

STATE OF NEW YORK

7664--A

2025-2026 Regular Sessions

IN SENATE

April 28, 2025

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

- 1 Section 1. Legislative intent. The legislature hereby finds and
2 declares the following:
- 3 (a) Black Americans/African Americans, Afro-Caribbeans and Continental
4 Africans are an incredibly diverse group. Despite this diversity, the
5 United States Office of Management and Budget's Statistical Policy
6 Directive No. 15, entitled Race and Ethnic Standards for Federal Statis-
7 tics and Administrative Reporting, has combined all the various ethnici-
8 ties that are a part of those demographics into one "Black/African Amer-
9 ican" category. This category was used in the 2020 United States Census.
10 The United States Census Bureau currently reports data for all the
11 different ethnicities under this category. Moreover, this simplification
12 extends to other Afro-descendant populations, such as Afro-Latinos from
13 Central and South America. These individuals can choose to identify as
14 either "Black/African American" or "Hispanic" according to the direc-
15 tive's definition. This approach has led to challenges in accurately
16 representing the unique political and social needs within this broadly
17 defined category. The majority of this group includes descendants of
18 individuals who were enslaved and later emancipated in the U.S., while a
19 smaller portion consists of people who have immigrated to the United
20 States voluntarily and navigate its immigration laws.
- 21 (b) While "Black/African Americans" are often misrepresented as a
22 homogeneous group, they are an extremely diverse group, with ethnicities

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

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1 from over 87 different countries. Although Black American/African American, Afro-Caribbean, Continental African communities and all other afro-population groups in this state share geographical commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their respective communities.

6 (c) Existing state law requires state demographic data to be collected for the "Black/African American" ethnic/racial group. However, additional ethnic groups reported by the United States Census Bureau are not included that reflect changing demographics and intra-state migration patterns. Most state agencies are currently not in compliance with existing state law or have not made the collected data accessible. Data should be updated on a regular basis and made accessible to the public so that regional and local governments, elected officials, decision makers, and other stakeholders can use the information to strategically target programs for those most in need.

16 (d) Precedent has been set by the recent passing of chapter 745 of the laws of 2021, requiring the collection of certain demographic information by certain state agencies, boards and commissions within the Asian American Pacific Islander communities. Precedent was also set on the 2020 US census which disaggregated both Asian and Latino groups. The United States Census Bureau currently reports data for more than 20 different ethnicities within the "Asian" & "Native Hawaiians and Other Pacific Islanders" categories alone.

24 (e) Precedent has also been set when California officially implemented a policy, effective January 1, 2024, that requires state agencies to collect demographic data specifically for African American descendants of persons enslaved in the United States. This initiative is part of the states ongoing efforts to address reparations and acknowledge the unique experiences of these individuals. The policy, guided by California Government Code Section 8310.6, mandates that the State Controller's Office and the Department of Human Resources collect and report this data separately from other Black or African American groups, distinguishing between those who are descendants of U.S. slavery and those whose ancestry does not include U.S. enslavement.

35 (f) On January 26th, 2023, Dr. Karin Orvis, the Chief Statistician of The United States, made an important announcement. She released a statement titled "Initial Proposals for Revising the Federal Race and Ethnicity Standards." This marks a significant step by the Office of the Chief Statistician to update the Office of Management and Budget's (OMB) statistical standards for race and ethnicity data collection and reporting across Federal agencies, as outlined in Directive No. 15. Key points from Dr. Orvis's statement include:

43 (i) The publication of initial recommended revisions. These were proposed by an Interagency Technical Working Group.

45 (ii) A call for public input. Dr. Orvis emphasized the desire to hear directly from the American public. Feedback from non-governmental stakeholders and the general public is crucial. It will assist the Working Group in refining and finalizing its recommendations.

49 (iii) An invitation for everyone to share their thoughts. Dr. Orvis encourages individuals to provide personal insights and reactions to the proposals. This includes thoughts on how the changes may impact different communities.

53 "In the subsequent report from the OMB, titled 'Major Themes From Initial Public Listening Sessions' on page 6, it is stated, 'Data Disaggregation For The Black Or African American Population.' Presenters supported adding detailed categories within the Black or African American

1 can minimum reporting category to enable identification of descendants
2 of enslaved Americans. Most presenters requested a new detailed category,
3 such as 'American Freedmen' or 'American Descendant of Slavery.'
4 Disaggregated data could then be used to allocate benefits for programs
5 or initiatives."

