

SENATE BILL 316

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO DATA COLLECTION; REQUIRING SJC→**CERTAIN**←SJC
EXECUTIVE DEPARTMENTS AND PUBLIC BODIES 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.--

.218888.2AIC March 15, 2021 (4:21pm)

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A. For the purposes of this section:

(1) "executive department" means any of the SJC→following←SJC SJC→cabinet←SJC departments of the executive branch of state government SJC→:←SJC

SJC→(a)←human services department;

(b)←children, youth and families

department;←SJC

SJC→(c)←department of health;

(d)←department of public safety;

(e)←corrections department;

(f)←economic development department;

(g)←tourism department;

(h)←workforce solutions department;

(i)←aging and long-term services

department;

(j)←public education department;

(k)←higher education department; or

(l)←early childhood education and

care←SJC SJC→department←SJC ; and

(2) "public body" means an advisory board, commission, committee, agency or entity created by the constitution or laws of New Mexico or any branch of government of the executive, legislative or judicial branch of a state or local government that receives public funding.

B. An executive department or public body, in the

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course of collecting demographic data directly or through a contractor, shall collect voluntary self-identification information pertaining to sexual orientation and gender identity.

C. An executive department or public body shall collect voluntary self-identification information pertaining to sexual orientation and gender identity:

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

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

D. An executive department or public body shall:

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

(2) 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 shall not be disclosed.

E. An executive department or public body shall not report demographic data that would permit identification of individuals or would result in statistical unreliability.

Reports on data collected pursuant to this section may aggregate categories at a state, county, city, census tract or

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zip code level to prevent identification of individuals, facilitate comparisons and identify disparities.

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

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is October 31, 2021.