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AB-1094 Sexual orientation and gender identity data collection pilot project. (2021-2022)

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Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 1094

CHAPTER 177

An act to add and repeal Article 6 (commencing with Section 102935) of Chapter 6 of Part 1 of Division 102 of the Health and Safety Code, relating to health data collection.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1094, Arambula. Sexual orientation and gender identity data collection pilot project.

Existing law establishes the State Department of Public Health under the direction of the State Public Health Officer, and sets forth the powers and duties of the State Public Health Officer, including designation as the State Registrar of Vital Statistics. Existing law authorizes the department to establish and maintain the California Electronic Violent Death Reporting System (CEVDRS), to collect data on violent deaths from data sources, including, but not limited to, death certificates, law enforcement reports, and coroner or medical examiner reports.

Existing law sets forth the duties and authority of a county coroner, and authorizes a county board of supervisors, by ordinance, to abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the board and to exercise the powers and perform the duties of the coroner. Existing law requires the coroner to inquire into and determine the circumstances, manner, and cause of all violent deaths in the coroner's jurisdiction.

This bill would require the department to establish a 3-year pilot program in up to 6 counties that agree to participate, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death. The bill would require the counties to be trained in the data collection by a public or private agency with expertise in identifying and collecting clinical data pertaining to sexual orientation and gender identity, as specified. Following the training, the bill would require a coroner or medical examiner to begin data collection and to aggregate, deidentify, and annually report the data to the board of supervisors and the department. The bill would require the department to include the pilot program data in the CEVDRS. The bill would make its provisions inoperative on the date the State Public Health Officer certifies that the final year of data from the pilot program has been entered in the CEVDRS, and would repeal the provisions on the January 1 following that date.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 6 (commencing with Section 102935) is added to Chapter 6 of Part 1 of Division 102 of the Health and Safety Code, to read:

Article 6. Sexual Orientation and Gender Identity Data Collection Pilot Program

102935. The Legislature finds and declares all of the following:

(a) There is a lack of understanding about the relationship between risk of violent death, such as suicide or homicide, and an individual's sexual orientation and gender identity. This is because, unlike veteran status or ethnicity, the sexual orientation and gender identity of deceased individuals are only captured in special circumstances. By training coroners and medical examiners how to gather mortality data with regard to sexual orientation and gender identity, researchers and policymakers can begin to learn who the most vulnerable in the LGBTQ community are, and allocate resources that will reduce the number of preventable deaths.

(b) The State Department of Public Health maintains statewide vital statistics data, including records of births, deaths, and marriages. The department administers the state's electronic death registration system. Sexual orientation and gender identity data is not currently collected in that information.

(c) It is, therefore, the intent of the Legislature to create a pilot program under which coroners and medical examiners are trained to collect sexual orientation and gender identity data in all cases of violent death, in order to encourage a better understanding of disparities in the mortality rate in the LGBTQ community and to assist the development of policies to address those disparities at the county level.

102936. (a) The department shall establish a three-year pilot program in up to six counties that agree to participate, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death.

(b) The department shall select at least one county from the northern, southern, and central regions of the state to participate in the pilot program and shall take into account representation of urban, rural, and suburban areas.

(c) A participating county shall agree to receive training from a qualified public or private agency with expertise in identifying and collecting clinical data pertaining to sexual orientation and gender identity, including cultural competency, respect of confidentiality, and other best practices in the collection of that data. The department shall provide participating counties with a list of approved training entities.

102937. (a) The coroner or medical examiner shall begin data collection upon completion of the training. For each year of the pilot program, the data shall be aggregated, deidentified, and reported to the board of supervisors and the department.

(b) For each year of the pilot program, the department shall include the data reported pursuant to this article in the California Violent Death Reporting System established pursuant to Section 131230.

102938. This article shall become inoperative on the date the State Public Health Officer certifies that the final year of data from the pilot program has been submitted to the California Violent Death Reporting System as required under subdivision (b) of Section 102937, and on the January 1 following that date is repealed.