A business may ask the consumer for information necessary to complete the request, such as information necessary to identify the consumer whose information is subject to the business's use of automated decisionmaking technology. However, to the extent that the business can comply with a request to opt-out of ADMT without additional information, it must do so. (g) If a business has a good-faith, reasonable, and documented belief that a request to opt-out of ADMT is fraudulent, the business may deny the request. The business must inform the requestor that it will not comply with the request and must provide to the requestor an explanation why it believes the request is fraudulent. (h) A business must provide a means by which the consumer can confirm that the business has processed their request to opt-out of ADMT. (m) If the consumer submits a request to opt-out of ADMT before the business has initiated that processing, the business must not initiate processing of the consumer's personal information using that automated decisionmaking technology.