

AMENDED IN SENATE JULY 7, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 959**

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**Introduced by Assembly Member Chiu**  
*(Coauthors: Assembly Members Bonta, Eggman, Gordon, and Low)*  
*(Coauthors: Senators Hall and Pan)*

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 959, as amended, Chiu. 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 limit the use of the collected data, as specified.* 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.

Vote: majority. Appropriation: no. Fiscal committee: 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 demographic  
 8 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  
 11 following:  
 12 (1) According to a University of California, Los Angeles, study  
 13 from the Williams Institute, nearly one in five children being raised  
 14 by same-sex couples (approximately 24 percent) live in poverty  
 15 compared to 14 percent of children being raised by different-sex  
 16 couples.  
 17 (2) Data from a 2013 Williams Institute report on patterns of  
 18 poverty of LGBT communities shows that one-third of lesbian  
 19 couples and 20.1 percent of gay male couples without a high school  
 20 diploma are in poverty, compared to 18.8 percent of different-sex  
 21 married couples. The report further showed African American  
 22 same-sex couples have poverty rates more than twice the rate of  
 23 different-sex married African-Americans American couples and

1 there are high levels of poverty in bisexual individuals in California  
2 reaching approximately 25 percent of bisexual people compared  
3 to 17 percent for heterosexual people.

4 (3) According to the California Department of Justice, in 2013,  
5 hate crimes with a sexual orientation bias motivation were the  
6 second most common type of hate crime, comprising 25 percent  
7 of all hate crimes.

8 (4) Various studies, including those by the United States  
9 Department of Health and Human Services and the Institute of  
10 Medicine, found that health disparities impacting lesbian, gay,  
11 bisexual, and transgender include higher risks for cancer, mental  
12 illness, and other diseases, as well as higher rates of smoking and  
13 substance abuse.

14 ~~(5) Research and report a for the Lesbian Gay Bisexual~~  
15 ~~Transgender Queer and Questioning Reducing Disparities Project~~  
16 ~~found that Lesbian, Gay, Bisexual, Transgender, Queer and~~  
17 ~~Questioning (LGBTQ) patients statewide reported primary care~~  
18 ~~physicians, nurse practitioners, and dentists among the top six most~~  
19 ~~dismissive providers.~~

20 *(5) Research from the Lesbian, Gay, Bisexual, Transgender,*  
21 *Queer, and Questioning (LGBTQ) Reducing Disparities Project*  
22 *found that LGBTQ respondents statewide reported troublesome*  
23 *experiences with service providers in regard to how accepting or*  
24 *rejecting service providers have been of their sexual orientation*  
25 *and gender identity/expression. Further, LGBTQ respondents*  
26 *reported difficulty finding providers knowledgeable and accepting*  
27 *of sexual orientation and gender identity concerns.*

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

36 (e) It is in the best interests of the state to respect, embrace, and  
37 understand the full diversity of its residents and to collect accurate  
38 data to effectively implement and deliver critical state services  
39 and programs.

1 (f) *It is the intent of the Legislature that the state departments*  
 2 *specified in Section 8310.8 of the Government Code, as added by*  
 3 *Section 2 of this act, utilize existing work and research, including,*  
 4 *but not limited to, referencing research on promising and*  
 5 *community-defined practices and stakeholders when developing*  
 6 *questions to collect voluntary self-identified information pertaining*  
 7 *to sexual orientation and gender identity.*

8 SEC. 2. Section 8310.8 is added to the Government Code, to  
 9 read:

10 8310.8. (a) (1) This section shall only apply to the following  
 11 state departments:

- 12 (A) The State Department of Health Care Services.
- 13 (B) The State Department of Public Health.
- 14 (C) The State Department of Social Services.
- 15 (D) The California Department of Aging.

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

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

24 (c) During the regular process of reporting of demographic data  
 25 to the Legislature, the state departments identified in subdivision  
 26 (a) shall report the data collected pursuant to this section and the  
 27 method used to collect that data, and make the data available to  
 28 the public in accordance with state and federal law, except for  
 29 personal identifying information, which shall be deemed  
 30 confidential and shall not be disclosed. *The state departments*  
 31 *identified in subdivision (a) may use information voluntarily*  
 32 *provided about sexual orientation and gender identity only for*  
 33 *demographic analysis, coordination of care, quality improvement*  
 34 *of its services, conducting approved research, fulfilling reporting*  
 35 *requirements, and guiding policy or funding decisions. All*  
 36 *information about sexual orientation and gender identity collected*  
 37 *pursuant to this section shall be used only for purposes specified*  
 38 *in this section.*

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

4 SEC. 3. The Legislature finds and declares that Section 2 of  
5 this act, which adds Section 8310.8 to the Government Code,  
6 imposes a limitation on the public's right of access to the meetings  
7 of public bodies or the writings of public officials and agencies  
8 within the meaning of Section 3 of Article I of the California  
9 Constitution. Pursuant to that constitutional provision, the  
10 Legislature makes the following findings to demonstrate the interest  
11 protected by this limitation and the need for protecting that interest:

12 Due to the sensitive general nature of data relating to sexual  
13 orientation and gender identity and the need to protect the safety  
14 of those *who* would provide voluntary self-identification  
15 information pertaining to their sexual orientation and gender  
16 identity, it is necessary to prohibit the public disclosure of *personal*  
17 *identifying information that would allow the identification of an*  
18 *individual who provided* voluntary self-identification information  
19 pertaining to sexual orientation and gender identity.

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