

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to collect information on the sexual orientation, gender identity, and gender expression of respondents to the Behavioral Risk Factor Surveillance System; to amend the Healthy Schools Act of 2010 to require all local education agencies to participate in the Youth Behavior Risk Surveillance System; and to amend the State Education Office Establishment Act of 2000 to require the Office of the State Superintendent of Education to collect information on the sexual orientation, gender identity, and gender expression of respondents to the Youth Risk Behavior Surveillance System.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “LGBTQ Health Data Collection Amendment Act of 2018”.

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731), is amended by adding a new section 4902a to read as follows:

“Sec. 4902a. Health data collection and reporting.

“(a)(1) The Department of Health (“Department”) shall participate in the Behavioral Risk Factor Surveillance System (“BRFSS”).

“(2) The Department shall annually publish a detailed report on the results of the BRFSS on its website.

“(3) The Department shall include questions related to the sexual orientation, gender identity, and gender expression of respondents in its BRFSS questionnaire.

“(A) The Department shall give preference to any modules or questions approved by the U.S. Centers for Disease Control and Prevention.

“(B) The Department may develop its own questions related to the sexual orientation, gender identity, or gender expression of respondents to add to the BRFSS.

“(b)(1) The Department shall annually publish a comprehensive report on the health of the District’s LGBTQ community in coordination with the Office of Gay, Lesbian, Bisexual, and Transgender Affairs, pursuant to section 4(b)(10) of The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1383(b)(10)).

“(2) At least every 3 years, the comprehensive report shall include data collected from the BRFSS.

“(3) Each report shall compare the prevalence of health-related risk behaviors, chronic health conditions, and use of preventive services among the LGBTQ population with the general population, and where possible, LGBTQ sub-populations.

“(4) The Department shall post the report on its website.”.

“(c) For the purposes of this section:

“(1) “Behavioral Risk Factor Surveillance System” means the national telephone survey conducted by state health departments and coordinated by the U.S. Centers for Disease Control and Prevention to collect state data about residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services, or a similar successor survey.

“(2) “LGBTQ” shall have the same meaning as provided in section 2 of The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381).”.

Sec. 3. The Healthy Schools Act of 2010, effective date July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended by adding a new section 604b to read as follows:

“Sec. 604b. Youth Risk Behavior Surveillance System.

“Each public school and public charter school covered by the Youth Risk Behavior Surveillance System (“YRBSS”) shall participate, at no cost to the school, in the YRBSS administered by the Office of the State Superintendent of Education pursuant to section 3(b)(31) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(31)).”.

Sec. 4. The State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended as follows:

(a) Section 2b (D.C. Official Code § 38-2601.02) is amended by adding new paragraphs (2E) and (7) to read as follows:

“(2E) “LGBTQ” shall have the same meaning as provided in section 2 of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381).

“(7) “Youth Risk Behavior Surveillance System” means the national school-based survey coordinated by the U.S. Centers for Disease Control and Prevention to monitor health-risk behaviors that contribute to the leading causes of death and disability among youth and young adults, or a similar successor survey.”.

(b) Section 3(b) (D.C. Official Code § 38-2602(b)) is amended as follows:

(1) Paragraph 28(C) is amended as follows:

(A) Sub-subparagraph (iv) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Sub-subparagraph (v) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new sub-subparagraph (vi) is added to read as follows:

“(vi) Sexual orientation.”.

(2) Paragraph (29) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (30) is amended by striking the period and inserting the phrase “; and” in its place.

(4) A new paragraph (31) is added to read as follows:

“(31)(A) Administer the Youth Risk Behavior Surveillance System (“YRBSS”), which shall include questions related to the sexual orientation, gender identity, and gender expression of respondents, to students in District public and public charter schools covered by the YRBSS each year in which the YRBSS is conducted.

“(i) The OSSE shall give preference to modules or questions approved by the U.S. Centers for Disease Control and Prevention related to the sexual orientation, gender identity, or gender expression of respondents.

“(ii) The OSSE may develop its own questions related to the sexual orientation, gender identity, or gender expression of respondents to add to the YRBSS.

“(B) Publish a detailed report on the results of each YRBSS on its website, which shall differentiate the prevalence of health-related risk behaviors, chronic health conditions, and use of preventive services among the LGBTQ youth population and the general youth population.

“(C) Provide schools and LEAs with their respective school-level and LEA-level aggregate data to subset of high priority questions from the YRBSS, as determined by OSSE in consideration of relevant stakeholder feedback.”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia