
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 436 Session of
2021

INTRODUCED BY STREET, KEARNEY, COLLETT, KANE, SANTARSIERO,
BREWSTER AND COMMITTA, APRIL 13, 2021

REFERRED TO STATE GOVERNMENT, APRIL 13, 2021

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.

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

13 "Commission." The Pennsylvania Human Relations Commission.

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

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

1 entity or office of the unified judicial system.

2 "Legislative agency." Any of the following:

3 (1) The Senate.

4 (2) The House of Representatives.

5 (3) The Capitol Preservation Committee.

6 (4) The Center for Rural Pennsylvania.

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

9 (6) The Joint State Government Commission.

10 (7) The Independent Regulatory Review Commission.

11 (8) The Legislative Audit Advisory Commission.

12 (9) The Legislative Budget and Finance Committee.

13 (10) The Legislative Data Processing Committee.

14 (11) The Legislative Office for Research Liaison.

15 (12) The Legislative Reapportionment Commission.

16 (13) The Legislative Reference Bureau.

17 (14) The Local Government Commission.

18 (15) The Pennsylvania Commission on Sentencing.

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

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

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

24 (1) The Pennsylvania Fish and Boat Commission.

25 (2) The Pennsylvania Game Commission.

26 (3) The Pennsylvania Gaming Control Board.

27 (4) The Pennsylvania Higher Education Assistance Agency.

28 (5) The Pennsylvania Higher Educational Facilities
29 Authority.

30 (6) The Pennsylvania Housing Finance Agency.

1 (7) The Pennsylvania Infrastructure Investment
2 Authority.

3 (8) The Pennsylvania Interscholastic Athletic
4 Association.

5 (9) The Pennsylvania Municipal Retirement Board.

6 (10) The Pennsylvania Public Utility Commission.

7 (11) The Pennsylvania Turnpike Commission.

8 (12) The State Public School Building Authority.

9 (13) The State System of Higher Education.

10 (14) A community college.

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

12 (1) Lincoln University.

13 (2) Temple University.

14 (3) The Pennsylvania State University.

15 (4) The University of Pittsburgh.

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

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

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

30 (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 shall not have the authority to act on behalf of an individual
6 for 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 shall not infringe or threaten
27 to 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

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

3 Section 4. Administration and reports.

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

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

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

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

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

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

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

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

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

1 Section 5. Penalties.

2 Any 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.