

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2024-02-01
Bill No: SB272

Sponsor(s) Carrie Hamblen
:

Agency Name ECECD 611
and Code
Number:

Person Writing Dr. Janis Gonzales
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Short SEXUAL ORIENTATION &
Title: GENDER ORIENTATION
DATA

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

NFI	NFI	NFI		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 272 (SB272) would require certain executive agencies (including ECECD) and public bodies to collect voluntary self-identification information pertaining to sexual orientation and gender identity. The bill would require these entities to collect the data pursuant to federal programs or surveys and in accordance with guidelines issued by the Department of Health (DOH). The data collected would be reported to the legislature in aggregate, i.e., not in a way that would permit identification of individuals or result in statistical unreliability. It would also be made available to the public in accordance with state and federal laws, except for personal identifying confidential information which would not be disclosed. SB272 also requires that the identified executive departments or public bodies only use such information for demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, or guiding policy or funding decisions.

The effective date of the act would be October 31, 2024.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

In August 2021, Gov. Michelle Lujan Grisham signed an executive order (2021-048) directing executive state departments to begin collecting voluntary self-identification information pertaining to sexual orientation and gender identity to enhance the capacity and ability of state agencies to address health disparities. Collection of voluntary, self-identified demographic data pertaining to sexual orientation and gender identity is best practice and is recommended by the Centers for Disease Control (CDC) and many other advisory bodies. The collection of such information is noted as “critical to identifying specific health care needs, addressing health disparities, and ensuring the delivery of important health care services (CDC, Collecting Sexual Orientation and Gender Identify Information).” According to the Guide for Collecting Data on

Sexual Orientation and Gender Identity from the LGBTQIA+ Health Education Center, collecting data on sexual orientation and gender identity allows health centers and other related entities to learn about the populations they are serving, and to measure the access to care and the quality of care provided to people of all sexual orientations and gender identities (Fenway Institute,2022).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

If SB272 is passed, the identified executive departments and public bodies will need to ensure that any solicitation of this demographic information is voluntary and not required for any condition of employment or receipt of services.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB272 is not enacted, agencies will still be required to collect this type of voluntary demographic information pursuant to Executive Order (2021-048).

AMENDMENTS

None.