

Research Protocol for Public Health Infrastructure Legislative Tracking: Artificial Intelligence

**Prepared by the Association of State and Territorial
Health Officials**

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Public Health Infrastructure Legislation: Artificial Intelligence

- I. **Date of Protocol:** September 2024
- II. **Scope:** Collect, code, and summarize public health infrastructure legislation considered by state/territorial legislatures from January 1, 2023 through September 30, 2024.
- III. **Primary Data Collection**
 - a. **Project Dates:** October 2023-September 2024
 - b. **Dates Covered in the Dataset:** This is a longitudinal dataset builds on the prior Public Health Infrastructure Legislation dataset that analyzed four types of legislation related to public health infrastructure, including artificial intelligence. This update creates a separate artificial intelligence legislation map and separates legislation generally addressing state agency use of artificial intelligence and the use of artificial intelligence in employment decisions. It also extends the legislative tracking through September 2024.
 - c. **Data Collection Methods:** The research team (“team”) consisted of three researchers who identified legislation between January 1, 2023 and September 30, 2024 using FiscalNote, a commercial bill tracking service. Through this program, researchers labeled legislation and entered a brief bill summary. This service then generated a spreadsheet documenting each bill throughout the legislative cycle, which was then used as the bases of data entry into the MonQcle system.
 - d. **Databases Used:** The commercial bill tracking service, FiscalNote, was used to identify the proposed legislation. Researchers then used the bill text and jurisdictional legislative websites for all proposed legislation.
 - e. **Search Terms and Methodology:** The following search terms were used to capture the legislation for the dataset:
 - i. Artificial Intelligence use in Employment Decisions: "automated employment decision tools"~10 OR "automated decision systems"~10 OR "machine learning employment decision"~10
 - ii. State Agency Use of Artificial Intelligence: "artificial intelligence state agency"~10 OR "artificial intelligence state agencies"~10 OR "artificial intelligence government"~10 OR "machine learning agency"~10

- f. Initial Returns and Additional Inclusion or Exclusion Criteria:** Bills introducing a new statute—or amending an existing statute—related to the following topics were included:
- i. Studying or governing the use of artificial intelligence by government agencies
 - ii. Bills related to the use of artificial intelligence in employment decisions within the state.

The following variables were excluded:

- i. Pre-filed bills not formally introduced into their respective state legislatures or bills that failed before formal introduction.
- ii. Citizen petitions filed in support of legislation.

IV. Coding

- a. Development of Coding Scheme:** The research team and subject matter experts developed the coding questions, circulated them with additional subject matter experts as well as legal epidemiology experts for review. When the questions were finalized, the team entered them into MonQcle, a web-based software-coding platform. Search strategies were then designed and conducted as described herein. Once all the relevant bills were identified, researchers used the information to populate a master spreadsheet that mirrored the MonQcle system. This master spreadsheet included answers to the questions noted below for each topic area, as well as a link to the legislative text, a publicly available source.
- b. General coding rules:** General coding rules: The following general coding rules applied to multiple coding questions:
- i. The date the bill was signed by the governor was generally used as the effective date for the bill, with the exception of the following:
 - 1. When there was a status entry for the bill on the state legislature website stating it was reported signed by the Governor on a prior date, the date of the status entry was used as the effective date.
 - 2. Each time a bill that was in scope within a state was enacted, a new record for that state was built and coded accordingly. The enacted version of the bill text was used for the legal text.

V. Quality Control

- a. Quality Control:** Quality control of the original research consisted of the research team attorneys evaluating the data entered in the Microsoft Excel document to ensure that included bills were in scope and there were no missing entries.

Additionally, researchers validated the Artificial Intelligence legislative tracking against the public facing database published by the National Conference of State Legislatures available at <https://www.ncsl.org/technology-and-communication/artificial-intelligence-2024-legislation>

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