

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 91 (Harabedian)  
Version: June 17, 2025  
Hearing Date: July 8, 2025  
Fiscal: Yes  
Urgency: No  
AM

**SUBJECT**

State and local agencies: demographic data

**DIGEST**

This bill requires a state or local agency that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Middle Eastern or North African groups in any provided form that offers respondents the option of selecting one or more ethnic or racial designations or languages, as specified. The bill prohibits a state or local agency from disclosing personal identifying information about any person whose demographic data is collected under the bill, but authorizes the data to be published in the aggregate.

**EXECUTIVE SUMMARY**

According to the author, this bill will ensure that individuals of Middle Eastern and North African descent will be accurately represented in demographic data collected by state and local agencies. The 2030 U.S. Census is making revisions to the categories used for race and ethnicity by, among other things, including a combined race and ethnicity question and including a new category for Middle Eastern and North African (MENA).<sup>1</sup> Currently, persons who identify as MENA have to choose a category on the census that many do not feel accurately reflects their identity, which leads to a lack of accurate representation in public data for their community. Having accurate demographic data is necessary for informed public policy decision making, especially as it relates to public health. This bill provides protections for personally identifying information, by ensuring that data is only released in the aggregate. The bill is author sponsored and supported by numerous organizations, including many that represent the MENA community. The Committee received no timely opposition to the bill. The bill passed the Senate Governmental Organization Committee on a vote of 15 to 0.

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<sup>1</sup> Keith Wiley, *Invisible in America: Why Revised U.S. Census Race and Ethnicity Categories Are So Important*, Univ. Of Michigan, available at <https://lsa.umich.edu/psych/news-events/all-news/faculty-news/invisible-in-america--why-revised-u-s--census-race-and-ethnicity.html>.



**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Requires a state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified Asian groups and Pacific Islander groups. (Gov. Code § 8310.5(a).)
  - a) Requires the data collected to be included in every demographic report on ancestry or ethnic origins of California residents that the agency, board, or commission publishes or releases. (*Id.* at (b).)
  - b) Provides that the data is to be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential. (*Ibid.*)
- 2) Requires the Department of Industrial Relations (DIR) and the Department of Fair Employment and Housing (DFEH) to use additional separate collection categories and other tabulations for major Asian groups and Native Hawaiian and other Pacific Islander groups. (Gov. Code § 8310.7.)
- 3) Requires the State Department of Public Health (DPH), on or after July 1, 2022, to the extent funding is appropriated, when 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 to use additional separate collection categories and other tabulations for major Asian groups and Native Hawaiian and other Pacific Islander groups. (*Ibid.*)
- 4) Requires, on or after January 1, 2028, to the extent funding is appropriated, when 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, to use additional separate collection categories and other tabulations for Hispanic or Latino groups from the federal Office of Management and Budget's "Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity," and to use separate collection categories and tabulations for each major Latino group and Mesoamerican Indigenous nation, if that group or nation is not included in the standardized federal race and ethnicity categories, as specified. (Health & Saf. Code § 131250.)
- 5) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)



- a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
  - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 6) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 7920.000 et seq.)
- a) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
  - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
  - c) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)

This bill:

- 1) Requires a state or local agency that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Middle Eastern or North African groups in any provided form that offers respondents the option of selecting one or more ethnic or racial designations or languages as provided below.
- a) Requires, commencing January 1, 2027, and until collection categories are subsequently updated pursuant to (b), below, a state or local agency to use separate collection categories and tabulations for the following groups:
    - i. a major Middle Eastern group, including, but not limited to, Afghan, Bahraini, Emirati, Iranian, Iraqi, Israeli, Jordanian, Kuwaiti, Lebanese, Omani, Palestinian, Qatari, Saudi Arabian, Syrian, Turkish, and Yemeni;
    - ii. a major North African group, including, but not limited to, Algerian, Djiboutian, Egyptian, Libyan, Mauritanian, Moroccan, Somali, Sudanese, and Tunisian; and
    - iii. a major transnational Middle Eastern and North African group, including, but not limited to, Amazigh or Berber, Armenian, Assyrian, Chaldean, Circassian, and Kurdish.
  - b) Requires a state or local agency, within 18 months following the release of a decennial census by the United States Census Bureau, to update its collection



- categories and tabulations to reflect the major Middle Eastern and North African groups as reported by the census.
- 2) Requires a state or local agency to do both of the following with the data collected:
    - a) include the data in every demographic report on ancestry or ethnic origins of Californians by the state or local agency that is published on or after January 1, 2028; and
    - b) make the aggregated data available to the public in accordance with state and federal law, including, but not limited to, by publishing the data on its internet website.
  - 3) Prohibits a state or local agency from disclosing personal identifying information about any person whose demographic data is collected under these provisions.
    - a) The state or local agency may, to prevent the identification of individuals, aggregate data categories at a state, county, city, census tract, or ZIP Code level to facilitate comparisons and identify disparities.
    - b) Prohibits a state or local agency from making data available to the public that would result in statistical unreliability.
  - 4) States that the Legislature requests the University of California comply with these provisions.
  - 5) Defines the following terms for these purposes:
    - a) “local agency” means a city, county, or city and county, whether general law or chartered;
    - b) “personal identifying information” has the same meaning as defined in subdivision (b) of Section 530.55 of the Penal Code; and
    - c) “state agency” has the same meaning as defined in Section 11000 and includes the California State University.
  - 6) States that in order to protect the privacy of California residents, while also gathering and publicizing useful demographic data, it is necessary that personal identifying information remains confidential.

