

**25SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

AB 2521 (Santiago)  
Version: June 20, 2022  
Hearing Date: June 28, 2022  
Fiscal: No  
Urgency: No  
AWM

**SUBJECT**

Transgender, Gender Nonconforming, or Intersex Fund

**DIGEST**

This bill renames the Transgender Wellness and Equity Fund as the Transgender, Gender Nonconforming, or Intersex (TGI) Wellness and Equity Fund and updates certain definitions and provisions.

**EXECUTIVE SUMMARY**

The Transgender Wellness and Equity Fund (Fund), established in 2020, is administered by the Office of Health Equity for the purpose of providing grants to organizations serving transgender, gender-nonconforming, and intersex (TGI) individuals in health care and related areas. The Fund will begin issuing grants in the fall of 2022. This bill simply renames the Fund as the Transgender, Gender Nonconforming, or Intersex (TGI) Wellness and Equity Fund and adds definitions relating to the populations served by the Fund to better ensure that the Fund is administered to the benefit of all TGI individuals.

This bill is sponsored by the California TGI Policy Alliance and is supported by over 30 organizations dedicated to TGI rights, health care access, and civil rights. There is no known opposition. This bill passed out of the Senate Health Committee with a 7-2 vote.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the Transgender Wellness and Equity Fund in the State Treasury. (Health & Saf. Code, § 150900(a).)
- 2) Defines the following terms for purposes of the Fund:
  - a) “Health care” means medical, behavioral care, as specified; therapeutic arts programs including dancing, painting, and writing classes; services related to substance use disorder or substance abuse; and supportive housing as a mechanism to support TGI-identified individuals in accessing other social services.
  - b) 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. (Health & Saf. Code, § 150900(f).)
- 3) Provides that the State Department of Public Health’s Office of Health Equity shall administer the 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 TGI. (Health & Saf. Code, § 150900(b).)
- 4) Authorizes moneys in the Fund, upon appropriation by the Legislature, to be used to fund grants and create programs, or fund existing programs, focused on coordinating TGI-inclusive health care for individuals who identify as TGI. (Health & Saf. Code, § 150900(c), (d).)

This bill:

- 1) Renames the Fund as the Transgender, Gender Nonconforming, or Intersex Wellness and Equity Fund.
- 2) Adds the following definitions:
  - a) “Transgender” is broad and inclusive of all gender identities different from the gender a person was assigned at birth.
  - b) “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, Māhū, and Fa’afafine.

## COMMENTS

### 1. Author's comment

According to the author:

In 2020, California established the first-in-the-nation Transgender Wellness and Equity Fund to ensure that transgender, gender nonconforming and/or intersex (TGI) Californians have equal access to healthcare regardless of their gender identity. AB 2521 will rename the Transgender Wellness and Equity Fund to the TGI Wellness and Equity Fund to properly represent the TGI individuals that the Fund will serve.

### 2. This bill renames the Transgender Wellness and Equity Fund and adds clarifying definitions to ensure the Fund is applied expansively

Over 1.6 million adults and youth over the age of 13 identify as transgender in the United States, some of whom further identify as transgender-gender nonconforming.<sup>1</sup> Approximately 1.2 million adults in the United States identify as nonbinary, some of whom also identify as transgender.<sup>2</sup> Approximately 1 in 5 adults under the age of 30 identify as nonbinary including transgender.<sup>3</sup> Transgender individuals report high levels of mistreatment, harassment, and violence, including from their own families.<sup>4</sup> Transgender individuals also face barriers to obtaining health care in the form of harassment or mistreatment from medical providers and the inability to afford health care costs.<sup>5</sup>

The Transgender Wellness and Equity Fund was established in 2020 in recognition of the disparities in health care access and outcomes for transgender, intersex, and gender-expansive Californians.<sup>6</sup> The Fund is administered by the Office of Health Equity (OHE) and the moneys therein can be used to fund grants for increasing the capacity of, and access to, health care for TGI individuals and other health-related purposes.<sup>7</sup> The 2021-2022 State Budget allocated \$14 million to the fund. According to the Assembly

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<sup>1</sup> Herman, Flores, O'Neill, *How Many Adults and Youth Identify as Transgender in the United States?*, Williams Institute (Jun. 2022) at p. 4.

<sup>2</sup> Wilson & Myer, *Nonbinary LGBTQA Adults in the United States*, Williams Institute (Jun. 2021) at p. 2.

