

# STATE OF NEW YORK

6341--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 4, 2025

Introduced by M. of A. LUCAS -- read once and referred to the Committee on Governmental Operations -- 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 Ameri-  
9 can" 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  
23 from over 87 different countries. Although Black American/African Ameri-

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

LBD08262-02-5

1 can, Afro-Caribbean, Continental African communities and all other afro-  
2 population groups in this state share geographical commonalities, they  
3 also experience diverse social, educational, health, and economic  
4 differences that are unique to their respective communities.

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

15 (d) Precedent has been set by the recent passing of chapter 745 of the  
16 laws of 2021, requiring the collection of certain demographic informa-  
17 tion by certain state agencies, boards and commissions within the Asian  
18 American Pacific Islander communities. Precedent was also set on the  
19 2020 US census which disaggregated both Asian and Latino groups. The  
20 United States Census Bureau currently reports data for more than 20  
21 different ethnicities within the "Asian" & "Native Hawaiians and Other  
22 Pacific Islanders" categories alone.

23 (e) On January 26th, 2023, Dr. Karin Orvis, the Chief Statistician of  
24 The United States, made an important announcement. She released a state-  
25 ment titled "Initial Proposals for Revising the Federal Race and Ethnic-  
26 ity Standards." This marks a significant step by the Office of the Chief  
27 Statistician to update the Office of Management and Budget's (OMB)  
28 statistical standards for race and ethnicity data collection and report-  
29 ing across Federal agencies, as outlined in Directive No. 15. Key points  
30 from Dr. Orvis's statement include:

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

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

37 (iii) An invitation for everyone to share their thoughts. Dr. Orvis  
38 encourages individuals to provide personal insights and reactions to the  
39 proposals. This includes thoughts on how the changes may impact differ-  
40 ent communities.

41 "In the subsequent report from the OMB, titled 'Major Themes From  
42 Initial Public Listening Sessions' on page 6, it is stated, 'Data Disag-  
43 gregation For The Black Or African American Population.' Presenters  
44 supported adding detailed categories within the Black or African Ameri-  
45 can minimum reporting category to enable identification of descendants  
46 of enslaved Americans. Most presenters requested a new detailed catego-  
47 ry, such as 'American Freedmen' or 'American Descendant of Slavery.'  
48 Disaggregated data could then be used to allocate benefits for programs  
49 or initiatives."

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

54 (f) In the New York City report titled "How Communities of Interest  
55 Are Evolving in New York City Today: Communities of Interest 2023,"  
56 submitted to the New York City Districting Commission during the tenure

1 of the late Dr. John Flateau as Executive Director, data were analyzed  
2 by ethnic group, revealing stark differences in various measurable  
3 metrics for each group. Outcomes like those highlighted in the report,  
4 along with their solutions, will continue to be overlooked and unad-  
5 dressed until New York State adopts a similar approach to data compila-  
6 tion.

7 (g) Given the diversity of languages and cultures, separating data for  
8 the multiple ethnic groups that fall under the Black/African American  
9 category and making the data publicly accessible are critical for  
10 enhancing our state's understanding of the needs and experiences of  
11 these different communities.

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

14 § 170-e. Collection of demographic information. 1. (a) Every state  
15 agency, board, department, or commission that directly collects demo-  
16 graphic data as to the ancestry or ethnic origin of residents of the  
17 state of New York shall use separate collection categories and tabu-  
18 lations for the following Asian and Pacific Islander groups in New York  
19 state:

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

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

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

29 [~~2-~~] (b) Every state agency, board, department, or commission that  
30 directly collects demographic data as to the ancestry or ethnic origin  
31 of residents of the state of New York shall use separate collection  
32 categories and tabulations for the following:

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

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

35 [~~3-~~] (c) Upon the release of a new five-year American community survey  
36 published by the United States Census Bureau, every state agency, board,  
37 department or commission shall update their data collection and report-  
38 ing practices as required by this [~~section~~] subdivision and shall  
39 continue to collect and report on any demographic group no longer  
40 included in the ten most populous groups until the release of the  
41 following five-year American community survey, at which time state agen-  
42 cies, boards, departments or commissions may cease to collect and report  
43 on such demographic groups provided they remain outside the ten most  
44 populous groups.

