

June 17, 2021

To the Honorable Governor Jared Polis,

cc: Elisabeth Arenales, Senior Health Policy Director

Re: Support for SB21-169, Concerning Protecting Consumers from Unfair Discrimination Practices in Insurance

The undersigned organizations are writing to express our support for SB21-169, Concerning Protecting Consumers from Unfair Discrimination Practices in Insurance, and urge you to sign the legislation into law.

We support efforts to address practices that, perhaps inadvertently, perpetuate systemic racism and other forms of discrimination. This is why we supported SB21-169. We are concerned about the use of big data, algorithms, and artificial intelligence in insurance practices and the harm it can cause to Black, indigenous, and people of color as well as other protected classes.

Data is not neutral, it embeds past inequities, and the use of machines and mathematical models can reflect the bias of the humans that developed them. As numerous studies have found, indiscriminate use of algorithms is causing actual harm to people, without their knowledge or understanding. To achieve equity and fairness, it is imperative to understand how these algorithms are working.

For these reasons, we supported the passage of SB21-169 and are committed to seeing it implemented thoughtfully to protect consumers from unfair discrimination when it comes to insurance coverage and usage. The goal of SB21-169 is not to ban the use of data or algorithms, but to address embedded discrimination and blind spots within them that are resulting in harm to Coloradans. It is imperative to ask insurance companies to take reasonable steps to test their use of big data and algorithms for unfair discrimination.

We believe SB21-169 is a practical, fair, and much needed approach to addressing unfair discrimination resulting from the use of big data and artificial intelligence. The legislation simply asks insurers to test their tools and prove there is no discriminatory impact. This is a reasonable ask to protect Coloradans.

We urge you to sign SB21-169 into law. Thank you for your attention to this matter and the work of your administration to address practices that perpetuate racism and other forms of discrimination.

Should you have any questions, please contact Adam Fox, Deputy Director of the Colorado Consumer Health Initiative at [afox@cohealthinitiative.org](mailto:afox@cohealthinitiative.org) or 303-839-1261.

Sincerely,

Adam Fox  
Deputy Director  
Colorado Consumer Health Initiative

Lindsey Vigoda  
Colorado Director  
Small Business Majority

Julie Reiskin  
Executive Director  
Colorado Cross-Disability Coalition

Karla Gonzales Garcia  
Policy Director  
Colorado Organization for Latina  
Opportunity and Reproductive Rights

Hillary Jorgensen  
Deputy Executive Director  
Healthier Colorado

Jean Nofles  
Individual

Bethany Pray  
Legal Director  
Colorado Center on Law and Policy

Esther Turcios  
Legislative Policy Manager  
Colorado Fiscal Institute

Michael Crews  
Policy Director  
One Colorado

Andrea Kuwik  
Policy Analyst  
Bell Policy Center

Christine Ebert-Santos MD MPS  
President  
Ebert Family Clinic

Erin Miller  
Vice President, Health Initiatives  
Colorado Children's Campaign

Hope Hyatt  
Executive Director  
Colorado Mental Wellness Network

Raquel Lane-Arellano  
Policy Manager  
Colorado Immigrant Rights Coalition

Mary Anne Harvey  
Executive Director  
Disability Law Colorado