6 The overwhelming feedback from the American people regarding the
7 "Black/African American" category was that it was unable to accurately
8 collect the data necessary to adequately serve the different and diverse
9 ethnic groups that fall under that single category.

10 (g) March 28, 2024 - The Office of Management and Budget (OMB) officially
11 published its updated standards for race and ethnicity, as outlined in Statistical
12 Policy Directive No. 15, on March 28, 2024. Federal agencies are now required
13 to begin implementing these changes, which include the disaggregation of the
14 "Black or African American" category into more specific identities such as
15 African American, Jamaican, Nigerian, Haitian, Ethiopian, and Somali, with an
16 additional write-in option for identities like Trinidadian and Tobagonian,
17 Ghanaian, Congolese, and others. African Americans, who were historically
18 classified as Negro, Colored, or Mulatto, now have their own distinct category.
19 This change reflects the diversity within the Black population and lays the
20 groundwork for future advocacy around lineage-based identification for
21 descendants of U.S. slavery. The final deadline for full implementation and
22 compliance-including integration into the U.S. Census-is set for March 28,
23 2029.

24 (h) In the New York City report titled "How Communities of Interest Are
25 Evolving in New York City Today: Communities of Interest 2023," submitted
26 to the New York City Districting Commission during the tenure of the late
27 Dr. John Flateau as Executive Director, data were analyzed by ethnic group,
28 revealing stark differences in various measurable metrics for each group.
29 Outcomes like those highlighted in the report, along with their solutions,
30 will continue to be overlooked and unaddressed until New York State adopts
31 a similar approach to data compilation.

32 (i) Given the diversity of languages and cultures, separating data for
33 the multiple ethnic groups that fall under the Black/African American
34 category and making the data publicly accessible are critical for enhancing
35 our state's understanding of the needs and experiences of these different
36 communities.

37 § 2. Section 170-e of the executive law, as amended by chapter 123 of
38 the laws of 2022, is amended to read as follows:

39 § 170-e. Collection of demographic information. 1. (a) Every state
40 agency, board, department, or commission that directly collects demographic
41 data as to the ancestry or ethnic origin of residents of the state of New
42 York shall use separate collection categories and tabulations for the
43 following Asian and Pacific Islander groups in New York state:

44 [a] (i) each major Asian group shall include Chinese, Japanese, Filipino,
45 Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and all of the
46 ten most populous Asian groups in the most recent five-year American
47 community survey published by the United States Census Bureau; and

48 [b] (ii) each major Pacific Islander group shall include Native Hawaiian,
49 Guamanian and Chamorro, and Samoan; or

50 [c] (iii) collection categories shall include a category for other
51 Asian or Pacific Island group.

1 ~~[2-]~~ (b) Every state agency, board, department, or commission that
2 directly collects demographic data as to the ancestry or ethnic origin
3 of residents of the state of New York shall use separate collection
4 categories and tabulations for the following:

5 ~~[(a)]~~ (i) the primary language spoken at home; and

6 ~~[(b)]~~ (ii) the ethnic group or ancestry.

7 ~~[3-]~~ (c) Upon the release of a new five-year American community survey
8 published by the United States Census Bureau, every state agency, board,
9 department or commission shall update their data collection and report-
10 ing practices as required by this ~~[section]~~ subdivision and shall
11 continue to collect and report on any demographic group no longer
12 included in the ten most populous groups until the release of the
13 following five-year American community survey, at which time state agen-
14 cies, boards, departments or commissions may cease to collect and report
15 on such demographic groups provided they remain outside the ten most
16 populous groups.

