

DRAFT POLICY LANGUAGE FOR UNIFORM STATE ADOPTION OF DATA STANDARDS FOR RACE AND ETHNICITY

Introduction

The purpose of this model legislation is to establish consistent and effective standards for the collection of race and ethnicity data by state agencies and entities, aligning with the March 2024 revision of the Office of Management and Budget's Statistical Policy Directive No. 15 (OMB SPD 15). The revision marks the first update to the standards since 1997. According to government data, the racial and ethnic diversity of the United States has markedly increased between 1997 and 2024. For example, during this period, the U.S. experienced significant growth in populations identifying as Asian, Hispanic or Latino, Black or African American, and individuals reporting multiple racial or ethnic identities. The 2024 revision now recognizes seven minimum categories and emphasizes more precise and inclusive data collection to better capture and adapt to the evolving diversity of the U.S. population. Specifically, the major updates in the 2024 include:

- (1) Collection of Race and Ethnicity Information Using One Combined Question – The update combined the current separate questions on Hispanic or Latino ethnicity and race into a single combined race and ethnicity question that allows respondents to select one or multiple categories, and require the use of this single-question format for both self-response and proxy response (for example, when one member of a household responds on behalf of other members).
- (2) Addition of Middle Eastern or North African (MENA) as a New Minimum Category – The update creates a new minimum reporting category for MENA, separate and distinct from the White category, and revises the white category definition accordingly.
- (3) Updating terminology based on public comments and consumer testing.

The alignment established by this model legislation is essential because all federal agencies will be required to implement these standards by September 2029, and states that proactively adopt these guidelines will benefit from greater interoperability, streamlined data sharing, and improved participation in and coordination with federally supported health care programs, research, and initiatives.

By standardizing data collection practices according to OMB SPD 15, states will ensure that demographic data is accurate, comparable, and actionable across jurisdictions, supporting not only transparency and improved statistical data about health system performance but also creating a foundation to deliver more responsive and effective programs for all communities in the state.

Beyond the benefits of more streamlined, interoperable, and aligned data, improved consistency in collecting race and ethnicity data is foundational to making all individuals visible within health care and government programs. With more precise and inclusive data, states and health care organizations will be better equipped to identify the unique needs of diverse communities.

This, in turn, will enable the delivery of more tailored, higher-quality, whole-person care and help address disparities in health outcomes. Robust, standardized demographic data empowers policymakers and interested stakeholders at the federal, state, and local levels to design and implement targeted interventions that improve communities across the United States.

The model language comprises the core components of the OMB SPD 15 standards. The data standards would apply to new collections by the state on a date specified by individual states, provided that both new and existing collections comply with the standards no later than September 28, 2029. This date aligns with the federal deadline required by OMB for existing federal agency data collections.

Uniform Standards for Race and Ethnicity Demographic Collection by Covered Agencies

Section 1. Collection of Race and Ethnicity Demographic Information

Every state agency, board, department, commission, instrumentality, or other affiliate in this state (“Covered Agency”) that directly collects race and ethnicity data shall comply with the standards of [this Act] and be informed by the guidelines in the March 2024 revision of the federal Office of Management and Budget’s Statistical Policy Directive No. 15 (“OMB SPD 15”). The standards in [this Act] do not require the collection of race and ethnicity data.

Section 2. Standards Used for Race and Ethnicity Demographic Information

(A) Minimum Categories and Definitions. The Covered Agency shall use the following seven minimum categories and definitions for data on race and ethnicity:

- (1) American Indian or Alaska Native.** Individuals with origins in any of the original peoples of North, Central, and South America, including, for example, Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, and Maya;
- (2) Asian.** Individuals with origins in any of the original peoples of Central or East Asia, Southeast Asia, or South Asia, including, for example, Chinese, Asian Indian, Filipino, Vietnamese, Korean, and Japanese;
- (3) Black or African American.** Individuals with origins in any of the Black racial groups of Africa, including, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, and Somali;
- (4) Hispanic or Latino.** Includes individuals of Mexican, Puerto Rican, Salvadoran, Cuban,

Dominican, Guatemalan, and other Central or South American or Spanish culture or origin;

- (5) Middle Eastern or North African. Individuals with origins in any of the original peoples of the Middle East or North Africa, including, for example, Lebanese, Iranian, Egyptian, Syrian, Iraqi, and Israeli;
- (6) Native Hawaiian or Pacific Islander. Individuals with origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, including, for example, Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese; and
- (7) White. Individuals with origins in any of the original peoples of Europe, including, for example, English, German, Irish, Italian, Polish, and Scottish.

