

STATE OF NEW YORK

6341--B

2025-2026 Regular Sessions

IN ASSEMBLY

March 4, 2025

Introduced by M. of A. LUCAS, JACKSON, HOOKS, O'PHARROW, BURROUGHS, MEEKS, DAIS, CHANDLER-WATERMAN, ANDERSON, SIMONE, BICHOTTE HERMELYN, RAGA, GLICK, SHIMSKY -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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

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

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1 smaller portion consists of people who have immigrated to the United
2 States voluntarily and navigate its immigration laws.

3 (b) While "Black/African Americans" are often misrepresented as a
4 homogeneous group, they are an extremely diverse group, with ethnicities
5 from over 87 different countries. Although Black American/African American,
6 Afro-Caribbean, Continental African communities and all other afro-
7 population groups in this state share geographical commonalities, they
8 also experience diverse social, educational, health, and economic
9 differences that are unique to their respective communities.

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

20 (d) Precedent has been set by the recent passing of chapter 745 of the
21 laws of 2021, requiring the collection of certain demographic informa-
22 tion by certain state agencies, boards and commissions within the Asian
23 American Pacific Islander communities. Precedent was also set on the
24 2020 US census which disaggregated both Asian and Latino groups. The
25 United States Census Bureau currently reports data for more than 20
26 different ethnicities within the "Asian" & "Native Hawaiians and Other
27 Pacific Islanders" categories alone.

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

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

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

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

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

55 The overwhelming feedback from the American people regarding the
56 "Black/African American" category was that it was unable to accurately

1 collect the data necessary to adequately serve the different and diverse
2 ethnic groups that fall under that single category.

3 (f) In the New York City report titled "How Communities of Interest
4 Are Evolving in New York City Today: Communities of Interest 2023,"
5 submitted to the New York City Districting Commission during the tenure
6 of the late Dr. John Flateau as Executive Director, data were analyzed
7 by ethnic group, revealing stark differences in various measurable
8 metrics for each group. Outcomes like those highlighted in the report,
9 along with their solutions, will continue to be overlooked and unad-
10 dressed until New York State adopts a similar approach to data compila-
11 tion.

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

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

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

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

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

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

34 [~~2-~~] (b) Every state agency, board, department, or commission that
35 directly collects demographic data as to the ancestry or ethnic origin
36 of residents of the state of New York shall use separate collection
37 categories and tabulations for the following:

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

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

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

50 [~~4-~~] (d) The data collected pursuant to the different collection cate-
51 gories and tabulations described in paragraph (a) of this subdivision
52 [~~one of this section~~], to the degree that the data quality is suffi-
53 cient, shall be included in every demographic report on ancestry or
54 ethnic origins of residents of the state of New York by the state agen-
55 cy, board, department, or commission published or released on or after
56 December first, two thousand twenty-three; provided, however, that for

1 the department of labor, division of criminal justice services, office
2 of mental health and office of temporary and disability assistance such
3 requirements shall be effective July first, two thousand twenty-four.
4 The data shall be made available to the public in accordance with state
5 and federal law, except for personal identifying information, which
6 shall be deemed confidential, by posting the data on the internet web
7 site of the agency, board, department, or commission on or before Decem-
8 ber first, two thousand twenty-three, and annually thereafter; provided,
9 however, that for the department of labor, division of criminal justice
10 services, office of mental health and office of temporary and disability
11 assistance such requirements shall be effective July first, two thousand
12 twenty-four. If the data quality is determined to be insufficient for
13 publication, an explanation of the problem with the data quality shall
14 be included in any report or publication made available to the public.
15 This [~~subdivision~~] paragraph shall not be construed to prevent any other
16 state agency from posting data collected pursuant to paragraph (a) of
17 this subdivision [~~one of this section~~] on the agency's internet web
18 site, in the manner prescribed by this [~~section~~] subdivision.

19 [~~5-~~] (e) The requirements of this [~~section~~] subdivision shall not
20 apply to the department of labor, the division of criminal justice
21 services, the office of mental health or the office of temporary and
22 disability assistance until two years after this [~~section~~] subdivision
23 shall have become a law.

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

29 (i) "Descendant of a person enslaved in the United States" means an
30 individual historically classified as American Freedmen, Negro, Colored,
31 Mulatto, Black, Black-American, and African-American with at least one
32 ancestor who was enslaved or subject to chattel slavery in the United
33 States, were emancipated via the 1863 Emancipation Proclamation and the
34 Thirteenth Amendment of 1865 and given the status of Freedmen.

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

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

52 (iv) "Central and South American Afro-Latino" means an individual with
53 ancestry and/or citizenship from Central and South American countries,
54 including, but not limited to one or more of the following countries:
55 Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua,
56 Panama, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French

1 Guiana (departement of France), Guyana, Paraguay, Peru, Suriname,
2 Uruguay, or Venezuela.

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

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

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

11 (ii) The ethnic group or ancestry.

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

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