STATE OF NEW YORK

8241

2023-2024 Regular Sessions

IN ASSEMBLY

November 6, 2023

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

AN ACT to amend the civil rights law, in relation to requiring all municipalities to update all applicable forms and data systems to include a gender "x" option

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

Section 1. Section 79-q of the civil rights law, as added by section 1 of part R of chapter 58 of the laws of 2022, is amended to read as follows:

§ 79-q. Collection of gender or sex designation information [~~by state agencies~~]. 1. All New York state agencies **and municipalities** that collect demographic information about a person's gender or sex shall make available to the person at the point of data collection an option to mark their gender or sex as "x".

2. Where applicable federal law requires a state agency **or municipality** to collect sex or gender data as either "m" or "f", the state agency **or municipality** shall create a separate field for state purposes so that a person has the option to mark their gender or sex as "x" to be collected by the state.

3. All state agencies shall update any applicable physical and online forms or data systems by January first, two thousand twenty-three, except the department of labor, the office of children and family services, the office of temporary and disability assistance and the division of criminal justice services, which shall update any applicable forms or data systems by January first, two thousand twenty-four. **All municipalities shall update any applicable physical and online forms or data systems by January first, two thousand twenty-six.**

4. A state agency **or municipality** that cannot comply with the requirements of this section shall, at least sixty days before the applicable deadline, post publicly on its website a written progress report that

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

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describes with specificity the steps the agency **or municipality** has taken to comply with this section, the impediments that prevented compliance, the efforts undertaken by the agency **or municipality** to come into compliance, and an estimated time frame for compliance **and municipalities shall transmit this report to the Governor's office**. The written report shall be updated every six months from the date of the original posting.

5. By January first, two thousand twenty-five, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a written report listing every agency that has not yet complied with this section. Such report shall include the latest progress reports for each non-compliant agency. **By April first, two thousand twenty-six, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a written report listing every municipality that has not yet complied with this section.** Such annual [~~report~~] **reports** shall be updated every year by January first; provided that once all agencies **or municipalities** have complied with the requirements of this section, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a certification of compliance with this section, and no further annual [~~report~~] **reports** shall be required.

§ 2. This act shall take effect immediately.