HOUSE DOCKET, NO. 4136 FILED ON: 1/17/2025

HOUSE . . . . . No. 2501

The Commonwealth of Massachusetts

PRESENTED BY:

Samantha Montaño

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to LGBTQ+ health disparities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Samantha Montaño	*15th Suffolk*	*1/17/2025*

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HOUSE . . . . . No. 2501

By Representative Montaño of Boston, a petition (accompanied by bill, House, No. 2501) of Samantha Montaño relative to LGBTQ+ health disparities. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to LGBTQ+ health disparities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 6A of the General Laws is hereby amended by inserting after section 16AA the following section:-

Section 16AA½. (a) The executive office health and human services and the departments therein, in the course of collecting demographic data directly or by contract, shall collect voluntary self-identification information pertaining to sexual orientation and gender identity for the purposes of reducing disparities in the delivery of health care services to the lesbian, gay, bisexual, transgender and queer community.

The departments subject to this section shall collect demographic data pursuant to this section in the following circumstances:

(1) pursuant to federal programs or surveys administered by the commonwealth, whereby the guidelines for demographic data collection categories are defined by the federal program or survey; and

(2) the provision of direct services to residents 16 years of age and older.

(b) The office of health equity established under section 16AA shall develop a training plan and relevant guidelines on how to invite persons directly served by state agencies or from whom demographic information is otherwise collected to submit demographic information on sexual orientation and gender identity, including but not limited to an overview of the categories of sexual orientation and gender identity and cultural competence of working with lesbian, gay, bisexual, transgender and queer persons. The office of health equity shall also distribute said training plan and guidance to the executive office of education and department of transportation.

(c) The departments subject to this section shall provide annually to the office of health equity: (1) aggregate deidentified data collected relative to sexual orientation and gender identity from persons served; and (2) subsequent modifications of services or programs offered as a result of such data.

(d) The office of health equity shall compile all information submitted pursuant to subsection (c), Section 1U of chapter 69 and section 5B of chapter 15A and compile an annual report for submission to the Legislature. The office shall submit its report to the clerks of the senate and house of representatives, the joint committee on public health, the joint committee on health care financing, the joint committee on children, youth, and families, the joint committee on elder affairs and the house and senate committees on ways and means not later than December 31 of each year.

(e) 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.

(f) The departments subject to this section 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.

(g) The departments subject to this section 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.

SECTION 2. Chapter 69 is hereby amended by inserting after section 1T the following section:-

Section 1U. (a) The secretary of education, in consultation with the office of health equity established under section 16AA of chapter 6A and in conjunction with each public school district, the department of elementary and secondary education, the department of higher education and other relevant state agencies, shall collect voluntary self-identification information pertaining to sexual orientation and gender identity for the purposes of reducing disparities in public school districts within the commonwealth. The secretary of education shall receive and

utilize the training plan and relevant guidelines established under section 16AA½ of chapter 6A by the office of health equity in fulfilling the duties established under this section.

(b) The secretary shall provide annually to the office of health equity: (1) aggregate deidentified data collected relative to sexual orientation and gender identity from each school district; and (2) subsequent modifications of services or programs offered as a result of such data.

(c) All handling of demographic information collected under this section shall be subject to data privacy provisions under section 16AA½ of chapter 6A.

SECTION 3. Chapter 15A is hereby amended by inserting after section 5A the following section:-

Section 5B. (a) The commissioner of the department of higher education shall collect from students served by the department of higher education voluntary self-identification information pertaining to sexual orientation and gender identity, provided that such collection shall be subject to the requirements set forth under section 1U of chapter 69.

(b) The secretary shall provide annually to the office of health equity: (1) aggregate deidentified data collected relative to sexual orientation and gender identity from each school district; and (2) subsequent modifications of services or programs offered as a result of such data.

(c) All handling of demographic information collected under this section shall be subject to data privacy provisions under section 16AA½ of chapter 6A.

SECTION 4. Section 16AA½ of chapter 6A shall take effect one year following the enactment of the act.

SECTION 5. Section 1U of chapter 6A shall take effect 18 months following the enactment of the act.

SECTION 6. Section 5B of chapter 15A shall take effect 18 months following the enactment of the act.