§ 170-g. Collection of demographic information; sexual orientation and gender expression. 1. Every state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use, to the extent practicable, separate collection categories and tabulations for sexual orientation and gender identity or expression.

2. The term "gender identity or expression" means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

3. The data collected pursuant to the different collection categories and tabulations described in subdivision one of this section shall be included in every demographic report on ancestry or ethnic origins of residents of the state of New York by the state agency, board, or commission published or released on or after July first, in the calendar year following the effective date of this section. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential, by posting the data on the internet web site of the agency, board, or commission on or before July first, in the calendar year following the effective date of this section, and annually thereafter. This subdivision shall not be construed to prevent any other state agency, board, or commission from posting data collected pursuant to subdivision one of this section on the agency's, board's, or commission's internet web site, in the manner prescribed by this section. A state agency, board, or commission that cannot comply with the requirements of this section shall, at least sixty days before the applicable deadline, post publicly on its web site a written progress report that describes with specificity the steps the agency, board, or commission has taken to comply with this section, the impediments that prevented compliance, the efforts undertaken by the agency, board, or commission to come into compliance, and an estimated timeframe for compliance. The written report shall be updated every six months from the date of the original posting.

4. Guidance shall be issued for state agencies, boards, and commissions in their compliance with the requirements set forth in subdivision three of this section.