

By: Rosenthal

H.B. No. 986

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the categorization, collection, and publication of
3 certain demographic and other information pertaining to certain
4 public benefits programs.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Sections 531.0316 and 531.03161 to read as
8 follows:

9 Sec. 531.0316. COLLECTION OF DEMOGRAPHIC DATA. (a)
10 Notwithstanding any other law, if the commission or a health and
11 human services agency collects the demographic data of individuals
12 who receive benefits under a health benefits program administered
13 by the commission or agency, as applicable, the commission or
14 agency, as applicable, shall, when collecting data relating to:

15 (1) the race or ethnic origin of an individual,
16 provide the individual the option to select or identify appropriate
17 categories and subcategories of race and ethnic origin, including:

18 (A) the category of Hispanic or Latino with the
19 option to select or identify the following subcategories:

20 (i) Argentinian;

21 (ii) Colombian;

22 (iii) Cuban;

23 (iv) Dominican (Dominican Republic);

24 (v) Ecuadoran;

1 (vi) Guatemalan;
2 (vii) Honduran;
3 (viii) Mexican;
4 (ix) Nicaraguan;
5 (x) Panamanian;
6 (xi) Peruvian;
7 (xii) Puerto Rican;
8 (xiii) Salvadoran;
9 (xiv) Spaniard;
10 (xv) Venezuelan; and
11 (xvi) another subcategory written in by the
12 individual;

13 (B) the category of African American with the
14 option to select or identify the following subcategories:

15 (i) Black American (born in the United
16 States with African ancestry);
17 (ii) African diaspora (born outside the
18 United States with African origins); and
19 (iii) another subcategory written in by the
20 individual;

21 (C) the category of Native American with the
22 option to select or identify the following subcategories:

23 (i) Apache;
24 (ii) Cherokee;
25 (iii) Chickasaw;
26 (iv) Choctaw;
27 (v) Mexican American Indian;

1 (vi) Navajo; and
2 (vii) another subcategory written in by the
3 individual;

4 (D) the category of Pacific Islander with the
5 option to select or identify the following subcategories:

- 6 (i) Chamorro;
- 7 (ii) Guamanian;
- 8 (iii) Marshallese;
- 9 (iv) Native Hawaiian;
- 10 (v) Samoan;
- 11 (vi) Tongan; and
- 12 (vii) another subcategory written in by the
13 individual;

14 (E) the category of Asian with the option to
15 select or identify the following subcategories:

- 16 (i) Indian;
- 17 (ii) Bangladeshi;
- 18 (iii) Burmese;
- 19 (iv) Cambodian;
- 20 (v) Chinese (except Taiwanese);
- 21 (vi) Filipino;
- 22 (vii) Iranian;
- 23 (viii) Japanese;
- 24 (ix) Korean;
- 25 (x) Laotian;
- 26 (xi) Nepalese;
- 27 (xii) Pakistani;

1 (xiii) Taiwanese;
2 (xiv) Thai;
3 (xv) Vietnamese; and
4 (xvi) another subcategory written in by the
5 individual; and

6 (F) the category of Middle Eastern and North
7 African with the option to select or identify the following
8 subcategories:

9 (i) Egyptian;
10 (ii) Iraqi;
11 (iii) Jordanian;
12 (iv) Lebanese;
13 (v) Palestinian;
14 (vi) Syrian; and
15 (vii) another subcategory written in by the
16 individual;

17 (2) the sex or gender of an individual, ask the
18 following questions:

19 (A) "What is your current gender identity?" and,
20 in response to the question, provide the individual the option to
21 select or identify as:

22 (i) female;
23 (ii) intersex;
24 (iii) male;
25 (iv) nonbinary;
26 (v) transgender female;
27 (vi) transgender male; and

1 (vii) another sex or gender written in by
2 the individual; and

3 (B) "What sex were you assigned on your original
4 birth certificate or other legal document confirming birth?" and,
5 in response to the question, provide the individual the option to
6 select:

7 (i) female;

8 (ii) male;

9 (iii) "I was not assigned a sex at birth";

10 or

11 (iv) "I was not issued a birth certificate
12 or other legal document confirming my birth"; and

13 (3) more than one demographic category, include the
14 sexual orientation of an individual as a category and provide the
15 individual with the option to select or identify as:

16 (A) asexual;

17 (B) bisexual;

18 (C) gay;

19 (D) heterosexual;

20 (E) lesbian;

21 (F) pansexual; and

22 (G) another sexual orientation written in by the
23 individual.