(B) Detailed Categories; Exception. The Covered Agency shall collect the following detailed data on race and ethnicity beyond the minimum categories and definitions specified in subsection (b)(1) through (6), unless a Covered Agency determines that the potential benefit of the detailed data would not justify the additional burden to the agency and the public or the additional risk to privacy or confidentiality. In those cases, the Covered Agency must at least use the minimum categories in section (a) and justify this determination in written documentation. The detailed categories and corresponding standards are:

- (1) Asian: Chinese, Asian Indian, Filipino, Vietnamese, Korean, and Japanese, Another group (for example, Pakistani, Hmong, Afghan, etc.);
- (2) Black or African American: African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, Another group (for example, Trinidadian and Tobagonian, Ghanaian, Congolese, etc.);
- (3) Hispanic or Latino: Mexican, Puerto Rican, Salvadoran, Cuban, Dominican, Guatemalan, Another group (for example, Colombian, Honduran, Spaniard, etc.);
- (4) Middle Eastern or North African: Lebanese, Iranian, Egyptian, Syrian, Iraqi, Israeli, Another group (for example, Moroccan, Yemeni, Kurdish, etc.);
- (5) Native Hawaiian or Pacific Islander: Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese, Another group (for example, Chuukese, Palauan, Tahitian, etc.); and
- (6) White: English, German, Irish, Italian, Polish, Scottish, Another group (for example, French, Swedish, Norwegian, etc.)

(C) Methods and Format for Combined Question Required. The Covered Agency shall use the following methods and format that must result in a single, combined race and ethnicity question:

- (1) The Covered Agency must offer a single combined race and ethnicity question that allows a respondent to select one category or multiple categories;
- (2) The Covered Agency shall permit a single selection to be considered a complete response (e.g., Hispanic or Latino respondents are not required to select an additional category);

- (3) Wherever possible, the Covered Agency shall collect race and/or ethnicity data through self-report, where the respondents directly provide their own race and/or ethnicity. In cases where self-report is not possible, the Covered Agency may collect such data by proxy reporting, where a person knowledgeable of another's race and/or ethnicity responds on their behalf;
- (4) Whenever possible, and in accordance with subsection (b), when the Covered Agency uses "Another Group," it shall use write-in fields, drop-down items, or similar modes that allow the respondent to self-identify a specific race or ethnicity identity as an alternative to selecting only "Another Group" with listed examples with which the respondent does not individually self-identify (e.g., Swedish respondents are not required to select "Another Group" and may write-in or select a specific "Swedish" checkbox); and
- (5) Whenever possible, and in accordance with subsection (b), the Covered Agency shall provide a write-in field for the American Indian or Alaska Native category to permit a respondent to write-in a specific identity (e.g., Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, Maya [drafting note: states may wish to customize this list of examples for the most relevant AI/AN groups in the state]).

Section 3. Regulations, Guidance Permitted

- (A) The Covered Agency is authorized under applicable authorities to revise and issue regulations, guidance, or instructions to conform to the requirements of [this Act].
- (B) No regulations, guidance, or instructions issued by the Covered Agency after the effective date of [this Act] shall conflict or be inconsistent with OMB SPD 15.

Section 4. Effective Date

- (A) The requirements of [this Act] shall become applicable [X date and no later than September 28, 2029] for all new collections by Covered Agencies that include racial or ethnic demographic information.
- (B) All existing collections by a Covered Agency shall be made consistent with these standards in accordance with applicable legally required procedures that govern a Covered Agency's collection, and must be made consistent not later than September 28, 2029.