

STATE OF NEW YORK

7664--B

2025-2026 Regular Sessions

IN SENATE

April 28, 2025

Introduced by Sens. SANDERS, CLEARE, FAHY -- 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 -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- 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

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

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

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

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

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

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

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

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

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

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

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

45 § 170-e. Collection of demographic information. 1. (a) Every state
46 agency, board, department, or commission that directly collects demo-
47 graphic data as to the ancestry or ethnic origin of residents of the
48 state of New York shall use separate collection categories and tabu-
49 lations for the following Asian and Pacific Islander groups in New York
50 state:

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

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

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

5 [~~2-~~] (b) Every state agency, board, department, or commission that
6 directly collects demographic data as to the ancestry or ethnic origin
7 of residents of the state of New York shall use separate collection
8 categories and tabulations for the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (ii) The ethnic group or ancestry.

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

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