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**AB-1163 Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.** (2023-2024)

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**Assembly Bill No. 1163**

**CHAPTER 832**

An act to amend Section 8310.8 of the Government Code, relating to data collection.

[ Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1163, Luz Rivas. Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.

Existing law, The Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, requires prescribed state entities, including the State Department of Health Care Services and the Civil Rights Department, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to collect voluntary self-identification information pertaining to sexual orientation and gender identity, except as specified. Existing law prohibits these state entities from reporting demographic data that would permit identification of individuals or would result in statistical unreliability and limits the state entities' use of the information provided, as specified. Existing law requires the state entities to report to the Legislature specified information related to the data and make the data available to the public, except for personally identifiable information. Existing law deems personally identifiable information confidential and prohibits disclosure of that information.

This bill would add intersexuality to the voluntary self-identification information to be collected, would apply these provisions to additional state entities, and would require these state entities to comply with these provisions as early as possible following January 1, 2025, but no later than July 1, 2026.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

**SECTION 1.** Section 8310.8 of the Government Code is amended to read:

**8310.8.** (a) (1) This section shall only apply to the following state entities:

(A) The State Department of Health Care Services.

(B) The State Department of Public Health.

(C) The State Department of Social Services.

(D) The California Department of Aging.

(E) The State Department of Education and the Superintendent of Public Instruction, except this section shall not apply to the California Longitudinal Pupil Achievement Data System (CALPADS).

(F) The Commission on Teacher Credentialing.

(G) The Civil Rights Department.

(H) The Labor and Workforce Development Agency.

(I) The Department of Industrial Relations.

(J) The Employment Training Panel.

(K) The Employment Development Department, except this section shall not apply to the unemployment insurance program within the department.

(L) The State Department of State Hospitals.

(M) The Department of Rehabilitation.

(N) The State Department of Developmental Services.

(O) The Department of Community Services and Development.

(2) This section shall be known and may be cited as the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.

(b) (1) Except as specified in paragraph (2), in addition to the duties imposed by Section 8310.5 and to the extent permissible by federal law, the state entities identified in subdivision (a), in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, shall collect voluntary self-identification information pertaining to sexual orientation, gender identity, and intersexuality.

(2) The state entities identified in subdivision (a) may, but are not required to, collect demographic data pursuant to this section under either of the following circumstances:

(A) Pursuant to federal programs or surveys, whereby the guidelines for demographic data collection categories are defined by the federal program or survey.

(B) Demographic data is collected by other entities including:

(i) State offices, departments, and agencies not included in subdivision (a).

(ii) Surveys administered by third-party entities and the state department is not the sole funder.

(iii) Third-party entities, including, but not limited to, private employers, that provide aggregated data to a state department.

(c) (1) The state entities identified in subdivision (a) shall report to the Legislature the data collected pursuant to this section and the method used to collect that data, and 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.

(2) The state entities identified in subdivision (a) shall not report demographic data that would permit identification of individuals or would result in statistical unreliability. Demographic reports on data collected pursuant to this section, to prevent identification of individuals, may aggregate categories at a state, county, city, census tract, or ZIP Code level to facilitate comparisons and identify disparities.

(3) The state entities identified in subdivision (a) may use information voluntarily provided about sexual orientation, gender identity, and intersexuality only for demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, and guiding policy or funding decisions. All information about sexual orientation, gender identity, and intersexuality collected pursuant to this section shall be used only for purposes specified in this section.

(d) The state entities identified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (a) shall comply with the requirements of this section as early as possible following the effective date of this section, but no later than July 1, 2018.

(e) The state entities identified in subparagraphs (E) to (K), inclusive, of paragraph (1) of subdivision (a) shall comply with the requirements of this section as early as possible following the effective date of this section, but no later than July 1, 2019.

(f) The state entities identified in subparagraphs (L) to (O), inclusive, of paragraph (1) of subdivision (a) shall comply with the requirements of this section as early as possible following January 1, 2025, but no later than July 1, 2026.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act, which amends Section 8310.8 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Due to the sensitive general nature of data relating to sexual orientation, gender identity, and intersexuality and the need to protect the safety of those who would provide voluntary self-identification information pertaining to their sexual orientation, gender identity, and intersexuality, it is necessary to prohibit the public disclosure of personal identifying information that would allow the identification of an individual who provided voluntary self-identification information pertaining to sexual orientation, gender identity, and intersexuality.