

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1186

Introduced by Assembly Member Patel

February 21, 2025

An act to ~~amend~~ *add* Section ~~8310.8~~ of 8310.9.5 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL’S DIGEST

AB 1186, as amended, Patel. Data collection: ~~sexual orientation and gender identity~~. *race and ethnicity: minimum categories.*

Existing law requires state agencies, boards, or commissions that directly or by contract collect demographic data on the ethnic origin, ethnicity, or race of Californians to use specified collection categories for Asian, Native Hawaiian, Pacific Islander, Black, and African American groups.

This bill, subject to a specified exception, would require any state agency, board, or commission that directly or by contract collects demographic data on the ethnic origin, ethnicity, or race of Californians to collect data on at least the 7 minimum categories on race and ethnicity, as defined, as well as at least the top 6 largest detailed categories, as provided. The bill would require compliance with these provisions by January 1, 2029. The bill would require the Demographic Research Unit within the Department of Finance to oversee implementation of these provisions and provide technical assistance. The bill would also require, on or before January 1, 2027, and annually thereafter, each state agency, board, or commission required to comply with the bill’s provisions to submit a report to the Legislature and the Assembly Committee on Governmental Organization on compliance

with these provisions, as provided. The bill would require data collected pursuant to this section to be made available to the public in accordance with state and federal law, except for personal identifying information, as specified.

~~Existing law, the Lesbian, Gay, Bisexual, Transgender, and Intersex Disparities Reduction Act, requires the State Department of Public Health, among other specified state entities, 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, gender identity, and variations in sex characteristics/intersex status.~~

~~This bill would make a nonsubstantive change to the provision that names the act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 8310.9.5 is added to the Government*
- 2 *Code, to read:*
- 3 *8310.9.5. (a) For the purposes of this section, the “seven*
- 4 *minimum categories on race and ethnicity” means all of the*
- 5 *following:*
- 6 *(1) American Indian or Alaska Native.*
- 7 *(2) Asian.*
- 8 *(3) Black or African American.*
- 9 *(4) Hispanic or Latino.*
- 10 *(5) Middle Eastern or North African.*
- 11 *(6) Native Hawaiian or Pacific Islander.*
- 12 *(7) White.*
- 13 *(b) (1) Subject to subdivision (c), any state agency, board, or*
- 14 *commission that directly or by contract collects demographic data*
- 15 *on the ethnic origin, ethnicity, or race of Californians shall collect*
- 16 *data on at least the seven minimum categories on race and*
- 17 *ethnicity.*
- 18 *(2) For each of the seven minimum categories on race and*
- 19 *ethnicity, an agency described in paragraph (1) shall collect and*
- 20 *publish information on at least the top six largest detailed*
- 21 *categories, in accordance with the federal Office of Management*
- 22 *and Budget’s Revised Statistical Policy Directive No. 15: Standards*

1 *for Maintaining, Collecting, and Presenting Federal Data on Race*
2 *and Ethnicity (SPD 15) as of March 29, 2024, for both print and*
3 *online forms.*

4 *(c) A data collection is exempt from the requirements of*
5 *subdivision (b) if the burden on the agency outweighs the benefit*
6 *to the public.*

7 *(d) The requirements of subdivision (b) apply to administrative*
8 *and survey data collections, including third-party and commercial*
9 *data collections.*

10 *(e) Each state agency, board, or commission required to comply*
11 *with subdivision (b) shall comply with the requirements of this*
12 *section as early as reasonably feasible, but no later than January*
13 *1, 2029.*

14 *(f) The Demographic Research Unit within the Department of*
15 *Finance shall oversee implementation of this section, including*
16 *tracking progress, conducting evaluations, ensuring compliance,*
17 *and providing technical assistance.*

18 *(g) (1) On or before January 1, 2027, and annually thereafter,*
19 *each state agency, board, or commission required to comply with*
20 *subdivision (b) shall submit a report to the Legislature and the*
21 *Assembly Committee on Governmental Organization on compliance*
22 *with the requirements of this section, including all of the following:*

23 *(A) The collection, analysis, and publication of data.*

24 *(B) Existing and new data collection forms and instruments*
25 *used by state agencies to collect demographic data.*

26 *(C) Technical assistance efforts.*

27 *(2) A report to be submitted pursuant to paragraph (1) shall be*
28 *submitted in compliance with Section 9795 of the Government*
29 *Code.*

30 *(h) Data collected pursuant to this section shall be made*
31 *available to the public in accordance with state and federal law,*
32 *except for personal identifying information, which shall be deemed*
33 *confidential.*

34 ~~SECTION 1. Section 8310.8 of the Government Code is~~
35 ~~amended to read:~~

36 ~~8310.8. (a) (1) This section shall only apply to the following~~
37 ~~state entities:~~

