

# STATE OF NEW YORK

6341--D

2025-2026 Regular Sessions

## IN ASSEMBLY

March 4, 2025

Introduced by M. of A. LUCAS, JACKSON, 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- 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-

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

LBD08262-08-6

1 tive's definition. This approach has led to challenges in accurately  
2 representing the unique political and social needs within this broadly  
3 defined category. The majority of this group includes descendants of  
4 individuals who were enslaved and later emancipated in the U.S., while a  
5 smaller portion consists of people who have immigrated to the United  
6 States voluntarily and navigate its immigration laws.

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

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

24 (d) Precedent has been set by the recent passing of chapter 745 of the  
25 laws of 2021, requiring the collection of certain demographic informa-  
26 tion by certain state agencies, boards and commissions within the Asian  
27 American Pacific Islander communities. Precedent was also set on the  
28 2020 US census which disaggregated both Asian and Latino groups. The  
29 United States Census Bureau currently reports data for more than 20  
30 different ethnicities within the "Asian" & "Native Hawaiians and Other  
31 Pacific Islanders" categories alone.

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

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

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

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

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

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

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

18 (g) March 28, 2024 - The Office of Management and Budget (OMB) offi-  
19 cially published its updated standards for race and ethnicity, as  
20 outlined in Statistical Policy Directive No. 15, on March 28, 2024.  
21 Federal agencies are now required to begin implementing these changes,  
22 which include the disaggregation of the "Black or African American"  
23 category into more specific identities such as African American, Jamai-  
24 can, Nigerian, Haitian, Ethiopian, and Somali, with an additional write-  
25 in option for identities like Trinidadian and Tobagonian, Ghanaian,  
26 Congolese, and others. African Americans, who were historically classi-  
27 fied as Negro, Colored, or Mulatto, now have their own distinct catego-  
28 ry. This change reflects the diversity within the Black population and  
29 lays the groundwork for future advocacy around lineage-based identifica-  
30 tion for descendants of U.S. slavery. The final deadline for full imple-  
31 mentation and compliance-including integration into the U.S. Census-is  
32 set for March 28, 2029.

33 (h) In the New York City report titled "How Communities of Interest  
34 Are Evolving in New York City Today: Communities of Interest 2023,"  
35 submitted to the New York City Districting Commission during the tenure  
36 of the late Dr. John Flateau as Executive Director, data were analyzed  
37 by ethnic group, revealing stark differences in various measurable  
38 metrics for each group. Outcomes like those highlighted in the report,  
39 along with their solutions, will continue to be overlooked and unad-  
40 dressed until New York State adopts a similar approach to data compila-  
41 tion.

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

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

49 § 170-e. Collection of demographic information. 1. (a) Every state  
50 agency, board, department, or commission that directly collects demo-  
51 graphic data as to the ancestry or ethnic origin of residents of the  
52 state of New York shall use separate collection categories and tabu-  
53 lations for the following Asian and Pacific Islander groups in New York  
54 state:

55 [~~(a)~~] (i) each major Asian group shall include Chinese, Japanese,  
56 Filipino, Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and

1 all of the ten most populous Asian groups in the most recent five-year  
2 American community survey published by the United States Census Bureau;  
3 and

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

6 [~~(e)~~] (iii) collection categories shall include a category for other  
7 Asian or Pacific Island group.

8 [~~2-~~] (b) Every state agency, board, department, or commission that  
9 directly collects demographic data as to the ancestry or ethnic origin  
10 of residents of the state of New York shall use separate collection  
11 categories and tabulations for the following:

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

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

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

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

49 [~~5-~~] (e) The requirements of this [~~section~~] subdivision shall not  
50 apply to the department of labor, the division of criminal justice  
51 services, the office of mental health or the office of temporary and  
52 disability assistance until two years after this [~~section~~] subdivision  
53 shall have become a law.

54 2. (a) Every state agency, board, department, or commission that  
55 directly or by contract collects demographic data as to the ancestry or  
56 ethnic origin of residents of the state of New York shall use separate

1 collection categories and tabulations for the following afro groups in  
2 New York state:

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

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

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

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

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

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

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

41 (ii) The ethnic group or ancestry.

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

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