

ASSEMBLY, No. 1060

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 11 (Monmouth)

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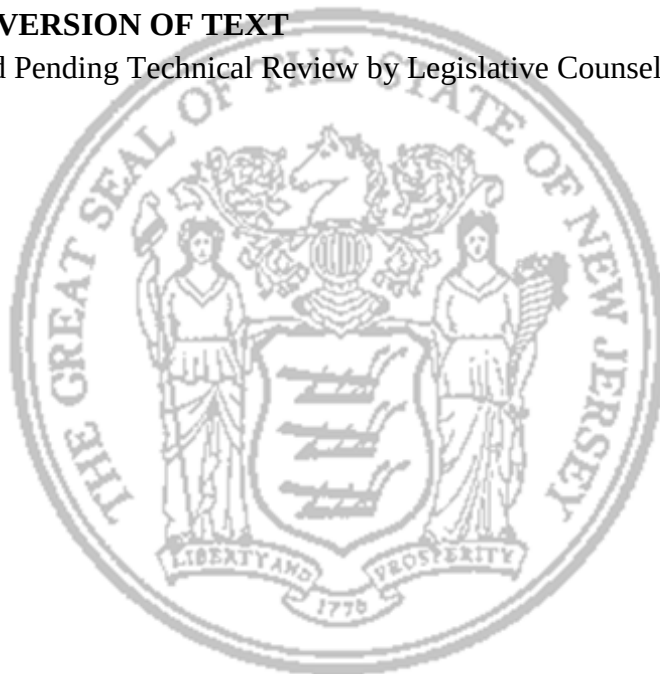
Assemblywomen Vainieri Huttie, Quijano and Assemblyman Freiman

SYNOPSIS

Requires modernization of all State blanks, forms, documents, and applications to incorporate new standards for collection of information about sex, gender, and sexual orientation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/21/2021)

1 **AN ACT** concerning State forms and supplementing Title 52 of the
2 Revised Statutes.

3

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

6

7 1. a. Notwithstanding the provisions of any law, rule, or
8 regulation to the contrary, on or after the effective date of this
9 section, all blanks, forms, documents, and applications furnished to
10 the public for official business by every State department,
11 commission, committee, council, or agency shall be modernized to
12 incorporate new standards for the collection of information about an
13 individual's sex, gender, and sexual orientation, as follows:

14 (1) Information about an individual's sex, gender, or sexual
15 orientation shall only be collected when such information is vitally
16 necessary for the health and wellbeing of the individuals seeking
17 the service;

18 (2) The collection of information about an individual's sex,
19 gender, or sexual orientation for the purposes of statistical research
20 or study shall be optional, and shall be clearly marked as such on
21 each blank, form, document, or application, in order to inform each
22 individual filer that services will not be withheld if the filer chooses
23 not to provide such information;

24 (3) Any questions relating to sex, gender, or sexual orientation
25 shall be posed in a manner that is sensitive to the individual, and
26 that does not infringe upon or threaten the individual's mental and
27 physical wellbeing; shall allow for non-binary designations; and
28 shall be consistent with relevant best practices, as recognized by
29 Garden State Equality and other relevant organizations that engage
30 in advocacy on behalf of the State's lesbian, gay, bisexual,
31 transgender, or questioning (LGBTQ) communities; and

32 (4) The authority to grant or refuse the disclosure of information
33 about an individual's sex, gender, or sexual orientation shall remain
34 with the individual, or with the individual's parent or guardian, if
35 the individual is a minor under the age of 18. No third party actor,
36 including, but not limited to, a health care provider or a State
37 employee or partner, shall have the agency to grant or refuse the
38 disclosure of such information.

39 b. If the State is required by a federal agency or other federal
40 initiative to collect and report information related to an individual's
41 sex, gender, or sexual orientation, the State department,
42 commission, committee, council, or agency responsible for
43 collecting and reporting that information shall include, within its
44 program rules, documentation verifying the applicable federal
45 requirements before it will be authorized to include any questions
46 related to sex, gender, or sexual orientation on the forms, blanks,
47 documents, or applications that it uses to comply with those federal
48 requirements.

1 c. The Secretary of State shall adopt rules and regulations,
2 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
3 (C.52:14B-1 et seq.), as may be necessary to implement the
4 provisions of this section.

5
6 2. This act shall take effect on the first day of the third month
7 next following enactment, except that the Secretary of State may
8 take anticipatory administrative action, in advance of the effective
9 date, as necessary to implement the provisions of this act.

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12 STATEMENT

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

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

44 The bill would further provide that, in cases where the State is
45 required by a federal agency or other federal initiative to collect and
46 report information related to a person’s sex, gender, or sexual
47 orientation, the State department, commission, committee, council,
48 or agency responsible for collecting and reporting that information

1 will be required to include, within its program rules, documentation
2 verifying the applicable federal requirements before it will be
3 authorized to include any questions related to sex, gender, or sexual
4 orientation on the forms, blanks, documents, or applications that it
5 uses to comply with those federal requirements.

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