

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4216

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2017

The Assembly Human Services Committee reports favorably Assembly Bill No. 4216.

This bill requires the collection of voluntary, self-disclosed information about sexual orientation and gender identity in certain surveys by State agencies.

For purposes of this bill, “agency” means any of the principal departments in the Executive Branch, and any other instrumentality within or created thereby, the Legislature of and any office, board, bureau or commission within or created thereby, and any independent State authority, commission, instrumentality or agency. “Gender identity” means a person’s sense of being male, female, transgender, or another gender, whether or not distinct from the person’s sex assigned at birth and “sexual orientation” means a person’s heterosexuality, homosexuality, or bisexuality by inclination, practice, identity, or expression, having a history thereof or being perceived, presumed, or identified by others as having such an orientation.

Pursuant to this bill, any agency that collects information through a survey that includes demographic data when subjects either self-report information or a knowledgeable proxy provides information about the subject or responds for all persons in a household must establish data standards that require, with regard to such a survey the following:

the review of existing data sets to determine in which data sets information about sexual orientation and gender identity is not included;

an identification of appropriate methods to include questions about sexual orientation and gender identity in surveys that facilitate categorization, voluntary participation, and preserve privacy and confidentiality;

the use of the appropriate methods to gather data about sexual orientation and gender identity; and

the implementation of a process to routinely assess needed changes in survey methods related to asking questions about sexual orientation and gender identity.

Any report published by an agency that relies on survey demographic data must include information about sexual orientation

and gender identity, and any information collected relating to the sexual orientation or gender identity of a survey participant must be maintained in accordance with the confidentiality and privacy standards and policies for the protection of persons applicable to that survey.

Nothing in this bill is to be construed to require a person to disclose that person's sexual orientation or gender identity to an agency. A person will not be subject to any fine or other penalty for refusing to answer, or providing a false answer to, any survey question regarding gender identity or sexual orientation. Nothing in this bill is to be construed to permit the use of collected information in a manner that would adversely affect any person.