STATE OF NEW YORK

9418

IN ASSEMBLY

March 7, 2022

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the state finance law, in relation to enacting the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund act".

§ 2. Title 2-F of article 2 of the public health law is amended by adding a new section 244 to read as follows:

§ 244. Transgender and gender non-binary (TGNB) wellness and equity program. 1. As used in this section, the following terms shall have the following meanings:

(a) "Gender expansive" shall mean a transgender, gender non-binary, gender non-conforming and intersex individuals who have a gender identity or expression that is different from the sex assigned to such individual at birth.

(b) "Intersex" shall mean a biological variation in which an individual is born with a reproductive or sexual anatomy that does not fit the typical definitions of female or male.

2. The department is hereby authorized, empowered and mandated to establish and operate a transgender and gender non-binary (TGNB) wellness and equity program as authorized pursuant to this section. Such program shall be established within sixty days of the effective date of this section.

3. The transgender and gender non-binary (TGNB) wellness and equity program shall be designed to:

(a) Increase the capacity of grassroots organizations working at the local level thus ensuring New York state invests in organizations that are led by gender expansive individuals.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(b) Increase transgender, gender non-binary and intersex cultural competence by investing in cultural competency programs or curriculums that are designed by gender expansive individuals.

(c) Address inequities in current funding distribution for organizations led by gender expansive individuals, including but not limited to organizations located outside of the city of New York.

(d) After job training and job placement provided by gender expansive individuals, enable unemployed gender expansive residents of New York to become gainfully employed taxpayers.

(e) Foster new and emerging gender expansive leadership through capacity building support.

(f) Decrease homelessness and increase access to social services by investing in transgender, gender non-binary and intersex led organizations that provide housing solutions dedicated to gender expansive individuals.

4. Upon appropriation by the legislature, moneys in the transgender and gender non-binary (TGNB) wellness and equity program fund, pursuant to section ninety-five-k of the state finance law, may be used to fund grants for the following purposes:

(a) Identifying leading community-based organizations involving and serving gender expansive individuals and providing them with grants to expand their existing work.

(b) Providing grants to organizations involving and serving gender expansive individuals to create supportive housing solutions and to identify, assist, and refer transgender, gender non-binary and intersex residents of New York state to supportive housing.

(c) Creating or funding existing programs created by gender expansive individuals that focus on coordinating inclusive health care for individuals who identify as transgender, gender non-binary, non-conforming or intersex.

(d) Providing grants to organizations involving and serving gender expansive individuals to increase the capacity of health care professionals to effectively provide gender affirming care. This includes the creation of educational materials or facilitation of capacity building training.

(e) Providing grants for behavioral health services developed by gender expansive individuals that offer mental health and substance use services for gender expansive youth, adults, seniors, and families.

(f) Providing grants for educational and vocational training programs developed by gender expansive individuals to increase the employment status and educational attainment level of gender expansive residents of New York state.

(g) Providing funds to improve data collection on gender identity and expression in New York state with a focus on gender expansive residents of New York state and their needs.

§ 3. The state finance law is amended by adding a new section 95-k to read as follows:

§ 95-k. Transgender and gender non-binary (TGNB) wellness and equity program fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the "transgender and gender non-binary (TGNB) wellness and equity program fund".

2. Moneys in such fund shall consist of all moneys appropriated for the purposes of such fund and all moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law. Any

interest received by the comptroller on money on deposit in the fund shall be retained in and become part of such fund.

§ 4. The sum of fifteen million dollars ($15,000,000) is hereby appropriated from any moneys in the state treasury in the general fund to the credit of the state purposes account for the transgender and gender non-binary (TGNB) wellness and equity program fund for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately.