

STATE OF NEW YORK

8548

IN ASSEMBLY

January 8, 2024

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring the collection of certain demographic information by certain state agencies, boards and commissions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 170-g of the executive law as added by a chapter of
2 the laws of 2023 amending the executive law relating to requiring the
3 collection of certain demographic information by certain state agencies,
4 boards and commissions, as proposed in legislative bills numbers S. 3225
5 and A. 358, is amended to read as follows:

6 § 170-g. Collection of demographic information; sexual orientation and
7 gender expression. 1. Every state agency, board, or commission that
8 directly or by contract collects demographic data as to the ancestry or
9 ethnic origin of residents of the state of New York shall use, to the
10 extent practicable, separate collection categories and tabulations for
11 sexual orientation and gender identity or expression.

12 2. The term "gender identity or expression" means having or being
13 perceived as having a gender identity, self-image, appearance, behavior
14 or expression whether or not that gender identity, self-image, appear-
15 ance, behavior or expression is different from that traditionally asso-
16 ciated with the sex assigned to that person at birth.

17 3. The data collected pursuant to the different collection categories
18 and tabulations described in subdivision one of this section shall be
19 included in every demographic report on ancestry or ethnic origins of
20 residents of the state of New York by the state agency, board, or
21 commission published or released on or after July first, in the calendar
22 year following the effective date of this section. The data shall be
23 made available to the public in accordance with state and federal law,
24 except for personal identifying information, which shall be deemed
25 confidential, by posting the data on the internet web site of the
26 agency, board, or commission on or before July first, in the calendar
27 year following the effective date of this section, and annually there-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 after. This subdivision shall not be construed to prevent any other
2 state agency, board, or commission from posting data collected pursuant
3 to subdivision one of this section on the agency's, board's, or commis-
4 sion's internet web site, in the manner prescribed by this section. A
5 state agency, board, or commission that cannot comply with the require-
6 ments of this section shall, at least sixty days before the applicable
7 deadline, post publicly on its web site a written progress report that
8 describes with specificity the steps the agency, board, or commission
9 has taken to comply with this section, the impediments that prevented
10 compliance, the efforts undertaken by the agency, board, or commission
11 to come into compliance, and an estimated timeframe for compliance. The
12 written report shall be updated every six months from the date of the
13 original posting.

14 4. Guidance shall be issued for state agencies, boards, and commis-
15 sions in their compliance with the requirements set forth in subdivision
16 three of this section.

17 § 2. This act shall take effect on the same date and in the same
18 manner as a chapter of the laws of 2023 amending the executive law
19 relating to requiring the collection of certain demographic information
20 by certain state agencies, boards and commissions, as proposed in legis-
21 lative bills numbers S. 3225 and A. 358, takes effect.