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SENATE BILL 316

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

INTRODUCED BY  
Carrie Hamblen

AN ACT

RELATING TO DATA COLLECTION; REQUIRING CERTAIN 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.--

A. For the purposes of this section:

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

- (a) human services department;
- (b) children, youth and families

department;

- 1 (c) department of health;
- 2 (d) department of public safety;
- 3 (e) corrections department;
- 4 (f) economic development department;
- 5 (g) tourism department;
- 6 (h) workforce solutions department;
- 7 (i) aging and long-term services
- 8 department;
- 9 (j) public education department;
- 10 (k) higher education department; or
- 11 (l) early childhood education and care
- 12 department; and

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

18 B. An executive department or public body, in the  
19 course of collecting demographic data directly or through a  
20 contractor, shall collect voluntary self-identification  
21 information pertaining to sexual orientation and gender  
22 identity.

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

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

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

6 D. An executive department or public body shall:

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

10 (2) make the data available to the public in  
11 accordance with state and federal law, except for personal  
12 identifying information, which shall be deemed confidential and  
13 shall not be disclosed.

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

17 Reports on data collected pursuant to this section may  
18 aggregate categories at a state, county, city, census tract or  
19 zip code level to prevent identification of individuals,  
20 facilitate comparisons and identify disparities.

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

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1 or guiding policy or funding decisions.

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

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