

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 959

Introduced by Assembly Member Chiu

February 26, 2015

An act *add Section 8310.8 to the Government Code*, relating to data collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 959, as amended, Chiu. ~~Data collection—Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.~~

(1) Existing law requires a state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for each major Asian and Pacific Islander groups, as specified.

This bill would require 4 specific state departments, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to collect voluntary self-identification information pertaining to sexual orientation and gender identity. This bill would require these state departments to report, during the regular process of reporting of demographic data, the collected data and method used to collect the data annually to the Legislature. This bill would further require these state departments to make the data available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential and prohibited from disclosure. This bill would require these state departments to comply with these provisions as early as possible, but

no later than July 1, 2017. This bill would make legislative findings and declarations relating to this act.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~The Information Practices Act of 1977 requires an agency to, among other things, maintain in its records only personal information, as defined, that is relevant and necessary for a required or authorized purpose. Existing law requires a department or agency to enact and maintain a permanent privacy policy in adherence with that act that includes, but is not limited to, specified principles. Existing law also requires a business that owns, licenses, or maintains personal information about a California resident to implement and maintain reasonable security procedures and practices appropriate to the nature of the information, and to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.~~

~~This bill would declare it is the intent of the Legislature to enact legislation to effectively address the significant disparities that impact the lesbian, gay, bisexual, and transgender (LGBT) communities in regards to data collection.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *It is the goal of state government, in collecting demographic*
- 4 *data, to gather accurate information in order to understand,*
- 5 *compare, report, and apply that data to the enhancement and*
- 6 *improvement of public services.*
- 7 (b) *Currently, the state does not consistently collect*
- 8 *demographic data related to sexual orientation or gender identity.*
- 9 (c) *The limited data available for the Lesbian, Gay, Bisexual,*
- 10 *and Transgender (LGBT) communities includes all of the following:*
- 11 (1) *According to a University of California, Los Angeles, study*
- 12 *from the Williams Institute, nearly one in five children being raised*

1 *by same-sex couples (approximately 24 percent) live in poverty*
2 *compared to 14 percent of children being raised by different-sex*
3 *couples.*

4 *(2) Data from a 2013 Williams Institute report on patterns of*
5 *poverty of LGBT communities shows that one-third of lesbian*
6 *couples and 20.1 percent of gay male couples without a high school*
7 *diploma are in poverty, compared to 18.8 percent of different-sex*
8 *married couples. The report further showed African American*
9 *same-sex couples have poverty rates more than twice the rate of*
10 *different-sex married African Americans couples and there are*
11 *high levels of poverty in bisexual individuals in California reaching*
12 *approximately 25 percent of bisexual people compared to 17*
13 *percent for heterosexual people.*

14 *(3) According to the California Department of Justice, in 2013,*
15 *hate crimes with a sexual orientation bias motivation were the*
16 *second most common type of hate crime, comprising 25 percent*
17 *of all hate crimes.*

18 *(4) Various studies, including those by the United States*
19 *Department of Health and Human Services and the Institute of*
20 *Medicine, found that health disparities impacting lesbian, gay,*
21 *bisexual, and transgender include higher risks for cancer, mental*
22 *illness, and other diseases, as well as higher rates of smoking and*
23 *substance abuse.*

24 *(5) Research and report a for the Lesbian Gay Bisexual*
25 *Transgender Queer and Questioning Reducing Disparities Project*
26 *found that Lesbian, Gay, Bisexual, Transgender, Queer and*
27 *Questioning (LGBTQ) patients statewide reported primary care*
28 *physicians, nurse practitioners, and dentists among the top six*
29 *most dismissive providers.*

30 *(d) Due to historical systemic exclusion of data collection of*
31 *LGBT communities, significant disparities in their health and*
32 *welfare have been prolonged compared to the broader community.*
33 *LGBT communities face disproportionately high rates of poverty,*
34 *suicide, homelessness, isolation, substance abuse, and violence,*
35 *and low rates of health insurance. These problems are more*
36 *prevalent for youth and seniors, communities of color, and bisexual*
37 *and transgender and undocumented communities.*

38 *(e) It is in the best interests of the state to respect, embrace, and*
39 *understand the full diversity of its residents and to collect accurate*

1 *data to effectively implement and deliver critical state services*
 2 *and programs.*

3 *SEC. 2. Section 8310.8 is added to the Government Code, to*
 4 *read:*

5 *8310.8. (a) (1) This section shall only apply to the following*
 6 *state departments:*

7 *(A) The State Department of Health Care Services.*

8 *(B) The State Department of Public Health.*

9 *(C) The State Department of Social Services.*

10 *(D) The California Department of Aging.*

11 *(2) This section shall be known and may be cited as the Lesbian,*
 12 *Gay, Bisexual, and Transgender Disparities Reduction Act.*

13 *(b) In addition to the duties imposed by Section 8310.5, the state*
 14 *departments identified in subdivision (a), in the course of collecting*
 15 *demographic data directly or by contract as to the ancestry or*
 16 *ethnic origin of Californians, shall collect voluntary*
 17 *self-identification information pertaining to sexual orientation and*
 18 *gender identity.*

19 *(c) During the regular process of reporting of demographic*
 20 *data to the Legislature, the state departments identified in*
 21 *subdivision (a) shall report the data collected pursuant to this*
 22 *section and the method used to collect that data, and make the*
 23 *data available to the public in accordance with state and federal*
 24 *law, except for personal identifying information, which shall be*
 25 *deemed confidential and shall not be disclosed.*

26 *(d) The state departments identified in subdivision (a) shall*
 27 *comply with the requirements of this section as early as possible,*
 28 *but no later than July 1, 2017.*

29 *SEC. 3. The Legislature finds and declares that Section 2 of*
 30 *this act, which adds Section 8310.8 to the Government Code,*
 31 *imposes a limitation on the public's right of access to the meetings*
 32 *of public bodies or the writings of public officials and agencies*
 33 *within the meaning of Section 3 of Article I of the California*
 34 *Constitution. Pursuant to that constitutional provision, the*
 35 *Legislature makes the following findings to demonstrate the interest*
 36 *protected by this limitation and the need for protecting that*
 37 *interest:*

38 *Due to the sensitive general nature of data relating to sexual*
 39 *orientation and gender identity and the need to protect the safety*
 40 *of those would provide voluntary self-identification information*

1 *pertaining to their sexual orientation and gender identity, it is*
2 *necessary to prohibit the public disclosure of voluntary*
3 *self-identification information pertaining to sexual orientation and*
4 *gender identity.*

5
6 ~~SECTION 1. It is the intent of the Legislature to enact~~
7 ~~legislation to effectively address the significant disparities that~~
8 ~~impact the lesbian, gay, bisexual, and transgender (LGBT)~~
9 ~~communities in regards to data collection.~~

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