

# 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:

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

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

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

9 (a) "Gender expansive" shall mean a transgender, gender non-binary,  
10 gender non-conforming and intersex individuals who have a gender identi-  
11 ty or expression that is different from the sex assigned to such indi-  
12 vidual at birth.

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

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

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

23 (a) Increase the capacity of grassroots organizations working at the  
24 local level thus ensuring New York state invests in organizations that  
25 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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1 (b) Increase transgender, gender non-binary and intersex cultural  
2 competence by investing in cultural competency programs or curriculums  
3 that are designed by gender expansive individuals.

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

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

10 (e) Foster new and emerging gender expansive leadership through capac-  
11 ity building support.

12 (f) Decrease homelessness and increase access to social services by  
13 investing in transgender, gender non-binary and intersex led organiza-  
14 tions that provide housing solutions dedicated to gender expansive indi-  
15 viduals.

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

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

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

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

31 (d) Providing grants to organizations involving and serving gender  
32 expansive individuals to increase the capacity of health care profes-  
33 sionals to effectively provide gender affirming care. This includes the  
34 creation of educational materials or facilitation of capacity building  
35 training.

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

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

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

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

48 § 95-k. Transgender and gender non-binary (TGNB) wellness and equity  
49 program fund. 1. There is hereby established in the joint custody of the  
50 state comptroller and the commissioner of taxation and finance a fund to  
51 be known as the "transgender and gender non-binary (TGNB) wellness and  
52 equity program fund".

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

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

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

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

26 § 6. This act shall take effect immediately.