24 (b) The commission shall ensure that each local entity,
25 including a local governmental entity, responsible for providing
26 demographic data to the commission or a health and human services
27 agency in connection with a public benefits program administered by

1 the commission or agency, as applicable, provides the data in the
2 manner prescribed by this section.

3 (c) In collecting demographic data, the commission and each
4 health and human services agency shall provide individuals from
5 whom the data is sought the option to select more than one category
6 for race or ethnic origin and more than one subcategory for race or
7 ethnic origin.

8 (d) The provision of demographic data under this section by
9 an individual is voluntary.

10 (e) Not later than the first anniversary of the date the
11 federal decennial census is published, the commission shall update
12 the subcategories of race or ethnic origin to include only the
13 subcategories with populations larger than 7,500 as published by
14 the United States Census Bureau, except that each category must
15 include at least the six largest subcategories.

16 (f) The executive commissioner shall adopt rules necessary
17 to implement this section.

18 Sec. 531.03161. COLLECTION AND CROSS-TABULATION ANALYSIS
19 OF CERTAIN DATA; PUBLICATION. (a) The commission and each health
20 and human services agency that administers a public benefits
21 program shall collect the following data regarding individuals who
22 receive, or were receiving at the time of the individual's death,
23 benefits under a program:

24 (1) the individual's level of English proficiency; and

25 (2) whether the individual:

26 (A) has a disability;

27 (B) has health benefits coverage;

1 (C) has been diagnosed with a chronic condition,
2 including cancer, obesity, diabetes, or asthma;

3 (D) has access to health care, including
4 preventive care services;

5 (E) has a diagnosed mental health disorder;

6 (F) is or has been pregnant;

7 (G) died as a result of a pregnancy-related
8 cause; and

9 (H) had a child who died as an infant.

10 (b) To the extent permitted by federal law and if requested
11 by the commission, a local entity, including a local governmental
12 entity, responsible for providing demographic data to the
13 commission or a health and human services agency in connection with
14 a public benefits program administered by the commission or agency,
15 as applicable, shall report to the commission the data described by
16 Subsection (a) to the extent that data is known or obtainable by the
17 entity.

18 (c) The commission shall prepare a cross-tabulation
19 analysis of the data described by Subsection (a) and the
20 demographic data collected under Section 531.0316, including data
21 related to the race or ethnic origin, sex or gender, and sexual
22 orientation of individuals. The analysis conducted under this
23 subsection must consider subcategories and suboptions.

24 (d) Subject to Subsection (f) and to the extent permitted by
25 federal law, the commission shall make available to the public on
26 its Internet website in an easy-to-read format metric data obtained
27 as the result of the cross-tabulation analysis conducted under this

1 section and organized by the demographic data collected in
2 accordance with Section 531.0316. The metric data published under
3 this section must be organized by category and then by subcategory
4 or suboption, as applicable.

5 (e) The commission shall annually update the metric data
6 published under Subsection (d).

7 (f) The storage and communication of data under this section
8 must comply with existing federal and state privacy laws governing
9 individually identifiable information. Data made available to the
10 public under this section may not identify or allow for the
11 identification of individuals.

12 (g) This section does not prevent a state agency from
13 posting demographic data collected by the agency on the agency's
14 Internet website.

15 (h) The executive commissioner shall adopt rules necessary
16 to implement this section.

17 SECTION 2. Not later than December 1, 2024, the Health and
18 Human Services Commission shall publish on its Internet website the
19 metric data required under Section 531.03161(d), Government Code,
20 as added by this Act.

21 SECTION 3. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 4. This Act takes effect September 1, 2023.