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AB-2218 Transgender Wellness and Equity Fund. (2019-2020)

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Assembly Bill No. 2218

CHAPTER 181

An act to add Division 119 (commencing with Section 150900) to the Health and Safety Code, relating to access to health services.

[Approved by Governor September 26, 2020. Filed with Secretary of State September 26, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2218, Santiago. Transgender Wellness and Equity Fund.

Existing law establishes an Office of Health Equity in the State Department of Public Health for purposes of aligning state resources, decisionmaking, and programs to accomplish certain goals related to health equity and protecting vulnerable communities. Existing law requires the office to develop department-wide plans to close the gaps in health status and access to care among the state's diverse racial and ethnic communities, women, persons with disabilities, and the lesbian, gay, bisexual, transgender, queer, and questioning communities, as specified.

This bill would establish the Transgender Wellness and Equity Fund, under the administration of the office, for the purpose of funding grants, upon appropriation by the Legislature, to organizations serving people that identify as transgender, gender nonconforming, or intersex (TGI), to create or fund TGI-specific housing programs and partnerships with hospitals, health care clinics, and other medical providers to provide TGI-focused health care, as defined, and related education programs for health care providers.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

- (a) At least 218,400 people in California identify as transgender.
- (b) In California, 27 percent, or 796,000, of youth 12 to 17, inclusive, years of age are viewed as gender nonconforming by their peers at school.
- (c) An estimated 1.7 percent of the population is born with intersex traits.
- (d) One in five transgender adults in California have attempted suicide—a rate six times that of the state's adult cisgender population.
- (e) Transgender adults are significantly more likely to report having a disability due to a physical, mental, or emotional condition, 60 percent compared to 27 percent of cisgender adults.

(f) Transgender adults are more likely to delay or not get needed doctor-prescribed medicine, at a rate of 32 percent compared to 11 percent of cisgender adults.

(g) Transgender, gender nonconforming, and intersex (TGI) people face serious barriers to care. Transgender patients report that the largest barrier to care is a lack of transgender-competent providers.

(h) TGI people's inability to access care paired with a high risk of serious COVID-19 complications has resulted in an urgent need for TGI-competent health care.

SEC. 2. Division 119 (commencing with Section 150900) is added to the Health and Safety Code, to read:

DIVISION 119. Transgender Wellness and Equity

150900. (a) The Transgender Wellness and Equity Fund is established in the State Treasury.

(b) The State Department of Public Health's Office of Health Equity shall administer the Transgender Wellness and Equity Fund for purposes of funding grants to create programs, or funding existing programs, focused on coordinating trans-inclusive health care for individuals who identify as transgender, gender nonconforming, or intersex (TGI).

(c) Upon appropriation by the Legislature, moneys in the Transgender Wellness and Equity Fund may be used to fund grants for the following purposes:

(1) The grants shall be available to TGI-serving organizations for the purpose of increasing the capacity of health care professionals to effectively provide TGI health care and institute TGI-inclusive best practices. This includes the creation of educational materials or facilitation of capacity building trainings.

(2) The grants shall be available to TGI-serving organizations for the purpose of facilitating therapeutic arts programs, such as dancing, painting, or writing.

(3) The grants shall be available to TGI-serving organizations for purposes of assisting, identifying, and referring TGI people to access supportive housing. This includes case management opportunities, financial assistance, and assisting TGI people in receiving and utilizing housing vouchers. If a TGI-serving organization has already implemented a TGI-specific housing program, funding may be utilized to maintain or expand existing housing programs.

(4) The grants shall be available to a hospital, health care clinic, or other medical provider that currently provides gender-affirming health care services, such as hormone therapy or gender reassignment surgery, to continue providing those services, or to a hospital, health care clinic, or other medical provider that will establish a program that offers gender-affirming health care services and has an established relationship with a TGI-serving organization that will lead in establishing the program.

(d) A hospital, health care clinic, or other medical provider that applies for a grant must apply in partnership with a TGI-serving organization and consult with the TGI-serving organization throughout the process of creating and implementing its trans-inclusive health care program.

(e) This section does not limit or impact payer coverage requirements of health care or other social services.

(f) For purposes of this section, the following definitions apply:

(1) "Health care" means all of the following:

(A) Medical, behavioral, and spiritual care, which includes, but is not limited to, guided meditation and nondenominational therapy.

(B) Therapeutic arts programs, which includes, but is not limited to, dancing, painting, and writing classes.

(C) Services related to substance use disorder or substance abuse.

(D) Supportive housing as a mechanism to support TGI-identified individuals in accessing other social services.

(2) A "TGI-serving organization" is an organization with a mission statement that centers around serving transgender, gender nonconforming, and intersex people, and where at least 65 percent of the clients of the organization are TGI.