

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JULY 7, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 959

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

February 26, 2015

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~~, *data to the Legislature, to report* the collected data and method used to collect the data ~~annually~~

~~to the Legislature. This bill would further require these state departments to~~ and 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~~ *The* bill would limit the use of the collected ~~data,~~ *data by these state departments,* as specified. ~~This~~ *The* bill would require these state departments to ~~comply~~ *come into compliance* with these provisions as early as ~~possible,~~ *possible or whenever first updating forms, software, hardware, or information collection procedures,* but no later than July 1, ~~2017.~~ *2018.* 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

1 couples and 20.1 percent of gay male couples without a high school
2 diploma are in poverty, compared to 18.8 percent of different-sex
3 married couples. The report further showed African American
4 same-sex couples have poverty rates more than twice the rate of
5 different-sex married African American couples and there are high
6 levels of poverty in bisexual individuals in California reaching
7 approximately 25 percent of bisexual people compared to 17
8 percent for heterosexual people.

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

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

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

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

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

39 (f) It is the intent of the Legislature that the state departments
40 specified in Section 8310.8 of the Government Code, as added by

1 Section 2 of this act, utilize existing work and research, including,
2 but not limited to, referencing research on promising and
3 community-defined practices and stakeholders when developing
4 questions to collect voluntary self-identified information pertaining
5 to sexual orientation and gender identity.

6 SEC. 2. Section 8310.8 is added to the Government Code, to
7 read:

8 8310.8. (a) (1) This section shall only apply to the following
9 state departments:

10 (A) The State Department of Health Care Services.

11 (B) The State Department of Public Health.

12 (C) The State Department of Social Services.

13 (D) The California Department of Aging.

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

16 (b) In addition to the duties imposed by Section ~~8310.5~~, 8310.5
17 *and to the extent not prohibited by federal law*, the state
18 departments identified in subdivision (a), in the course of collecting
19 demographic data directly or by contract as to the ancestry or ethnic
20 origin of Californians, shall collect voluntary self-identification
21 information pertaining to sexual orientation and gender identity.

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

37 (d) The state departments identified in subdivision (a) shall
38 ~~comply~~ *come into compliance* with the requirements of this section
39 as early as ~~possible~~, *possible or whenever first updating forms,*
40 *software, hardware, or information collection procedures following*

1 *the effective date of this section, but no later than July 1, 2017.*
2 *2018.*

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

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