

By: Rosenthal

H.B. No. 1608

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, 2022, 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, 2021.