# California Laws About Demographic Questions

***“It is in the best interest of the State of California to respect, embrace, and understand
the full diversity of its citizens.”*** Assembly Bill 532

Demographic data plays a crucial role in revealing who is at the table—whose views have been captured, whose experience has been documented, and whose needs have been assessed. It’s so important, then, to rightly determine which demographic questions should be asked, how questions should be framed, and what response options are offered.

To ensure that underrepresented populations are counted and reported on, several laws have been passed in recent years by the California legislature that require certain state agencies, such as the Department of Public Health and its contracted agencies, to adhere to new policies regarding collecting demographic data.

The laws are as follows:

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#### **AB 1088** (Effective January 1, 2012)

#### Government Code - GOV

#### TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]

*(Title 2 enacted by Stats. 1943, Ch. 134.)*

#### DIVISION 1. GENERAL [8000 - 8899.95]

*(Division 1 enacted by Stats. 1943, Ch. 134.)*

##### CHAPTER 5. Miscellaneous [8310 - 8318]

*(Chapter 5 added by Stats. 1953, Ch. 170.)*

###### 8310.5.

(a) **A state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians shall use separate collection categories and tabulations for the following:**

**(1) Each major Asian group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, and Cambodian.**

**(2) Each major Pacific Islander group, including, but not limited to, Hawaiian, Guamanian, and Samoan.**

(b) The data collected pursuant to **the different collection categories and tabulations described in subdivision (a) shall be included in every demographic report on ancestry or ethnic origins of Californians by the state agency, board, or commission published or released on or after July 1, 2012**. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential.

*(Amended by Stats. 2011, Ch. 689, Sec. 2. (AB 1088) Effective January 1, 2012.)*

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[**AB 1726**](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1726) (passed September 26, 2016)

Re: Data collection

*This law requires the State Department of Public Health to* ***use separate collection categories and other tabulations for specified Asian groups and Pacific Islander groups when collecting demographic data*** *about the ancestry or ethnic origin of Californians.*

[https://california.public.law/codes/ca\_gov't\_code\_section\_8310.7](https://california.public.law/codes/ca_gov%27t_code_section_8310.7)

### SECTION 1.

 Section 8310.7 of the Government Code is amended to read:

(a) This section shall only apply to the following state agencies:

(1) The Department of Industrial Relations.

(2) The Department of Fair Employment and Housing.

(3) To the extent funding is specifically appropriated for this purpose, **the State Department of Public Health**, on or after July 1, 2022, whenever collecting demographic data as to the ancestry or ethnic origin of persons for a report that includes rates for major diseases, leading causes of death per demographic, subcategories for leading causes of death in California overall, pregnancy rates, or housing numbers.

(b) In addition to the duties imposed under Section 8310.5, the state agencies described in subdivision (a), **in the course of collecting demographic data directly or by contract** as to the ancestry or ethnic origin of California residents, **shall collect and tabulate data for** the following:

(1) **Additional major Asian groups**, including, but not limited to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.

(2) **Additional major Native Hawaiian and other Pacific Islander groups**, including, but not limited to, Fijian and Tongan….

(c) (1) The state agencies identified in subdivision (a) shall make any data collected pursuant to subdivision (b) publicly available, except as described in paragraph (2) for the department identified in paragraph (3) of subdivision (a), and except for personal identifying information, which shall be deemed confidential, by posting the data on the internet website of the agency on or before July 1, 2012, and annually thereafter. This subdivision shall not be construed to prevent any other state agency from posting data collected pursuant to subdivision (b) on the agency’s internet website, in the manner prescribed by this section.….