45 [~~4-~~] (d) The data collected pursuant to the different collection cate-  
46 gories and tabulations described in paragraph (a) of this subdivision  
47 [~~one of this section~~], to the degree that the data quality is suffi-  
48 cient, shall be included in every demographic report on ancestry or  
49 ethnic origins of residents of the state of New York by the state agen-  
50 cy, board, department, or commission published or released on or after  
51 December first, two thousand twenty-three; provided, however, that for  
52 the department of labor, division of criminal justice services, office  
53 of mental health and office of temporary and disability assistance such  
54 requirements shall be effective July first, two thousand twenty-four.  
55 The data shall be made available to the public in accordance with state  
56 and federal law, except for personal identifying information, which

1 shall be deemed confidential, by posting the data on the internet web  
2 site of the agency, board, department, or commission on or before Decem-  
3 ber first, two thousand twenty-three, and annually thereafter; provided,  
4 however, that for the department of labor, division of criminal justice  
5 services, office of mental health and office of temporary and disability  
6 assistance such requirements shall be effective July first, two thousand  
7 twenty-four. If the data quality is determined to be insufficient for  
8 publication, an explanation of the problem with the data quality shall  
9 be included in any report or publication made available to the public.

10 This [~~subdivision~~] paragraph shall not be construed to prevent any other  
11 state agency from posting data collected pursuant to paragraph (a) of  
12 this subdivision [~~one of this section~~] on the agency's internet web  
13 site, in the manner prescribed by this [~~section~~] subdivision.

14 [~~5-~~] (e) The requirements of this [~~section~~] subdivision shall not  
15 apply to the department of labor, the division of criminal justice  
16 services, the office of mental health or the office of temporary and  
17 disability assistance until two years after this [~~section~~] subdivision  
18 shall have become a law.

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

24 (i) "Descendants of persons enslaved in the United States" means  
25 descendants of persons enslaved in the United States as defined as indi-  
26 viduals historically classified as Negroes, Colored, Mulatto, Black,  
27 Black-American, and African-American with at least one ancestor who was  
28 enslaved or subject to chattel slavery in the United States, were eman-  
29 cipated via the 1863 Emancipation Proclamation and the Thirteenth Amend-  
30 ment of 1865 and given the status of Freedmen.

31 (ii) "Continental Africans" means individuals with ancestry and/or  
32 citizenship from the continent of Africa, including, but not limited to,  
33 one or more of the following countries: Algeria, Angola, Benin, Botswa-  
34 na, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Repub-  
35 lic, Chad, Comoros, Cote d'Ivoire, Democratic Republic of the Congo,  
36 Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon,  
37 Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya,  
38 Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique,  
39 Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and  
40 Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa,  
41 South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or  
42 Zimbabwe.

43 (iii) "Afro-Caribbeans" means individuals with ancestry and citizen-  
44 ship from Caribbean countries, including, but not limited to one or more  
45 of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,  
46 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts,  
47 the Bahamas, and the Dominican Republic, etc.

48 (iv) "Central and South American Afro-Latinos" means individuals with  
49 ancestry and/or citizenship from Central and South American countries,  
50 including, but not limited to one or more of the following countries:  
51 Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua,  
52 Panama, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French  
53 Guiana (departement of France), Guyana, Paraguay, Peru, Suriname,  
54 Uruguay, or Venezuela.

1 (v) "Other afro groups" means individuals who identify as having Afri-  
2 can ancestry or ethnic origin but do not identify as one of the other  
3 afro groups defined in this paragraph.

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

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

9 (ii) The ethnic group or ancestry.

10 (c) The data collected pursuant to the different collection categories  
11 and tabulations described in paragraph (a) of this subdivision shall be  
12 included in every demographic report on ancestry or ethnic origins of  
13 residents of the state of New York by the state agency, board, depart-  
14 ment, or commission published or released on or after July first, two  
15 thousand twenty-six. The data shall be made available to the public in  
16 accordance with state and federal law, except for personal identifying  
17 information, which shall be deemed confidential, by posting the data on  
18 the internet web site of the agency, board, department, or commission on  
19 or before July first, two thousand twenty-six and annually thereafter.  
20 This paragraph shall not be construed to prevent any other state agency  
21 from posting data collected pursuant to paragraph (a) of this subdivi-  
22 sion on the agency's internet web site, in the manner prescribed by this  
23 subdivision.

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