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SENATE BILL 370

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

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, 2023.

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