

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 430

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Jacob R. Candelaria

AN ACT

RELATING TO DATA COLLECTION; REQUIRING CERTAIN EXECUTIVE DEPARTMENTS TO COLLECT DEMOGRAPHIC DATA PERTAINING TO SEXUAL ORIENTATION AND GENDER IDENTITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] EXECUTIVE DEPARTMENTS--

DEMOGRAPHIC DATA COLLECTION--SEXUAL ORIENTATION AND GENDER IDENTITY.--

A. For the purposes of this section, "executive department" means any of the following departments of the executive branch of state government:

- (1) human services department;
- (2) children, youth and families department;
- (3) department of health;
- (4) department of public safety;

underscoring material = new
~~[bracketed material] = delete~~

- 1 (5) corrections department;
- 2 (6) economic development department;
- 3 (7) tourism department;
- 4 (8) workforce solutions department;
- 5 (9) aging and long-term services department;
- 6 (10) public education department; or
- 7 (11) higher education department.

8 B. An executive department, in the course of
9 collecting demographic data directly or through a contractor,
10 shall collect voluntary self-identification information
11 pertaining to sexual orientation and gender identity.

12 C. An executive department shall collect voluntary
13 self-identification information pertaining to sexual
14 orientation and gender identity:

15 (1) pursuant to federal programs or surveys,
16 whereby the guidelines for demographic data collection
17 categories are defined by the federal program or survey; or

18 (2) in accordance with guidelines issued by
19 the department of health for demographic data collection.

20 D. An executive department shall:

21 (1) report to the legislature the data
22 collected pursuant to this section and the method used to
23 collect the data; and

24 (2) make the data available to the public in
25 accordance with state and federal law, except for personal

underscoring material = new
~~[bracketed material] = delete~~

1 identifying information, which shall be deemed confidential and
2 shall not be disclosed.

3 E. An executive department shall not report
4 demographic data that would permit identification of
5 individuals or would result in statistical unreliability.
6 Reports on data collected pursuant to this section may
7 aggregate categories at a state, county, city, census tract or
8 zip code level to prevent identification of individuals,
9 facilitate comparisons and identify disparities.

10 F. An executive department shall only use
11 information voluntarily provided about sexual orientation and
12 gender identity for demographic analysis, coordination of care,
13 quality improvement of its services, conducting approved
14 research, fulfilling reporting requirements or guiding policy
15 or funding decisions.