

ASSEMBLY, No. 5217

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the collection of information in certain surveys
2 by State agencies and supplementing Title 52 of the Revised
3 Statutes.

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

7
8 1. a. For the purposes of this section:

9 “Agency” means any of the principal departments in the Executive
10 Branch of State Government, and any division, board, bureau, office,
11 commission, or other instrumentality within or created by such
12 department; the Legislature of the State and any office, board,
13 bureau, or commission within or created by the Legislative Branch;
14 and any independent State authority, commission, instrumentality, or
15 agency.

16 “Gender identity” means a person’s sense of being male, female,
17 transgender, or another gender, whether or not distinct from the
18 person’s sex assigned at birth.

19 “Sexual orientation” means a person’s heterosexuality,
20 homosexuality, or bisexuality by inclination, practice, identity, or
21 expression, having a history thereof, or being perceived, presumed,
22 or identified by others as having such an orientation.

23 b. Any agency that collects information through a survey that
24 includes demographic data, either when subjects self-report
25 information or when a knowledgeable proxy provides information
26 about the subject or responds for all persons in a household, shall
27 establish data standards that require, with regard to such a survey, the
28 following:

29 (1) the review of existing data sets to determine in which data sets
30 information about sexual orientation and gender identity is not
31 included;

32 (2) an identification of appropriate methods to include questions
33 about sexual orientation and gender identity in surveys that facilitate
34 categorization, voluntary participation, and preserve privacy and
35 confidentiality;

36 (3) the use of the appropriate methods identified to gather data
37 about sexual orientation and gender identity; and

38 (4) the implementation of a process to routinely assess needed
39 changes in survey methods related to asking questions about sexual
40 orientation and gender identity.

41 c. Any report published by an agency that relies on survey
42 demographic data shall include information about sexual orientation
43 and gender identity.

44 Any information collected relating to the sexual orientation or
45 gender identity of a survey participant shall be maintained in
46 accordance with the confidentiality and privacy standards and
47 policies for the protection of persons applicable to that survey.

1 Nothing in this section shall be construed to permit the use of
2 information collected under this section in a manner that would
3 adversely affect any person.

4 d. Nothing in this section shall be construed to require a person
5 to disclose that person's sexual orientation or gender identity to an
6 agency. A person shall not be subject to any fine or other penalty for
7 refusing to answer, or providing a false answer to, any survey
8 question regarding gender identity or sexual orientation.

9 e. This section shall be fully implemented within 120 days
10 following the effective date of this act, P.L. , c. (C.)
11 (pending before the Legislature as this bill).

12
13 2. This act shall take effect immediately.

14 15 16 STATEMENT

17
18 This bill requires the collection of voluntary, self-disclosed
19 information about sexual orientation and gender identity in certain
20 surveys by State agencies.

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

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

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

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

46 3) the use of the appropriate methods to gather data about sexual
47 orientation and gender identity; and

1 4) the implementation of a process to routinely assess needed
2 changes in survey methods related to asking questions about sexual
3 orientation and gender identity.
4 Any report published by an agency that relies on survey
5 demographic data is to include information about sexual orientation
6 and gender identity, and any information collected relating to the
7 sexual orientation or gender identity of a survey participant is to be
8 maintained in accordance with the confidentiality and privacy
9 standards and policies for the protection of persons applicable to that
10 survey.
11 Nothing in this bill is to be construed to require a person to
12 disclose that person's sexual orientation or gender identity to an
13 agency. A person will not be subject to any fine or other penalty for
14 refusing to answer, or providing a false answer to, any survey
15 question regarding gender identity or sexual orientation. Nothing in
16 this bill is to be construed to permit the use of collected information
17 in a manner that would adversely affect any person.
18 This bill must be fully implemented within 120 days after
19 enactment.