



## MARYLAND LEGISLATIVE LATINO CAUCUS

Lowe House Office Building, 6 Bladen Street, Room 200 · Annapolis, Maryland 21401  
Phone 410-841-3374 | 301-858-3374 · 800-492-7122 Ext. 3374 · Fax 410-841-3342 | 301-858-3342  
latino.caucus@house.state.md.us · www.mldlatino caucus.org

DAVID FRASER-HIDALGO, CHAIR  
JOSELINE A. PEÑA-MELNYK, VICE-CHAIR  
GABRIEL ACEVERO, TREASURER  
JESSE T. PIPPY, SECRETARY  
CESIAH FUENTES, EXECUTIVE DIRECTOR

### MEMBERS

ALFRED CARR  
ALONZO WASHINGTON  
ANNE HEALEY  
ARIANA B. KELLY  
BEN BARNES  
BENJAMIN KRAMER  
BONNIE CULLISON  
BROOKE LIERMAN  
CAROL L. KRIMM  
CATHERINE FORBES  
CHARLOTTE CRUTCHFIELD  
CHERYL KAGAN  
CRAIG ZUCKER  
DAVID MOON  
DIANA FENNEL  
EMILY SHETTY  
EREK BARRON  
ERIC LUEDTKE  
GERALDINE VALENTINO-SMITH  
GUY GUZZONE  
HEATHER BAGNALL  
J. SANDY BARTLETT  
JAMES ROSAPEPE  
JARED SOLOMON  
JAZZ LEWIS  
JEFF WALDSTREICHER  
JEN TERRASA  
JESSICA FELDMARK  
JHEANELLE WILKINS  
JILL P. CARTER  
JIM GILCHRIST  
JULIAN IVEY  
JULIE PALAKOVICH CARR  
KAREN LEWIS YOUNG  
KEN KERR  
LESLEY LOPEZ  
LILY QI  
LISA BELCASTRO  
LORIG CHARKOUDIAN  
MAGGIE MCINTOSH  
MALCOLM AUGUSTINE  
MARC KORMAN  
MARY A. LEHMAN  
MARY WASHINGTON  
MELISSA WELLS  
MIKE ROGERS  
NICOLE WILLIAMS  
PAMELA BEIDLE  
PAMELA QUEEN  
REGINA T. BOYCE  
ROBBYN LEWIS  
SHANE PENDERGRASS  
SHANEKA HENSON  
SHEILA RUTH  
SHELLY HETTLEMAN  
STEPHANIE SMITH  
SUSAN C. LEE  
TERRI HILL  
VAUGHN STEWART  
WANIKA FISHER  
WILL SMITH

TO: Delegate Shane E. Pendergrass, Chair  
Delegate Joseline A. Pena-Melnyk, Vice Chair  
Health and Government Operations Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: March 17, 2021

RE: HB1323 Algorithmic Decision Systems – Procurement and Discriminatory Acts

### **The MLLC supports HB1323 Algorithmic Decision Systems – Procurement and Discriminatory Acts.**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB1323.

Artificial intelligence and machine learning algorithms are increasingly utilized in private and public sectors. These decision systems use statistical techniques to identify patterns in data without an analyst to provide a result. They are often used for credit decisions, employment and housing screening, marketing, government services, and criminal justice sentencing and probation decisions. While theoretically these algorithmic decision systems produce fair and accurate outcomes, in actuality they generate heavily [biased results](#), especially for people of color.

Underrepresented or incomplete data, and information that reflects historical inequalities can produce disparate impact, or unintentional discrimination in an algorithmic decision system. A [2019 study](#) examined a health care algorithm that assigned patients to risk categories based on their average health care costs. Due to racial disparities in access to health care, equally sick Black patients did not receive as much care as white patients. Using the algorithm, Black patients accounted for only 17.7% of patients recommended for extra care, but using an unbiased algorithm, 46.5% of patients assigned extra care would have been Black. The algorithm exacerbated an existing racial disparity. Biased outcomes can be prevented by ensuring the state does not use a discriminatory algorithm.

HB1323 requires State agencies to purchase an algorithmic decision system product or service that must adhere to responsible artificial intelligence standards. The Board of Public Works will adopt regulations for implementation. The bill also includes specified acts performed through an algorithmic decision system in the definition of “discriminatory acts” subject to adjudication by the Maryland Commission on Civil Rights. Marylanders should not be subject to any discrimination, but especially not because of an algorithm.

The MLLC supports this bill and urges a favorable report on HB1323.