

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4870

# STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Assembly Human Services Committee reports favorably Assembly Bill No. 4870.

This bill would require all blanks, forms, documents, and applications furnished to the public for official business by every State department, commission, committee, council, or agency to be modernized to incorporate new standards for the collection of information about an individual's sex, gender, and sexual orientation.

The bill would provide, in particular, that: 1) information about an individual's sex, gender, or sexual orientation may only be collected when such information is vitally necessary for the health and wellbeing of the individuals seeking the service; 2) the collection of information about an individual's sex, gender, or sexual orientation for the purposes of statistical research or study is to be optional, and is to be clearly marked as such on each blank, form, document, or application, in order to inform each individual filer that services will not be withheld in the case that the filer chooses not to provide such information; 3) any questions relating to sex, gender, or sexual orientation are to be posed in a manner that is sensitive to the individual, and that does not infringe upon or threaten the individual's mental and physical wellbeing; are to allow for non-binary designations; and are to be consistent with relevant best practices, as recognized by Garden State Equality and other relevant organizations that engage in advocacy on behalf of the State's lesbian, gay, bisexual, transgender, or questioning (LGBTQ) communities; and 4) the authority to grant or refuse the disclosure of information about an individual's sex, gender, or sexual orientation is to remain with the individual, or with the individual's parent or guardian, if the individual is a minor under the age of 18, and no third party actor, including, but not limited to, a health care provider or a State employee or partner, will have the ability to grant or refuse the disclosure of such information.

The bill would further provide that, in cases where the State is required by a federal agency or other federal initiative to collect and report information related to a person's sex, gender, or sexual orientation, the State department, commission, committee, council, or agency responsible for collecting and reporting that information will be required to include, within its program rules, documentation

verifying the applicable federal requirements before it will be authorized to include any questions related to sex, gender, or sexual orientation on the forms, blanks, documents, or applications that it uses to comply with those federal requirements.

Most, if not all, State blanks, forms, documents, and applications currently use outmoded means of collecting information about sex and gender. Specifically, they often conflate the meanings of sex and gender, unnecessarily require the collection of information related to sex, gender, and sexual orientation, and do not allow individuals who exist outside of the historical male/female binary system to accurately document their gender identity and biological sex. This is inconsistent with recent changes made to New Jersey birth certificates, which now allow for documentation of biological sex outside of a historical male/female binary system. By requiring all State forms and other documents to reflect a more modernized methodology for the collection of information on sex, gender, and sexual orientation, the State can better prevent unnecessary psychological harm and medical risk to New Jersey's transgender, transsexual, and intersexual communities.