State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3619

03/12/2018   Authored by Lesch and Baker
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1   A bill for an act

1.2   relating to state government; creating a task force to study algorithms for public
1.3   health and safety.

1.4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5   Section 1. **INTERNET ALGORITHM FOR PUBLIC HEALTH AND SAFETY TASK**

1.6   **FORCE.**

1.7   Subdivision 1. **Establishment; purpose.** The state chief information officer shall establish

1.8   a task force to study the scope and implications of internet algorithms for public health

1.9   safety, with a special focus on the implications for the opioid epidemic. The task force shall:

1.10   (1) raise awareness on legal and related public policy aspects of internet algorithms

1.11   principally at the state level;

1.12   (2) promote understanding of policy avenues and developments regarding social

1.13   responsibility as it relates to algorithms' impacts on public health and safety; and

1.14   (3) provide recommendations on how the state should respond to the impacts on public

1.15   health and safety arising from the increased use of algorithms and machine learning.

1.16   Subd. 2. **Duties.** The task force shall explore the following areas of inquiry:

1.17   (1) review mechanisms that enable questioning and redress for individuals and groups

1.18   that are adversely affected by algorithmically informed decisions that relate to public health

1.19   and safety, with a special emphasis on the opioid epidemic;

2.1   (2) how the companies, systems, and institutions using algorithmic decision making

2.2   should be held accountable for both the procedures followed by the algorithm and the

2.3   specific decisions made based on those algorithms; and

2.4   (3) review the feasibility of private and public algorithmic accountability and transparency

2.5   models, policies, and mechanisms, including but not limited to:

2.6   (i) auditability of models, algorithms, data and decisions;

2.7   (ii) certification for creators of algorithms;

2.8   (iii) code of conduct covering the use of algorithms; and

2.9   (iv) algorithmic auditing processes.

2.10   Subd. 3. **Task force members; organization.** (a) The state chief information officer in

2.11   consultation with the commissions of health and public safety shall appoint 14 members to

2.12   the task force including those individuals with expertise in the areas of fairness, anti-abuse

2.13   and compliance, accountability and transparency relating to automated decision systems,

2.14   and individuals affiliated with nonprofit and social service organizations that represent

2.15   individuals in the state affected by automated decision systems.

2.16   (b) The state chief information officer shall convene the first meeting by October 15,

2.17   2018. The task force shall meet at least monthly. The task force shall elect a chair at the

2.18   first meeting and elect any other officers the task force deems necessary. Members of the

2.19   task force shall serve without compensation.

2.20   Subd. 4. **Staff.** The Office of MN.IT Services shall provide support staff, office space,

2.21   and administrative services for the task force.

2.22   Subd. 5. **Report.** By October 15, 2020, the task force shall submit a report to the governor

2.23   and the chairs and ranking minority members of the legislative committees with jurisdiction

2.24   over technology, health care, and public safety. The report shall include at a minimum,

2.25   information on:

2.26   (1) identification of the different types of harm that might be afflicted upon consumers,

2.27   including but not limited to public health and patient safety threats with an emphasis on

2.28   illegal online sales of controlled substances, illicit drugs, and prescription medicines; and

2.29   (2) recommendations on:

2.30   (i) how public and private sectors can work collectively together to determine what kind

2.31   of policy and regulatory corrections may help to address these problems;

3.1 (ii) how to promote models and public health and safety solutions that facilitate the

3.2 inclusion of underserved, underrepresented groups;

3.3 (iii) how to promote availability of fair, open data sets for algorithmic models;

3.4 (iv) best practices in standards, accountability, and transparency of policies and

3.5 algorithms, and the uses of data and privacy and proxy services, and of WHOIS query and

3.6 response protocols;

3.7 (v) regulations and policy reforms;

3.8 (vi) how best to engage and inform consumers on the risks associated with algorithmic

3.9 decision making and data transparency and the implications for public health and safety;

3.10 and

3.11 (vii) how to ensure transparency of WHOIS data for persons or entities engaged in

3.12 commercial activity online.

3.13 Subd. 6. **Expiration.** The task force in this section expires on October 15, 2020.