### COMMENTS

#### 1. Stated need for the bill

The author writes:

AB 91 ensures accurate representation of Middle Eastern and North African (MENA) individuals by requiring a distinct MENA category in demographic data collection. Currently classified as white, MENA individuals are misrepresented – masking the unique challenges they face and limiting access to targeted resources and support. By



disaggregating MENA data, AB 91 equips policymakers, researchers, and service providers with the tools to identify disparities in areas like healthcare, education, and employment. This bill affirms the MENA community's distinct identity and supports more equitable policies and outcomes.

2. Limiting access to personal identifying information collected by state and local agencies appears consistent with the state's right to privacy

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),<sup>2</sup> which amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)<sup>3</sup> to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act<sup>4</sup>, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Code § 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.<sup>5</sup> At the same time, the

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<sup>2</sup> Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

<sup>3</sup> Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013).)

<sup>4</sup> The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

<sup>5</sup> Cal. Const., art. I, § 3; Gov. Code, § 7921.000.



state recognizes that this right must be balanced against the right to privacy.<sup>6</sup> The general right of access to public records may, therefore, be limited when records include personal information. In light of the stated need to protect the privacy of California residents, while also gathering and publicizing useful demographic data, the limitation on access to public records in this bill seems warranted.

### 3. Statements in support

A coalition of nonprofit and community-based organizations, including the Arab American Civic Council, the Armenian-American Action Network, CAIR California, and the National Iranian American Council, write in support stating:

[...]California is both ahead and behind the curve. While the state is home to the largest MENA population in the country, California lags behind states like Illinois, New York, Colorado, and Nevada, all of which have already taken action to recognize MENA communities in their data systems. AB 91 presents a timely opportunity to align California with national best practices and reaffirm its leadership in equity-driven governance. The bill is not only aligned with the Governor's stated priorities - data equity, fiscal prudence, and community health - but also advances them in a way that is both cost-saving and impactful. AB 91 presents a responsible and forward-looking solution. By signing it into law, Sacramento can reaffirm California's role as a national leader, not just through symbolic gestures, but through bold, measurable action.

It is imperative that AB 91 be enacted to ensure data equity, civil rights protections, and full inclusion in California. California can join other states in establishing a comprehensive and inclusive MENA classification that reflects its diverse and dynamic population.[...]

### **SUPPORT**

Access California Services  
Arab American Anti-Discrimination Committee  
Arab American Civic Council  
Arab American Engineers and Architects Association  
Arab American Heritage Council  
Arab Culture and Community Center  
Armenian National Committee of America - Western Region  
Armenian-American Action Network  
Borderlands for Equity  
California Pan - Ethnic Health Network  
Catalyst California

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<sup>6</sup> Cal. Const., art. I, § 1.



City of Glendale  
Community Nexus  
Council on American-Islamic Relations (CAIR), California  
Global Hope 365  
Latino and Muslim Unity  
Libyan American Alliance  
Majdal Arab Community Center of San Diego  
MENA Arts Advocacy Coalition  
MENAarts Newsletter  
Muslim Leadership Council of San Diego  
Muslim Public Affairs Council  
National Iranian American Council Action  
National Network for Arab American Communities  
Native Element  
OMID Multicultural Institute for Development  
Partnership for the Advancement of New Americans  
Qazizada Multicultural Therapy Clinic  
Sabil USA  
Somali Family Service of San Diego  
South Asian Network  
The Gay and Lesbian Armenian Society  
Tunisian United Network  
Yemeni Alliance Committee  
3 individuals

### **OPPOSITION**

None received

### **RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

SB 1016 (Gonzalez, Ch. 873, Stats. 2024) required DPH to use separate collection categories and tabulations for Hispanic or Latino groups and major Latino groups and Mesoamerican Indigenous groups, as specified, when collecting data under existing provisions of law.

SB 435 (Gonzalez, 2024) was substantially similar to SB 1016. SB 435 was vetoed by Governor Newsom stating: “implementing a different framework for data collection in California prior to the release of updated federal standards is premature.”



AB 1358 (Muratsuchi, 2022) would have expanded the requirement for certain state agencies to collect disaggregated ethnicity data and would have standardized the collection and tabulation of demographic information by local health officers and health care providers. AB 1358 was held in the Senate Appropriations Committee.

AB 1726 (Bonta, Ch. 607, Stats. 2016) requires DPH to collect demographic data related to each major Asian and Pacific Islander group, as specified.

AB 176 (Bonta, 2015) would have added a requirement for the collection of demographic data by the state's public segments of postsecondary education and the Department of Managed Health Care pertaining to the collection and tabulation categories for Native Hawaiian, Asian, and Pacific Islander groups. This bill was vetoed by then Governor Brown who stated "[d]espite this utility, I am wary of the ever growing desire to stratify. Dividing people into ethnic or other subcategories may yield more information, but not necessarily greater wisdom about what actions should follow. To focus just on ethnic identity may not be enough..."

AB 1088 (Eng, Ch. 689, Stats. 2011) requires certain state agencies to collect and tabulate data for additional major Asian groups, as listed, in order to better reflect the diversity of Asian American, Hawaiian and Pacific islander Communities in California.

#### **PRIOR VOTES**

Senate Governmental Organization Committee (Ayes 15, Noes 0)

Assembly Floor (Ayes 79, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

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