

HOUSE BILL 1323

D5, P2

1lr1796

By: **Delegate Hill**

Introduced and read first time: February 8, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Algorithmic Decision Systems – Procurement and Discriminatory Acts

FOR the purpose of requiring a State unit to purchase a product or service that is or contains an algorithmic decision system that adheres to responsible artificial intelligence standards; specifying content included in responsible artificial intelligence standards; requiring the Board of Public Works to adopt certain regulations; altering the definition of “discriminatory act” used in certain provisions of human relations law to include acts performed through algorithmic decision systems; defining a certain term; and generally relating to the use of algorithmic decision systems.

BY adding to

Article – State Finance and Procurement

Section 14–417

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 20–101

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14–417.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SECTION, “ALGORITHMIC DECISION SYSTEM” MEANS A COMPUTATIONAL PROCESS, INCLUDING ONE DERIVED FROM MACHINE LEARNING, STATISTICS, OR OTHER DATA PROCESSING OR ARTIFICIAL INTELLIGENCE TECHNIQUES, THAT MAKES A DECISION, OR FACILITATES HUMAN DECISION MAKING, IN A MANNER THAT IMPACTS INDIVIDUALS.

(B) WHEN PURCHASING A PRODUCT OR SERVICE THAT IS OR CONTAINS AN ALGORITHMIC DECISION SYSTEM TO BE USED BY THE STATE, A STATE UNIT SHALL PURCHASE A PRODUCT OR SERVICE THAT ADHERES TO RESPONSIBLE ARTIFICIAL INTELLIGENCE STANDARDS, INCLUDING:

(1) THE AVOIDANCE OF HARM, INCLUDING THE MINIMIZATION OF:

(I) RISKS OF PHYSICAL OR MENTAL INJURY;

(II) THE UNJUSTIFIED DELETION OR DISCLOSURE OF INFORMATION; AND

(III) THE UNWARRANTED DAMAGE TO PROPERTY, REPUTATION, OR ENVIRONMENT;

(2) A COMMITMENT TO TRANSPARENCY, INCLUDING THE FULL DISCLOSURE TO THE STATE UNIT ANY ALGORITHMIC DECISION SYSTEM:

(I) CAPABILITIES;

(II) LIMITATIONS; AND

(III) POTENTIAL PROBLEMS;

(3) GIVING PRIMACY TO FAIRNESS, INCLUDING BY TAKING ACTIONS TO:

(I) ELIMINATE DISCRIMINATION;

(II) INCLUDE EQUALITY, TOLERANCE, RESPECT FOR OTHERS, AND JUSTICE AS ALGORITHMIC DECISION SYSTEM GOALS; AND

(III) PROVIDE AN AVENUE FOR FEEDBACK TO REDRESS HARMS; AND

(4) A COMPREHENSIVE AND THOROUGH EVALUATION AND ANALYSIS OF THE ALGORITHMIC DECISION SYSTEM’S IMPACT AND POTENTIAL RISKS.

(C) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**Article – State Government**

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on Civil Rights.

(c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.

(d) **(1)** “Discriminatory act” means an act prohibited under:

[(1)] (I) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

[(2)] (II) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

[(3)] (III) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

[(4)] (IV) Subtitle 6 of this title (Discrimination in Employment);

[(5)] (V) Subtitle 7 of this title (Discrimination in Housing); or

[(6)] (VI) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(2) “DISCRIMINATORY ACT” INCLUDES AN ACT PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT IS PERFORMED THROUGH AN ALGORITHMIC DECISION SYSTEM, AS DEFINED UNDER § 14–417 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(e) “Gender identity” means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person’s gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.

(f) “Protective hairstyle” includes braids, twists, and locks.

(g) “Race” includes traits associated with race, including hair texture, afro hairstyles, and protective hairstyles.

(h) (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

(i) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.