

LFC Requester:	Hitzman
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**AGENCY BILL ANALYSIS
2023 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
 Correction Substitute

Date Prepared: 02/09/23
 Bill No: SB370

Sponsor Hamblen Agency Name and Code Number: PED - 924
 Short Title: COLLECTION OF DEMOGRAPHIC DATA Son Writing Analysis: Gregory Frostad
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 370 (SB370) would allow certain public bodies and executive departments, including the Public Education Department, to collect voluntary self-identified demographic data pertaining to sexual orientation and gender identity. The bill defines “public body” as an advisory board, commission, committee, agency or entity created by the constitution or laws of New Mexico or any branch of government of the executive, legislative, or judicial branch of a state or local government that receives public funding.

The bill has an effective date of October 31, 2023.

FISCAL IMPLICATIONS

SB370 does not contain appropriation.

SIGNIFICANT ISSUES

The bill may result in some constituents being counted multiple times, depending on their engagement with different executive agencies.

The bill directs applicable executive departments to collect voluntary self-identification information pertaining to sexual orientation and gender identity pursuant to federal programs or surveys *or* in accordance with guidelines issue by the Department of Health (DOH) for demographic data collection. The second direction, to follow DOH guidelines, is not tied to a particular purpose or programs, as is the collection for federal programs, pursuant to federal guidelines. This would seem to indicate that *all* such data collection by PED and other affected agencies be done according to DOH guidelines, unless the collection is tied to a federal program.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

SB370 would allow PED to collect voluntary data on sexual orientation and gender identity for the purposes of analysis, coordination of care, quality improvement, conducting approved research, fulfilling reporting requirements, or guiding policy or funding decisions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

In July of 2021, the U.S. Census Bureau began collecting information on the sexual orientation and gender identity of respondents on the Household Pulse Survey (HPS). The HPS is designed to deploy quick and efficient data to measure household experiences during the COVID pandemic and recovery. The data was then disseminated in near real-time to inform federal and state response and recovery planning. The 2021 HPS data revealed that LGBT respondents were more likely than non-LGBT respondents to experience economic and mental health hardships during the COVID-19 pandemic.

The Institute of Medicine recommends the collection of sexual orientation and gender identity demographics in electronic health records and research studies. According to the Institute of Medicine, such data are essential for understanding the status and health needs of the Lesbian, Gay, Bisexual, and Transgender (LGBT) community.

Pursuant to Executive Order 2021-048, the Department of Workforce Solutions (DWS) collects demographic information from the U.S. Census Bureau. By doing so, DWS does not need to ask individuals seeking employment or services to disclose their sexual orientation or gender identity to become eligible for services or employment.

ALTERNATIVES

Authorize executive agencies to collect data using U.S. Census Bureau information.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.