*(Amended by Stats. 2022, Ch. 48, Sec. 15. (SB 189) Effective June 30, 2022.)*

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[**AB 959**](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB959) (passed October 7, 2015)

*To remedy the historical exclusion of LGBTQ identifiers from data collection, this* ***law requires four specific state departments to collect voluntary self-identification information pertaining to sexual orientation and gender identity whenever collecting demographic data about ancestry or ethnic origins****, except as specified. The bill would require these state departments to come into compliance with these provisions as early as possible but no later than July 1, 2018.*

[https://california.public.law/codes/ca\_gov't\_code\_section\_8310.8](https://california.public.law/codes/ca_gov%27t_code_section_8310.8)

**SECTION 1.**

 The Legislature finds and declares all of the following:

(a) It is the goal of state government, in collecting demographic data, to gather accurate information in order to understand, compare, report, and apply that data to the enhancement and improvement of public services.

(b) Currently, the state does not consistently collect demographic data related to sexual orientation or gender identity.

(c)…

(d) **Due to historical systemic exclusion** of data collection of LGBT communities, **significant disparities in their health and welfare have been prolonged** compared to the broader community. LGBT communities face disproportionately high rates of poverty, suicide, homelessness, isolation, substance abuse, and violence, and low rates of health insurance. These problems are more prevalent for youth and seniors, communities of color, and bisexual and transgender and undocumented communities.

(e) It is in the best interests of the state to respect, embrace, and understand the full diversity of its residents and to collect accurate data to effectively implement and deliver critical state services and programs.

### SEC. 2.

 Section 8310.8 is added to the Government Code, to read:

###### 8310.8.

 (a) (1) This section shall only apply to the following state departments:

(A) The State Department of Health Care Services.

**(B) The State Department of Public Health.**

(C) The State Department of Social Services.

(D) The California Department of Aging.

…

 (2) **This section shall be known and may be cited as the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.**

(b) (1) Except as specified in paragraph (2), in addition to the duties imposed by Section 8310.5 and to the extent permissible by federal law, **the state departments identified in subdivision (a), in the course of collecting demographic data directly or by contract** as to the ancestry or ethnic origin of Californians, **shall collect voluntary self-identification information pertaining to sexual orientation and gender identity**.

(2) The departments identified in subdivision (a) may, but are not required to, collect demographic data pursuant to this section under either of the following circumstances:

### (A)

Pursuant to federal programs or surveys, whereby the guidelines for demographic data collection categories are defined by the federal program or survey.

### (B)

Demographic data is collected by other entities including:

## (i)

State offices, departments, and agencies not included in subdivision (a).

## (ii)

Surveys administered by third-party entities and where the state department is not the sole funder.

## (c)

(1) During the regular process of reporting of demographic data to the Legislature, the state departments identified in subdivision (a) shall report the data collected pursuant to this section and the method used to collect that data, and make the data available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential and shall not be disclosed.

## (2)

The state departments identified in subdivision (a) shall not report demographic data that would permit identification of individuals or would result in statistical unreliability. Demographic reports on data collected pursuant to this section, to prevent identification of individuals, may aggregate categories at a state, county, city, census tract, or zip code level to facilitate comparisons and identify disparities.

## (3)

The state departments identified in subdivision (a) may use information voluntarily provided about sexual orientation and gender identity only for demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, and guiding policy or funding decisions. All information about sexual orientation and gender identity collected pursuant to this section shall be used only for purposes specified in this section.

## (d)

The state departments identified in subdivision (a) shall come into compliance with the requirements of this section as early as possible following the effective date of this section, but no later than July 1, 2018.

(e)

The state entities identified in subparagraphs (E) to (K), inclusive, of paragraph (1) of subdivision (a) shall comply with the requirements of this section as early as possible following the effective date of this section, but no later than July 1, 2019.

*(Amended by Stats. 2022, Ch. 48, Sec. 16. (SB 189) Effective June 30, 2022.)*

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AB 532 (passed October 2, 2015)

Re: State agencies’ collection of data about race or ethnic origin

This bill requires any state agency, board, or commission that directly or by contract collects demographic data to provide forms that offer respondents the option of selecting one more ethnic or racial designations.

[https://california.public.law/codes/ca\_gov't\_code\_section\_8310.9](https://california.public.law/codes/ca_gov%27t_code_section_8310.9)

SECTION 1.