17 ~~[4-]~~ (d) The data collected pursuant to the different collection cate-
18 gories and tabulations described in paragraph (a) of this subdivision
19 ~~[one of this section]~~, to the degree that the data quality is suffi-
20 cient, shall be included in every demographic report on ancestry or
21 ethnic origins of residents of the state of New York by the state agen-
22 cy, board, department, or commission published or released on or after
23 December first, two thousand twenty-three; provided, however, that for
24 the department of labor, division of criminal justice services, office
25 of mental health and office of temporary and disability assistance such
26 requirements shall be effective July first, two thousand twenty-four.
27 The data shall be made available to the public in accordance with state
28 and federal law, except for personal identifying information, which
29 shall be deemed confidential, by posting the data on the internet web
30 site of the agency, board, department, or commission on or before Decem-
31 ber first, two thousand twenty-three, and annually thereafter; provided,
32 however, that for the department of labor, division of criminal justice
33 services, office of mental health and office of temporary and disability
34 assistance such requirements shall be effective July first, two thousand
35 twenty-four. If the data quality is determined to be insufficient for
36 publication, an explanation of the problem with the data quality shall
37 be included in any report or publication made available to the public.
38 This ~~[subdivision]~~ paragraph shall not be construed to prevent any other
39 state agency from posting data collected pursuant to paragraph (a) of
40 this subdivision ~~[one of this section]~~ on the agency's internet web
41 site, in the manner prescribed by this ~~[section]~~ subdivision.

42 ~~[5-]~~ (e) The requirements of this ~~[section]~~ subdivision shall not
43 apply to the department of labor, the division of criminal justice
44 services, the office of mental health or the office of temporary and
45 disability assistance until two years after this ~~[section]~~ subdivision
46 shall have become a law.

47 2. (a) Every state agency, board, department, or commission that
48 directly or by contract collects demographic data as to the ancestry or
49 ethnic origin of residents of the state of New York shall use separate
50 collection categories and tabulations for the following afro groups in
51 New York state:

52 (i) "Descendant of a person enslaved in the United States" means an
53 individual historically classified as American Freedmen, Negro, Colored,
54 Mulatto, Black, Black-American, and African-American with at least one
55 ancestor who was enslaved or subject to chattel slavery in the United

1 States, were emancipated via the 1863 Emancipation Proclamation and the
2 Thirteenth Amendment of 1865 and given the status of Freedmen.

3 (ii) "Continental African" means an individual with ancestry and/or
4 citizenship from the continent of Africa, including, but not limited to,
5 one or more of the following countries: Algeria, Angola, Benin, Botswa-
6 na, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Repub-
7 lic, Chad, Comoros, Cote d'Ivoire, Democratic Republic of the Congo,
8 Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon,
9 Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya,
10 Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique,
11 Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and
12 Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa,
13 South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or
14 Zimbabwe.

15 (iii) "Afro-Caribbean" means an individual with ancestry and citizen-
16 ship from Caribbean countries, including, but not limited to one or more
17 of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,
18 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts,
19 the Bahamas, and the Dominican Republic, etc.

20 (iv) "Central and South American Afro-Latino" means an individual with
21 ancestry and/or citizenship from Central and South American countries,
22 including, but not limited to one or more of the following countries:
23 Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua,
24 Panama, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French
25 Guiana (departement of France), Guyana, Paraguay, Peru, Suriname,
26 Uruguay, or Venezuela.

27 (v) "Other afro groups" means an individual who identifies as having
28 African ancestry or ethnic origin but does not identify as one of the
29 other afro groups defined in this paragraph.

30 (b) Every state agency, board, department, or commission that directly
31 or by contract collects demographic data as to the ancestry or ethnic
32 origin of residents of the state of New York shall use separate
33 collection categories and tabulations for the following:

34 (i) The primary language spoken at home; and

35 (ii) The ethnic group or ancestry.

36 (c) The data collected pursuant to the different collection categories
37 and tabulations described in paragraph (a) of this subdivision shall be
38 included in every demographic report on ancestry or ethnic origins of
39 residents of the state of New York by the state agency, board, depart-
40 ment, or commission published or released on or after July first, two
41 thousand twenty-six. The data shall be made available to the public in
42 accordance with state and federal law, except for personal identifying
43 information, which shall be deemed confidential, by posting the data on
44 the internet web site of the agency, board, department, or commission on
45 or before July first, two thousand twenty-six and annually thereafter.
46 This paragraph shall not be construed to prevent any other state agency
47 from posting data collected pursuant to paragraph (a) of this subdivi-
48 sion on the agency's internet web site, in the manner prescribed by this
49 subdivision.

50 § 3. This act shall take effect on the one hundred twentieth day after
51 it shall have become a law.