<sup>3</sup> Brown, *About 5% of young adults in the United States say their gender is different from their sex assigned at birth*, Pew Research Center (Jun. 7, 2022), <https://www.pewresearch.org/fact-tank/2022/06/07/about-5-of-young-adults-in-the-u-s-say-their-gender-is-different-from-their-sex-assigned-at-birth/> (last visited Jun. 11, 2022).

<sup>4</sup> Herman, et al., *The Report of the 2015 U.S. Transgender Survey*, National Center for Transgender Equality (2016) at p. 4.

<sup>5</sup> *Id.* at p. 5.

<sup>6</sup> AB 2218 (Santiago, Ch. 181, Stats. 2020).

<sup>7</sup> Health & Saf. Code, § 150900.

Appropriations Committee, OHE will announce its first phase of grants in the fall of 2022.

This bill renames the Fund as the Equity Fund as the Transgender, Gender Nonconforming, or Intersex (TGI) Wellness and Equity Fund and adds more expansive definitions to ensure that the Fund can serve all TGI Californians.

### 3. Arguments in support

According to the bill's sponsor, the California TGI Policy Alliance (CTPA):

CTPA, a coalition of TGI-led organizations pushes forth a statewide budget that centers the physical, mental, and spiritual health for the most marginalized TGI communities. Consisting of 25+ TGI-led organizations in Northern and Southern California, the Alliance builds the capacity and leadership of TGI people to create and implement policy change, increase public education, and to gain resources that will improve the livelihood of TGI people, particularly TGI-BIPOC....

We acknowledge a lack of local and state data collection efforts on the experiences of gender non-conforming and intersex people, which contributes to the erasure of the community's experiences of marginalization. Experts estimate that approximately 2 percent of the world's population is intersex. According to GLAAD's 2017 survey, *Accelerating Acceptance*, due to societal acceptance, more people are becoming comfortable self-identifying as genders outside of the strict binary in a manner that falls under the Fund's definition of gender-non conforming. In fact, 8 percent of people age 18-34 are agender, bigender, genderqueer, or gender fluid, 3 percent of people 36-51, 1.5 percent 52-71, and 1 percent of people ages 72 and older. Despite the fact that many Californians are gender non-conforming and intersex, and despite healthcare disparities and needs for culturally competent services reported widely by activists and community members, statistics on gender non-conforming and intersex peoples' interactions with the healthcare system in California have not been widely reported. This is due, in part, to a lack of visibility and representation for these communities, which we are aiming to correct.

By amending the Transgender Wellness and Equity Fund to be named the Transgender, Gender Non-Conforming, and Intersex (TGI) Wellness and Equity Fund, California will provide explicit support to members of gender non-conforming and intersex communities in the title of the Fund and set the standard nationally.

**SUPPORT**

California TGI Policy Alliance (sponsor)  
ACLU California Action  
AIDS Healthcare Foundation  
Alianza Translatinx  
APAIT  
APLA Health  
Asian American Liberation Network  
California Insurance Commissioner Ricardo Lara  
California TGI Policy Alliance  
Central California LGBTQIA+/2S Collaborative  
Children's Hospital Los Angeles  
Consejo De Federaciones Mexicanas  
County Behavioral Health Directors Association of California  
El/La Para TransLatinas  
GLIDE  
HONOR PAC  
Inclusive Action  
interACT  
MPact: Global Action for Gay Health & Rights  
Pilipino Workers Center of Southern California  
San Diego Pride  
San Francisco AIDS Foundation  
San Joaquin Pride Center  
Shanti Orange County  
Showing Up for Racial Justice  
St. John's Community Health  
TG/ENBY Project  
The Trevor Project  
Trans Can Work  
TransFronteras San Diego  
Transgender, Gender-Variant, and Intersex Justice Project  
Transgender Law Center  
Unique Women's Coalition  
United Food and Commercial Workers Western States Council  
Williams Institute at the UCLA School of Law

**OPPOSITION**

None known

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation: AB 2218 (Santiago, Ch. 181, Stats. 2020) established the Transgender Wellness and Equity Fund within the State Treasury to be administered by the Office of Health Equity for the purpose of funding grants to organizations serving people that identify as 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.

**PRIOR VOTES:**

Senate Health Committee (Ayes 7, Noes 2)

Assembly Floor (Ayes 57, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Health Committee (Ayes 12, Noes 0)

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