38 ~~(A) The State Department of Health Care Services.~~

39 ~~(B) The State Department of Public Health.~~

40 ~~(C) The State Department of Social Services.~~

1 ~~(D) The California Department of Aging.~~
2 ~~(E) The State Department of Education and the Superintendent~~
3 ~~of Public Instruction, except this section shall not apply to the~~
4 ~~California Longitudinal Pupil Achievement Data System~~
5 ~~(CALPADS).~~
6 ~~(F) The Commission on Teacher Credentialing.~~
7 ~~(G) The Civil Rights Department.~~
8 ~~(H) The Labor and Workforce Development Agency.~~
9 ~~(I) The Department of Industrial Relations.~~
10 ~~(J) The Employment Training Panel.~~
11 ~~(K) The Employment Development Department, except this~~
12 ~~section shall not apply to the unemployment insurance program~~
13 ~~within the department.~~
14 ~~(L) The State Department of State Hospitals.~~
15 ~~(M) The Department of Rehabilitation.~~
16 ~~(N) The State Department of Developmental Services.~~
17 ~~(O) The Department of Community Services and Development.~~
18 ~~(2) This section shall be known as the Lesbian, Gay, Bisexual,~~
19 ~~Transgender, and Intersex Disparities Reduction Act.~~
20 ~~(b) (1) Except as specified in paragraph (2), in addition to the~~
21 ~~duties imposed by Section 8310.5 and to the extent permissible~~
22 ~~by federal law, the state entities identified in subdivision (a), in~~
23 ~~the course of collecting demographic data directly or by contract~~
24 ~~as to the ancestry or ethnic origin of Californians, shall collect~~
25 ~~voluntary self-identification information pertaining to sexual~~
26 ~~orientation, gender identity, and variations in sex~~
27 ~~characteristics/intersex status (SOGISC).~~
28 ~~(2) The state entities identified in subdivision (a) may, but are~~
29 ~~not required to, collect demographic data pursuant to this section~~
30 ~~under either of the following circumstances:~~
31 ~~(A) Pursuant to federal programs or surveys, whereby the~~
32 ~~guidelines for demographic data collection categories are defined~~
33 ~~by the federal program or survey.~~
34 ~~(B) Demographic data are collected by other entities including:~~
35 ~~(i) State offices, departments, and agencies not included in~~
36 ~~subdivision (a).~~
37 ~~(ii) Surveys administered by third-party entities and the state~~
38 ~~department is not the sole funder.~~
39 ~~(iii) Third-party entities, including, but not limited to, private~~
40 ~~employers, that provide aggregated data to a state department.~~

1 ~~(3) Notwithstanding paragraph (2), the State Department of~~
2 ~~Public Health shall collect demographic data pursuant to this~~
3 ~~section from third parties, including, but not limited to, local health~~
4 ~~jurisdictions, on any forms or electronic data systems, unless~~
5 ~~prohibited by federal or state law. This section does not require~~
6 ~~either of the following:~~

7 ~~(A) The State Department of Public Health to collect~~
8 ~~demographic data pursuant to this section from an individual under~~
9 ~~18 years of age who is applying for, or participating in, the~~
10 ~~California Special Supplemental Nutrition Program for Women,~~
11 ~~Infants, and Children.~~

12 ~~(B) Health care providers or other third parties to collect,~~
13 ~~disclose, or report information that is not voluntarily provided~~
14 ~~self-identification information pertaining to SOGISC.~~

15 ~~(c) (1) The state entities identified in subdivision (a) shall report~~
16 ~~to the Legislature the data collected pursuant to this section and~~
17 ~~the method used to collect those data, and make the data available~~
18 ~~to the public in accordance with state and federal law, except for~~
19 ~~personal identifying information, which shall be deemed~~
20 ~~confidential and shall not be disclosed.~~

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

28 ~~(3) The state entities identified in subdivision (a) may use~~
29 ~~information voluntarily provided about SOGISC only for~~
30 ~~demographic analysis, coordination of care, quality improvement~~
31 ~~of its services, conducting approved research, fulfilling reporting~~
32 ~~requirements, and guiding policy or funding decisions. All~~
33 ~~information about SOGISC collected pursuant to this section shall~~
34 ~~be used only for purposes specified in this section.~~

35 ~~(d) (1) The state entities identified in subparagraphs (A) to (D),~~
36 ~~inclusive, of paragraph (1) of subdivision (a) shall comply with~~
37 ~~the requirements of this section as early as possible following the~~
38 ~~effective date of this section, but no later than July 1, 2018, except~~
39 ~~as specified in paragraph (2).~~

1 ~~(2) For purposes of data collected pursuant to paragraph (3) of~~
2 ~~subdivision (b), the State Department of Public Health shall comply~~
3 ~~with the requirements of this section as early as possible but no~~
4 ~~later than March 28, 2029.~~

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

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