

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 326 Session of
2023

INTRODUCED BY STREET, HAYWOOD, FONTANA, KEARNEY, KANE, COLLETT,
DILLON, COSTA, TARTAGLIONE AND COMITTA, FEBRUARY 14, 2023

REFERRED TO STATE GOVERNMENT, FEBRUARY 14, 2023

AN ACT

1 Providing for the use of a lesbian, gay, bisexual, transgender
2 and queer identifier in all Commonwealth agency or entity
3 blanks, forms, documents and applications; and imposing
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Data for
9 LGBTQ Lives Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commission." The Pennsylvania Human Relations Commission.

15 "Commonwealth agency or entity." An agency, department,
16 office, board or commission of the Commonwealth. The term does
17 not include a legislative agency, judicial agency, State-
18 affiliated entity or State-related institution.

19 "Judicial agency." A court of the Commonwealth or any other

entity or office of the unified judicial system.

"Legislative agency." Any of the following:

(1) The Senate.

(2) The House of Representatives.

(3) The Capitol Preservation Committee.

(4) The Center for Rural Pennsylvania.

(5) The Joint Legislative Air and Water Pollution
Control and Conservation Committee.

(6) The Joint State Government Commission.

(7) The Independent Regulatory Review Commission.

(8) The Legislative Audit Advisory Commission.

(9) The Legislative Budget and Finance Committee.

(10) The Legislative Data Processing Committee.

(11) The Legislative Office for Research Liaison.

(12) The Legislative Reapportionment Commission.

(13) The Legislative Reference Bureau.

(14) The Local Government Commission.

(15) The Pennsylvania Commission on Sentencing.

"LGBTQ." Lesbian, gay, bisexual, transgender or queer.

"LGBTQ identifier." A question that allows an individual to
identify as LGBTQ.

"State-affiliated entity." A Commonwealth authority or
Commonwealth entity, including any of the following:

(1) The Pennsylvania Fish and Boat Commission.

(2) The Pennsylvania Game Commission.

(3) The Pennsylvania Gaming Control Board.

(4) The Pennsylvania Higher Education Assistance Agency.

(5) The Pennsylvania Higher Educational Facilities
Authority.

(6) The Pennsylvania Housing Finance Agency.

(7) The Pennsylvania Infrastructure Investment Authority.

(8) The Pennsylvania Interscholastic Athletic Association.

(9) The Pennsylvania Municipal Retirement Board.

(10) The Pennsylvania Public Utility Commission.

(11) The Pennsylvania Turnpike Commission.

(12) The State Public School Building Authority.

(13) The State System of Higher Education.

(14) A community college.

"State-related institution." Any of the following:

(1) Lincoln University.

(2) Temple University.

(3) The Pennsylvania State University.

(4) The University of Pittsburgh.

Section 3. LGBTQ identifier for Commonwealth agency or entity
blanks, forms, documents and applications.

(a) LGBTQ identifier.--Notwithstanding any other provision of law, no later than 30 days after the effective date of this section, a Commonwealth agency or entity shall include an LGBTQ identifier on all blanks, forms, documents and applications furnished to the public for the official business of the Commonwealth agency or entity.

(b) Collection.--A Commonwealth agency or entity may only collect information about an individual's LGBTQ status if the information is necessary for the health and well-being of the individual seeking the service or benefit from the Commonwealth agency or entity or seeking to attain or maintain employment with the Commonwealth agency or entity.

(c) Optional.--A Commonwealth agency or entity shall ensure

1 that an individual or an individual's guardian has the option
2 not to answer an LGBTQ identifier on all blanks, forms,
3 documents and applications in a clear and conspicuous manner. A
4 third-party, including a health care provider or State employee,
5 may not have the authority to act on behalf of an individual for
6 the purpose of opting not to answer an LGBTQ identifier. A
7 Commonwealth agency or entity shall include the option not to
8 answer an LGBTQ identifier on all blanks, forms, documents and
9 applications in substantially the following form:

10 You are not required to answer the LGBTQ identifier as a
11 condition of receiving a service or benefit from the
12 Commonwealth agency or entity or attaining or maintaining
13 employment with the Commonwealth agency or entity. The
14 Commonwealth agency or entity may not disclose your
15 answer to the LGBTQ identifier to the public in a manner
16 that will identify your personal information, including
17 your name, age, residence address, family members or
18 other similar information. The Commonwealth agency or
19 entity may not use your answer to the LGBTQ identifier as
20 the basis to discriminate against you regarding the
21 provision of a service or benefit from the Commonwealth
22 agency or entity or attaining or maintaining employment
23 with the Commonwealth agency or entity.

24 (d) Form.--A Commonwealth agency or entity shall design an
25 LGBTQ identifier as follows:

26 (1) The LGBTQ identifier may not infringe or threaten to
27 infringe on an individual's mental or physical well-being.

28 (2) The LGBTQ identifier shall include a designation for
29 nonbinary individuals.

30 (3) The LGBTQ identifier shall be consistent with the

best practices of organizations that engage in advocacy on behalf of LGBTQ communities in this Commonwealth.

Section 4. Administration and reports.

(a) Prohibited acts.--The following shall apply:

(1) A Commonwealth agency or entity may not require that an individual answer an LGBTQ identifier as a condition of receiving a benefit or service from the Commonwealth agency or entity or attaining or maintaining employment with the Commonwealth agency or entity.

(2) A Commonwealth agency or entity may not disclose an answer to an LGBTQ identifier to the public in a manner that will identify the personal information of an individual.

(3) A Commonwealth agency or entity may not use an answer to an LGBTQ identifier as the basis to discriminate against an individual regarding the provision of a service or benefit from the Commonwealth agency or entity or attaining or maintaining employment with the Commonwealth agency or entity.

(b) Reports.--No later than one year after the effective date of this section and each year thereafter, a Commonwealth agency or entity shall submit a report to the commission. The report shall include all of the following information:

(1) The percentage of individuals who answered in the affirmative to an LGBTQ identifier during the prior year.

(2) The percentage of individuals who answered in the negative to an LGBTQ identifier during the prior year.

(3) The percentage of individuals who opted not to answer an LGBTQ identifier during the prior year.

(4) Any other information required by the commission to assess the percentage of individuals who identify as LGBTQ.

1 Section 5. Penalties.

2 A person who violates this act shall be subject to the
3 enforcement and penalty provisions specified under the act of
4 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
5 Human Relations Act.

6 Section 6. Effective date.

7 This act shall take effect in 60 days.