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**AB-2521 Transgender, Gender Nonconforming, and Intersex Fund.** (2021-2022)

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Date Published: 10/03/2022 02:00 PM

**Assembly Bill No. 2521**

**CHAPTER 869**

An act to amend Section 150900 of the Health and Safety Code, relating to health services.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2521, Santiago. Transgender, Gender Nonconforming, and Intersex Fund.

Existing law establishes the Transgender Wellness and Equity Fund, under the administration of the State Department of Public Health's Office of Health Equity, for the 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). Existing law makes the grants available to TGI-serving organizations, defined as an organization with a mission statement that centers around serving transgender, gender nonconforming, and intersex people, and where at least 65% of the clients of the organization are TGI.

This bill would rename the fund as the Transgender, Gender Nonconforming, and Intersex Wellness and Equity Fund and define the terms transgender, gender nonconforming, and intersex. The bill would add to the definition of a TGI-serving organization a nonprofit that serves as the fiscal agent or sponsor for an above-described organization and would require a nonprofit serving in that capacity to pass all funding to the above-described organization, but would authorize a reasonable or industry standard fee for administrative costs.

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

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

**SECTION 1.** Section 150900 of the Health and Safety Code is amended to read:

**150900.** (a) The Transgender, Gender Nonconforming, and Intersex (TGI) 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 TGI 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.

(c) Upon appropriation by the Legislature, moneys in the TGI 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" means either of the following:

(A) A public or nonprofit 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.

(B) A nonprofit that serves as the fiscal agent or sponsor for an organization described in subparagraph (A). A nonprofit that is serving as a fiscal agent or sponsor shall pass all funding to the organization, but may charge a reasonable or industry standard fee for administrative costs of not more than 16 percent.

(3) "Transgender" is broad and inclusive of all gender identities different from the gender a person was assigned at birth.

(4) "Gender nonconforming" is an inclusive term used to describe individuals who may experience a gender that is neither exclusively male nor female or is in between or beyond both of those genders, including, but not limited to, nonbinary, gender fluid, agender or without gender, third gender, genderqueer, gender variant, Two-Spirit, Hijra, Kathoey, Mak nyah, Muxe, Waria, Mähü, and Fa'afafine.

(5) "Intersex" is an umbrella term referring to people whose anatomy, hormones, or chromosomes fall outside the strict male and female binary.