

February 22, 2025

House Bill 60: An Act Relating to Artificial Intelligence - Support

The Consumer Federation of America (CFA) is an association of non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education.

CFA writes to support HB 60, which would create much needed commonsense AI regulation to enable accountability in the increasingly automated age.

Algorithms increasingly mediate critical determinations for the people of New Mexico— housing eligibility, hiring decisions, credit rate determinations, what content they’re shown, and more. This is often done without transparency and with significant discrimination.

A study of health records from 57,000 people found that an algorithm used in determining eligibility and prioritization for kidney transplants unfairly prevented Black patients from receiving transplants.¹ Automated decision-making systems can facilitate or exacerbate discrimination harms. Extensive research has established racial and gender bias in advertisement delivery on social media;² racial bias in prediction of healthcare needs that lead to black patients being underserved;³ racial, ethnic, and gender bias in all parts of the job acquisition process from search⁴ to resume screening⁵ to interviewing; racial bias in interest rates for loan financing; racial and

¹ Tom Simonite, How an algorithm blocked kidney transplants to Black patients, Wired (Oct. 26, 2020), <https://www.wired.com/story/how-algorithm-blocked-kidney-transplants-black-patients/>

² See, e.g., Muhammad Ali et al., Discrimination through optimization: How Facebook’s ad delivery can lead to skewed outcomes, arXiv (Apr. 3, 2019), <https://arxiv.org/abs/1904.02095>

³ Ziad Obermeyer et al., Dissecting racial bias in an algorithm used to manage the health of populations, 366 Sci. 447 (2019)

⁴ Amit Datta et al., Automated Experiments and Privacy Settings: A Tale of Opacity, Choice, and Discrimination, arXiv 17 (Mar. 18, 2015), <https://arxiv.org/pdf/1408.6491.pdf>

⁵ Amani Carter & Rangita de Silva de Alwis, Unmasking Coded Bias: Why We Need Inclusion and Equity in AI 11 (2021), <https://www.law.upenn.edu/live/files/11528-unmasking-coded-bias>

gender bias in access to credit;⁶ socioeconomic discrimination in grading algorithms;⁷ and more.

Even with the limited transparency into data collection and algorithm, Americans agree:

- 81% of Americans are concerned about how companies use the data they collect about them, and 67% say they have “little to no understanding” of what the companies do with their data. (Pew, 2023)
- Only 13% of Americans think AI is doing more good than harm, and only 2% trust businesses to use AI responsibly. (Gallup, 2024)
- 64% of Americans prefer that companies don’t use AI in customer service, with most concerned it will make it even more difficult to reach a person for issue resolution, with 42% most concerned about AI providing wrong answers, and 34% citing a reduction in data security. (Gartner, 2024)

HB60 provides a well-tailored compromise that prohibits the sale and use of systems that cause discrimination and provides good instruments for desperately needed enforcement. **I urge you to support the bill.**

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⁶ Genevieve Smith & Ishita Rustagi, When Good Algorithms Go Sexist: Why and How to Advance AI Gender Equity, Stan. Soc. Innovation Rev. (Mar. 31, 2021), https://ssir.org/articles/entry/when_good_algorithms_go_sexist_why_and_how_to_advance_ai_gender_equity.

⁷ Daan Kolkman, “F**k the algorithm?” What the world can learn from the UK’s A-level grading fiasco, London Sch. Econ. Impact Blog (Aug. 26, 2020), <https://blogs.lse.ac.uk/impactofsocialsciences/2020/08/26/fk-the-algorithm-what-the-world-canlearn-from-the-uks-a-level-grading-fiasco/>.