STATE OF NEW YORK

7924

2025-2026 Regular Sessions

IN SENATE

May 14, 2025

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the state finance law, in relation to the gender affirming care program

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

Section 1. Legislative intent and findings. A gender affirming care fund shall be maintained and distributed through the department of health. Funds shall be distributed to health care providers and organizations who provide gender affirming care to gender expansive individuals with and without a diagnosis of gender dysphoria or with or without the distinguishment of the treatment to be medically necessary. The fund shall also be distributed to organizations who have received or previously received federal funding and no longer receive such funding due to the continuation of providing gender affirming care.

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

§ 244-a. Gender affirming care program. 1. As used in this section, the following terms shall have the following meanings:

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

(b) "Medically necessary" shall mean health care services or products that a prudent physician would provide to a patient for preventing, diagnosing, or treating an illness, injury, disease, or its symptoms in a manner that is by generally accepted standards of medical practice.

(c) "Gender affirming care" shall mean any single or combination of a number of social, psychological, behavioral, or medical (including hormone treatment and/or surgery) interventions designed to support and affirm an individual's gender identity. Such treatments shall include:

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

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(i) hormone therapy, hormone antagonists, menstrual suppression, and pubertal suppression therapy;

(ii) surgical procedures and revisions to prior surgery, including reversing prior surgeries;

(iii) care that supports surgical recovery, including restoration of function, such as

(A) non-surgical procedures, such as laser treatment for scars from surgery and medical tattooing to restore function; and

(B) pre- and post- operative physical and occupational therapies, such as pelvic floor therapy and hand therapy;

(iv) hair removal or restoration;

(v) fertility preservation procedures;

(vi) durable medical equipment and supplies, such as compression garments, shapewear, prosthetics, and post-operative surgical dressings and devices;

(vii) mental health care, including assessment, support letters, and on-going counseling;

(viii) voice care, including the assessment and treatment of the voice and related conditions, including the additional domains of speech, language, and communication under the scope of speech-language pathologist, otolaryngologists, and other allied voice professionals; and

(ix) any other care treatments, surgeries, services, or procedures to support an individual's gender affirming care.

(d) "Fund" shall mean the gender affirming care fund established by section ninety-five-l of the state finance law.

2. The commissioner shall establish a gender affirming care program. The commissioner shall consult a range of experts including, but not limited to individuals and entities providing gender affirming care, gender affirming funds and other organizations whose mission is to expand access to gender affirming care, to ensure the gender affirming care program structure and expenditures reflect the needs of gender affirming care providers, gender affirming care funds and consumers.

3. The commissioner shall distribute funds from the gender affirming care fund established in section ninety-five-l of the state finance law through grants awarded pursuant to this section. In determining funding for applicants under the grant program, the commissioner shall consider the following criteria and goals:

(a) Increasing access to care by growing the capacity of gender affirming care providers to meet present and future care needs. Funds may be awarded to support the recruitment and retention of staff, staff training, the establishment of new or renovation of existing health centers, investments in technology to facilitate care, security enhancements, and other operational or capital needs that increase access to gender affirming care.

(b) Funding uncompensated health care services associated with gender affirming care, to ensure the affordability of and access to care for individuals who lack ability to pay for care, for individuals who lack insurance coverage, are underinsured, or whose insurance is deemed unusable by the rendering provider.

(c) Addressing practical support needs of individuals accessing gender affirming care for individuals who lack ability to pay for such support.

4. Funds may only be awarded for treatment or care taking place in New York state.

5. The commissioner shall not request, or otherwise require, any gender affirming care provider or non-profit organization receiving moneys from the program to divulge the name, address, photograph,

license number, email address, phone number, or any other individual identifying information of any patient, or individual who sought or received health care services or practical support from a gender affirming care provider or organization under the program.

6. Any non-profit organization or gender affirming care provider receiving funds from the program shall take all necessary steps to ensure the confidentiality of the individuals receiving services pursuant to the state and federal laws.

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

§ 95-l. Gender affirming care 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 "gender affirming care fund".

2. Moneys in the fund shall be used to provide support to gender affirming care providers and non-profit organizations to increase access to care, fund uncompensated care, and address the support needs of individuals accessing gender affirming care, pursuant to the provisions of section two hundred forty-four-a of the public health law.

3. The 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. The moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of health. 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 ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.