 Section 8310.9 is added to the Government Code, to read:

(a) The Legislature hereby finds and declares all of the following:

(1) The State of California currently has the largest population of people in the United States who identify with more than one ethnicity or race. This population of Californians who identify as multiracial is rapidly growing.

(2) Many state forms that currently require respondents to choose only a single ethnicity or race force multiracial Californians to deny a significant part of their heritage. Information collected in this manner often deprives the state of accurate data with which to meet the needs of its diverse communities.

(3) It is in the best interest of the State of California to respect, embrace, and understand the full diversity of its citizens.

(4) Since 1997, the federal Office of Management and Budget’s “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” have required federal agencies to ensure that individuals have the option of selecting one or more ethnic or racial designations on federal government forms requesting this information.

(b) Any state agency, board, or commission that directly or by contract collects demographic data on the ethnic origin, ethnicity, or race of Californians shall do all of the following:

(1) Provide forms that offer respondents the option of selecting one or more ethnic or racial designations. Recommended forms for the instruction accompanying a multiple-response question are “mark one or more” or “select one or more.”

(2) Ensure in cases when data on respondents’ ethnic origin, ethnicity, or race is reported to any other state agency, board, or commission that it is neither tabulated nor reported without all of the following:

(A) The number or percentage of respondents who identify with each ethnic or racial designation alone and not in combination with any other ethnic or racial designation.

(B) The number or percentage of respondents who identify with each ethnic or racial designation, whether alone or in combination with other ethnic or racial designations.

(C) The number or percentage of respondents who identify with multiple ethnic or racial designations.

Related Sources

Census Equality Act

* To make LGBTQ populations visible in US data, in July 2018, Senator Kamala Harris and 18 other Democrats introduced a Senate bill to require the collection of information on sexual orientation and gender identity in the decennial census and the American Community Survey. The bill died without a vote.
* <https://www.congress.gov/bill/115th-congress/senate-bill/3314/text>
* <https://www.govtrack.us/congress/bills/115/s3314/summary>

Diversity

* California is the most diverse state in the US⎯27% (10.7 million) are foreign-born almost 5% (1.3 million) identify as LGBTQ, and the state has the 4th widest income equality in the US.
* <https://www.ppic.org/publication/californias-population/>
* <http://worldpopulationreview.com/states/california-population/>
* <https://worldpopulationreview.com/state-rankings/most-diverse-states>

Immigrants

* More than 10 million Californians are immigrants.
* “According to 2015 estimates, 27% of Californians (10.7 million) are foreign born—a higher proportion than in any other state (New York is second with 23%) and twice the nationwide share (13%). The leading countries of origin for California immigrants are Mexico (4.3 million), the Philippines (864,000), China (728,000 excluding Taiwan; 910,000 including Taiwan), Vietnam (511,000), India (477,000), El Salvador (428,000), and Korea (328,000). In recent years, almost twice as many immigrants have been arriving from Asia as from Latin America.”
* <https://www.ppic.org/publication/californias-population/>

Income inequality

* California has the 4th widest income inequality of US states
* <https://en.wikipedia.org/wiki/List_of_U.S._states_by_Gini_coefficient>
* <https://www.ppic.org/publication/income-inequality-in-california/>
* <https://calmatters.org/california-divide/2022/02/california-income-inequality/>

Sexual Orientation & Gender Identity (SOGI)

* "We also will continue to push them to collect data about gender identity," Rea added. "Data about the LGBTQ community is absolutely crucial to ensuring that we are distributed the resources we need, that we are represented, and that the most vulnerable in our community are protected.”
* <https://en.wikipedia.org/wiki/LGBT_demographics_of_the_United_States>
* <https://www.npr.org/2017/06/20/533542014/collecting-lgbt-census-data-is-essential-to-federal-agency-document-shows>
* <https://www.nbcnews.com/feature/nbc-out/census-bureau-add-sexual-orientation-question-marketing-survey-n808901>
* <https://www.nbcnews.com/news/census-wants-know-ask-sexuality-gender-rcna33157>