

# Understanding State Racial Equity Impact Assessment Laws—a 50-State Scan, Research Focus and Methods

## **Research Focus:**

The Public Health Law Center and the Network for Public Health Law, through their partnership with Collaborative for Anti-Racism & Equity (CARE), conducted a legislative scan of all 50 states and the District of Columbia to identify state-level racial equity impact assessment (REIA) laws and bills. We focused on identifying state laws or bills that set up a process to analyze proposed state legislation to predict how a bill would affect racial equity (as defined by the state) within that state. This research was conducted starting in March 2022 and is current through March 15, 2024.

**Methodology:** We searched in all 50 states and the District of Columbia.

***Inclusion Criteria:*** We focused on state laws and bills that apply REIAs to proposed state legislation. The legislation had to refer to “racial equity” specifically or otherwise include an explicit focus on disparities or impacts based on race or ethnicity. Thus, we included legislation that used different labels for assessments, such as “health impact assessment” or “demographic note,” or that went beyond racial impacts, as long as the legislation also specifically addressed disparities based on race or ethnic identities. We included adopted and pending REIA legislation, and unsuccessful legislative bills and resolutions. If a state had both an enacted law and a recently proposed/introduced or proposed but not enacted bill, the proposed legislation was included if the proposed bill had a broader scope (e.g. current law only addresses corrections issues; proposed law applies to more kinds of bills) or was different in some other way (e.g., moving from a pilot project to some other approach). Additionally, if a state had multiple proposed/failed bills that varied greatly in approach, all were included. We also included bills if they addressed both a REIA process for state legislation and agency decisions.

***Exclusion Criteria:*** We excluded bills that set up a REIA process *only* for agency actions (e.g., a bill requiring the state transportation department to use a REIA process for new construction projects) or *only* for other non-legislative processes (e.g., agency budgeting, grant-making). We also excluded bills that called for studies of racial inequities in the state but did not also create a REIA process. We also did not include administrative rules, executive orders, or Tribal, federal, or municipal laws.

We identified relevant bills through keyword searches in online legal databases (Thomson Reuters Westlaw, Legiscan), and state legislature websites. These searches were cross-referenced with secondary sources,<sup>1</sup> and with prior research conducted by the Public Health Law Center. For pilot programs or studies, we did searches on other academic databases including HeinOnline and JSTOR to look for publications related to REIA-related pilot projects. We also gathered information from legislative guides, joint rules, pilot program or study reports, and/or agency or committee procedure documents, when found. We used Google searches as a final check to ensure that as many relevant bills and materials as possible had been identified.

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<sup>1</sup> E.g., Altarum Healthcare Value Hub, *State and Local Health Equity Policy Checklists*, <https://www.healthcarevaluehub.org/advocate-resources/health-equity-checklists>; and The Sentencing Project, *Racial Impact Statements*, <https://www.sentencingproject.org/publications/racial-impact-statements/>.

## How the Dataset Is Organized

The dataset is in the form of a spreadsheet. We grouped relevant legislation into three categories:

- **Process legislation** establishes a process for creating a REIA for bills.
- **Pilot legislation** creates pilot program, typically to develop and test a REIA process for bills
- **Study legislation** commissions a one-time study to support development of a REIA process.

## Information Included

We analyzed the bills/laws based on the following topics/themes:

- State
- Legislation category (as described above)
- Bill number/Statute citation
- Year introduced/adopted
- Outcome (enacted, introduced, not enacted)
- Assessment title
- Synopsis of legislation
- REIA initiation (what triggers the REIA process)
- Health mentioned? (Yes/No)
- Text relating to health (if applicable)
- Who does the REIA
- Data sources identified
- Primary policy focus
- Primary population focus
- Timeframe/deadlines for doing the REIA
- Types of information to be included
- How conclusions are presented
- Whether conclusions are binding on policymakers

Of course, legislative REIAs are just one part of a larger policy landscape. Tribal, federal, state, and local governments are using many other policy tools to help them embed anti-racism and racial equity into their governance processes. Laws addressing racism as a public health crisis are one example.<sup>2</sup> Another is *agency* policies to assess programs, services, and internal operations through a racial equity lens.<sup>3</sup> All these approaches and more are needed to effectively address and dismantle structural racism and other forms of inequity.

For questions about this research, please contact:

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*This information is for educational purposes only; we do not request that a policymaker take any specific action, nor should our comments or information be considered a replacement for legal advice. If you require a legal opinion, we encourage you to consult with an attorney who can represent you. Support for this research effort was provided in part by Blue Cross and Blue Shield of Minnesota, Robert Wood Johnson Foundation, the Public Health Law Center, and the Network for Public Health Law.*

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<sup>2</sup> See Amer. Pub. Health Ass'n, *Racism is a Public Health Crisis*, <https://www.apha.org/topics-and-issues/health-equity/racism-and-health/racism-declarations> (database of policies).

<sup>3</sup> Susan Weisman, Karen Ben-Moshe, Vayong Moua, and Sarah Hernandez, *Equity in Action: Operationalizing Processes in State Governance*, 47 J. LAW, MEDICINE & ETHICS 116 (2019), <https://journals.sagepub.com/doi/pdf/10.1177/1073110519857333>. Susan Weisman, Ayah Helmy, Vayong Moua, and Julie Ralston Aoki, *Changing Hearts, Minds, and Structures: Advancing Equity and Health Equity in State Government Policies, Operations, and Practices in Minnesota and Other States*, 44 MITCHELL HAMLINE L. REV. 1230 (2018), <https://open.mitchellhamline.edu/mhllr/vol44/iss4/4/>.