

CHAPTER 264

AN ACT concerning the collection of demographic data of certain ethnic groups and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:4-6 Findings, declarations.

1. The Legislature finds and declares that:

Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI), Middle Easterners and North Africans (MENA), and South Asian and Indian Diaspora peoples are significant and important communities in New Jersey. New Jersey has nearly one million Asian Americans, Native Hawaiians, and Pacific Islanders residing in the State, about 10 percent of the State population. The number of Middle Eastern and North African and South Asian and Indian Diaspora residents cannot be accurately determined with the current collection methods. The members of these communities have made significant contributions to the culture and economy of this State.

Due to the diversity in the AANHPI communities, the United States Office of Management and Budget's Statistical Policy Directive No. 15, entitled "Race and Ethnic Standards for Federal Statistics," separated the "Asian and Pacific Islander" category into two distinct and separate categories, now called "Asians" and "Native Hawaiians and Other Pacific Islanders." These two distinct categories were first used in the 2000 United States Census. The United States Census Bureau currently reports data for more than 20 different ethnicities within these two categories.

The MENA communities in this State and on the federal level are categorized as "White." However, this racial identity has not matched the discrimination in housing, workplaces, and through daily life that many in the MENA community say they have faced. Many younger people in the MENA community often compare their experiences to those in communities of color. However, with a lack of a clear category, this paradox has been difficult to show through data.

The South Asian and Indian Diaspora communities in this State often have difficulty selecting which category they fit into when filling out demographic information. Given India's extensive migration history over the centuries, ethnic Indians have established communities on every continent as well as on islands in the Caribbean and the Pacific and Indian Oceans. These communities are wide-ranging and while they do share geographical and cultural commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their respective communities.

Existing State law requires demographic data to be collected, which includes the AANHPI communities. However, the collection by State agencies is often far too general and does not incorporate breakdowns for the numerous ethnic groups within the AANHPI communities. Additionally, State law does not require such a breakdown for the MENA and South Asian and Indian Diaspora communities. Also, this data is not made as accessible as it can be to the public. Data should be updated on a regular basis and made accessible to the public so that local governments, elected officials, decision makers, and other stakeholders can use the information to strategically target programs for those most in need.

Given the diversity of languages and culture, separating data for additional Asian, Native Hawaiian, Pacific Islander, Middle Eastern and North African, and South Asian and Indian Diaspora ethnic groups and making that data publicly accessible are critical for enhancing our State's understanding of the needs and experiences of these different communities.

C.52:4-7 Demographic data collection, separate collection categories, tabulations.

2. a. Each State agency that directly or by contract collects demographic data as to the ancestry of residents of the State of New Jersey shall use separate collection categories and tabulations for the following:

(1) each major Asian group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, Cambodian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Nepalese, Burmese, Tibetan, and Thai;

(2) each major Pacific Islander group, including, but not limited to, Native Hawaiian, Chamorro or Guamanian, Samoan, Fijian, and Tongan;

(3) each major Middle Eastern and North African group, including, but not limited to, Algerian, Bahraini, Egyptian, Jordanian, Kuwaiti, Lebanese, Libyan, Moroccan, Omani, and Tunisian;

(4) each major South Asian and Indian Diaspora group, including, but not limited to, Guyanese, Trinidadian and Tobagonian, and Surinamese; and

(5) other Asian, Pacific Islander, South Asian and Indian Diaspora, or Middle Eastern and North African groups.

b. Each State agency that directly or by contract collects demographic data as to the ancestry of residents of the State of New Jersey shall use separate collection categories and tabulations for the following:

(1) the primary language spoken at home and, if such language is a non-English language, whether the respondent is fluent in English; and

(2) the ancestry.

c. The data collected pursuant to the provisions of subsections a. and b. of this section shall be included in every demographic report on ancestry of residents of the State of New Jersey by the State agency published or released on or after the first day of the sixth month following the effective date of this act, P.L.2023, c.264 (C.52:4-6 et seq.).

The data shall be made available to the public in accordance with State and federal law, except for personal identifying information, which shall be deemed confidential, by posting the data on the internet website of the State agency.

d. State agencies may continue to collect and report demographic data in the form that the data was submitted if the data was collected under either of the following circumstances:

(1) Pursuant to federal laws, regulations, programs, or surveys, whereby the requirements or guidelines for demographic data collection categories are defined by the federal law, regulation, program, or survey.

(2) Demographic data collected by other entities, including third-party, entity-administered surveys not solely funded by the State agency.

e. Each State agency may update its data collection and reporting practices as needed in response to changes made to the American Community Survey published by the United States Census Bureau.

f. As used in this section:

"Ancestry" means the respondent's self-identification of the respondent's origin or descent, "roots," heritage, or place where the respondent or the respondent's parents or ancestors were born.

"Primary language spoken at home" means the language currently used by respondents at home, either "English only" or a non-English language which is used in addition to English or in place of English.

"State agency" means any agency in the executive branch of the State government, including, but not limited to, any department, board, bureau, commission, division, office, council, or instrumentality thereof, or independent agency, public authority or public benefit corporation, and any State college or public institution of higher education.

3. This act shall take effect on the first day of the eighteenth month following enactment except that State agencies may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 12, 2024.