STATE OF NEW YORK

1708

2023-2024 Regular Sessions

IN ASSEMBLY

January 18, 2023

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

AN ACT to amend a chapter of the laws of 2022 enacting the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund act, as proposed in legislative bills numbers S. 8884-A and A. 9418-A, the public health law and the state finance law, in relation to making technical corrections thereto

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

Section 1. Section 1 of a chapter of the laws of 2022 amending the public health law and the state finance law relating to enacting the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund act, as proposed in legislative bills numbers S. 8884-A and A. 9418-A, is amended to read 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 **program** fund act".

§ 2. Section 244 of the public health law, as added by a chapter of the laws of 2022 enacting the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund act, as proposed in legislative bills numbers S. 8884-A and A. 9418-A, is amended 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 or intersex individuals, having 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.~~

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

LBD03946-01-3

[~~2.~~] The department, through the AIDS institute, shall 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~~] by April first, two thousand twenty-three.

[~~3.~~] 2. 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 and ensure New York state invests in organizations serving transgender, gender [~~expansive~~] nonconforming, non-binary and intersex individuals.

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

(c) Address inequities in current funding distribution for organizations serving transgender, gender [~~expansive~~] nonconforming, non-binary and intersex individuals, including but not limited to organizations located outside of the city of New York.

(d) Enable unemployed transgender, gender [~~expansive~~] nonconforming, non-binary and intersex residents of New York to become gainfully employed taxpayers through job training and job placement services provided by organizations serving transgender, gender [~~expansive~~] nonconforming, non-binary and intersex individuals.

(e) Foster new and emerging transgender, gender [~~expansive~~] nonconforming, non-binary and intersex leadership through capacity building support.

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

[~~4.~~] 3. Subject to appropriation, 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 for the following purposes:

(a) Identifying [~~leading~~] community-based organizations involving and serving transgender, gender [~~expansive~~] nonconforming, non-binary and intersex individuals and providing them with grants to expand their existing work involving and serving transgender, gender nonconforming, non-binary and intersex individuals.

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

(c) Creating or funding existing programs serving transgender, gender [~~expansive~~] nonconforming, non-binary and intersex individuals that primarily coordinate inclusive health care for individuals who identify as transgender, gender nonconforming, non-binary[~~, non-conforming~~] or intersex.

(d) Providing grants to organizations involving and serving transgender, gender [~~expansive~~] nonconforming, non-binary and intersex 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, or in consultation with, **transgender,** gender [~~expansive~~] **nonconforming, non-binary and intersex** individuals that offer mental health and substance use services for **transgender,** gender [~~expansive~~] **nonconforming, non-binary and intersex** youth, adults, seniors, and families.

(f) Providing grants for educational and vocational training programs developed by, or in consultation with, **transgender,** gender [~~expansive~~] **nonconforming, non-binary and intersex** individuals to increase the employment status and educational attainment level of **transgender,** gender [~~expansive~~] **nonconforming, non-binary and intersex** 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 **transgender,** gender [~~expansive~~] **nonconforming, non-binary and intersex** residents of New York state and their needs.

§ 3. Section 95-k of the state finance law, as added by a chapter of the laws of 2022 enacting the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund act, as proposed in legislative bills numbers S. 8884-A and A. 9418-A, is amended 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. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 enacting the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund act, as proposed in legislative bills numbers S. 8884-A and A. 9418-A, takes effect.