

# STATE OF NEW YORK

9418--A

## IN ASSEMBLY

March 7, 2022

Introduced by M. of A. CRUZ, FERNANDEZ, GONZALEZ-ROJAS, HEVESI, REYES, QUART -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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 or intersex individuals, having a gender identity  
11 or expression that is different from the sex assigned to such individual  
12 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, through the AIDS institute, shall establish and  
17 operate a transgender and gender non-binary (TGNB) wellness and equity  
18 program as authorized pursuant to this section. Such program shall be  
19 established within sixty days of the effective date of this section.

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

22 (a) Increase the capacity of grassroots organizations working at the  
23 local level and ensure New York state invests in organizations serving  
24 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, or in consultation with, gender expansive individ-  
4 uals.

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

8 (d) Enable unemployed gender expansive residents of New York to become  
9 gainfully employed taxpayers through job training and job placement  
10 services provided by organizations serving gender expansive individuals.

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

13 (f) Decrease homelessness and increase access to social services by  
14 investing in organizations primarily serving transgender, gender non-bi-  
15 nary and intersex individuals and that provide housing solutions dedi-  
16 cated to gender expansive individuals.

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

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

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

28 (c) Creating or funding existing programs serving gender expansive  
29 individuals that primarily coordinate inclusive health care for individ-  
30 uals who identify as transgender, gender non-binary, non-conforming or  
31 intersex.

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

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

41 (f) Providing grants for educational and vocational training programs  
42 developed by, or in consultation with, gender expansive individuals to  
43 increase the employment status and educational attainment level of  
44 gender expansive residents of New York state.

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

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

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

55 2. Moneys in such fund shall consist of all moneys appropriated for  
56 the purposes of such fund and all moneys appropriated, credited or

1 transferred thereto from any other fund or source pursuant to law. Any  
2 interest received by the comptroller on money on deposit in the fund  
3 shall be retained in and become part of such fund.

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

13 § 5. This act shall take effect immediately.