

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 91 Author:(Harabedian)

As Amended Ver:September 4, 2025

Majority vote

SUMMARY

Requires a state or local agency that 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 and disclose the aggregate data it collects; and prevents the state or local agency from disclosing personal identifying information about individuals whose demographic information is collected.

Major Provisions

- 1) *Commencing January 1, 2028*, 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 the following* 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:
 - a) 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.
 - b) A major North African group, including, but not limited to, Algerian, Djiboutian, Egyptian, Libyan, Mauritanian, Moroccan, Somali, Sudanese, and Tunisian.
 - c) A major transnational Middle Eastern and North African group, including, but not limited to, Amazigh or Berber, Armenian, Assyrian, Chaldean, Circassian, and Kurdish.
- 2) Requires, except as provided in 3), a state or local agency to do both of the following with the data collected pursuant to the requirements above:
 - 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, 2029.
 - 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 or making available* the following:
 - a) Personal identifying information of individuals; and provides that 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) Data that would result in statistical unreliability.
- 4) Provides that for purposes of the above provision, the following definitions apply:

- 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 in subdivision (b) of Section 530.55 of the Penal Code.
 - c) "State agency" *means a state agency, office, officer, department, division, bureau, board, or commission. "State agency" does not include the California State University or the University of California.*
- 5) Makes the following legislative finding to justify the limitation in 3) on the public's right of access to the records and meetings of public entities:
- In order to protect the privacy of California residents, while also gathering and publicizing useful demographic data, it is necessary that personal identifying information remain confidential.
- 6) Names the bill The Middle Eastern and North African (MENA) Inclusion Act.

Senate Amendments

- 1) Delay by one year the deadlines for information to be collected and reported by state agencies.
- 2) Modify the definition of "state agency" to, among other things, exclude the California State University or the University of California.

COMMENTS

This bill, named the Middle Eastern and North African (MENA) Inclusion Act, requires that starting January 1, 2027, state agencies, boards, and commissions in California that collect demographic data on ancestry or ethnic origin must collect demographic information about MENA groups and to report such information in any report published on or after January 1, 2028.

Recent revisions to federal standards on collecting data for the 2030 U.S. Census. When the next federal census is conducted in 2030, there will be new federal standards on collecting race and ethnicity data. For the first time, Americans who trace their ancestral roots to MENA will have their own category on the decennial survey.

Public records and existing restrictions on the disclosure of personal identifying information. Under the California Public Records Act (CPRA), public records are open to inspection at all times during the office hours of a public agency for inspection by the public, and subject to disclosure upon request, unless exempted. (Government Code Section 7922.525.) An exemption can be explicit in the CPRA itself, pursuant to another law, or justified by the agency's determination that, based on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (See Government Code Sections 7922.000, 7922.525, 7922.530.)

One common exemption is for "personal identifying information" (PII) within the records of a public agency; the information, but not the record itself, is confidential and therefore exempt

from disclosure. Existing law makes PII within an agency's records about the demographics of the individuals the agency serves, confidential. For example, Government Code Section 8310.5 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 demographic groups. (Government Code Section 8310.5(a).) The data "shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential." (*Id.*, at (b).)

This bill has three main provisions. First, it requires that state and local agencies collect new types of demographic data. This requirement is broken down into two phases. First, commencing January 1, 2028, a state or local agency must use separate collection categories and tabulations to collect demographic information for the following groups:

- 1) 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.
- 2) A major North African group, including, but not limited to, Algerian, Djiboutian, Egyptian, Libyan, Mauritanian, Moroccan, Somali, Sudanese, and Tunisian.
- 3) A major transnational Middle Eastern and North African group, including, but not limited to, Amazigh or Berber, Armenian, Assyrian, Chaldean, Circassian, and Kurdish.

Second, the bill requires, except as specified, that a state or local agency do both of the following with the data it collects:

- 1) 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, 2029.
- 2) Make the 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.

Finally, the bill prohibits a state or local agency from disclosing certain data to the public; specifically, a state or local agency is prohibited from disclosing data that is either of the following:

- 1) "Personal identifying information" of individuals;
- 2) Data that would result in statistical unreliability.

According to the Author

AB 91 seeks to ensure accurate demographic representation for individuals who identify as Middle Eastern and North African (MENA) by requiring the inclusion of a MENA category in demographic data collection. . . . By establishing a MENA category in demographic data collection, AB 91 . . . provid[es] policymakers, researchers, and service providers with accurate data to assess and respond to the specific needs of this community. Disaggregating MENA data from the white category will enhance the state's ability to identify inequities in key areas such as healthcare, education, employment, and economic opportunity allowing for the development of more inclusive policies, equitable resource allocation, and improved outcomes for MENA individuals. By ensuring proper representation in demographic data,

AB 91 affirms the distinct identity and lived realities of the MENA community and takes a crucial step toward addressing long-standing inequities in public policy and social services.

Arguments in Support

The City and County of San Francisco, Immigrant Rights Commission writes the following in support of the bill:

MENA communities play a vital role in the cultural, economic, and social fabric of California. Yet, the lack of accurate data collection has often left these communities underrepresented in policy decisions and underserved in resource allocation. AB-91 offers an opportunity to address these gaps and ensure that MENA individuals and families receive the recognition, resources, and support they deserve.

Similarly, the City of Glendale explains its support for the bill as follows:

Data drives policy and funding, and the omission of the Armenian community from demographic records has resulted in lost opportunities for essential services. Armenian American small businesses have been denied access to funding and protections available to other minority groups under the Small Business Act. Additionally, incidents of hate crimes and discrimination against Armenian Americans remain underreported and insufficiently addressed due to the lack of precise demographic data.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, unknown potentially significant one-time costs, totaling in the millions of dollars, for state agencies to update demographic data collection policies and to collect and report on this data (General Fund and various special funds). Actual costs to each impacted agency or department will depend on, among other things, the extent they may absorb this workload or other IT expenses within existing resources.

Additionally, unknown potentially significant reimbursable mandate costs for local agencies to update their demographic data collection policies (General Fund). Actual costs to local agencies will depend on, among other things, the extent they are already collecting and tracking this information, and if they would need any IT resources to use separate collection categories for MENA groups. To the extent the Commission on State Mandates determines that any of the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs.

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur, Tangipa

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

UPDATED

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