

ASSEMBLY, No. 3656

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes Commission on Transgender Equality.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** establishing the Commission on Transgender Equality and
2 supplementing Title 10 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The Legislature finds and declares that:

8 a. Transgender individuals, those whose gender identity,
9 expression, or behavior is different from those typically associated
10 with their assigned sex at birth, face considerable challenges in
11 society, including discrimination, harassment, physical abuse, and
12 social isolation.

13 b. It is estimated that 1.4 million adults in the United States
14 identify as transgender, a number double that previously thought,
15 while the number of transgender children in the United States is
16 unknown.

17 c. According to the 2015 U.S. Transgender Survey, an
18 anonymous online survey of over 27,000 transgender adults, 10
19 percent of respondents who were out to their families reported that
20 they had experienced violence from a family member due to their
21 being transgender, while eight percent of respondents reported that
22 they were forced to leave the family home because they were
23 transgender. Nearly 30 percent of survey respondents reported that
24 they had been homeless at some point in their lives.

25 d. One third of survey respondents who saw a health care
26 provider in the year preceding the survey reported having a negative
27 experience related to being transgender, including being refused
28 treatment, verbal harassment, physical or sexual assault, or having
29 to educate the provider in order to get appropriate care.

30 e. Transgender individuals are more likely to experience
31 physical violence than those who are not transgender when
32 interacting with law enforcement.

33 f. Despite federal legal protections, transgender students face
34 daily challenges in accessing the full array of educational, social,
35 athletic, and after-school activities that are available to students
36 who are not transgender.

37 g. More than 75 percent of survey respondents experienced
38 some form of mistreatment, including physical or sexual assault,
39 between kindergarten and grade 12, due to their being out or being
40 perceived as transgender.

41 h. Nearly one quarter of survey respondents who were out or
42 perceived as being transgender in college or vocational school
43 reported being verbally, physically, or sexually harassed.

44 i. Transgender individuals are disproportionately unemployed
45 due to discrimination, and as a result, their circumstances may be
46 rendered even more difficult by poverty, which survey respondents
47 reported experiencing at more than twice the rate as is experienced
48 in the general U.S. population.

1 j. Because of the myriad difficulties faced by transgender
2 individuals in the course of their daily lives, as detailed above, they
3 are subject to severe psychological distress, and report attempting
4 suicide at rates almost nine times that of the U.S. population
5 overall.

6 k. Although the enactment of P.L.2018, c.60 established the
7 Transgender Equality Task Force in order to better understand and
8 address the challenges to equality faced by the transgender
9 community, the task force was temporary in nature and dissolved
10 upon issuing its report in November 2019. Because the issues
11 facing the transgender community are ongoing and dynamic, it is
12 appropriate for the Legislature to establish a permanent
13 Commission on Transgender Equality to evaluate, address, and
14 eliminate the challenges to transgender equality in this State.

15

16 2. a. There is established in, but not of, the Division on Civil
17 Rights in the Department of Law and Public Safety the
18 “Commission on Transgender Equality.” The purpose of the
19 commission shall be to assess the legal and societal barriers to
20 equality for transgender individuals in the State, and provide
21 recommendations to the Governor and the Legislature on how to
22 ensure equality and improve the lives of transgender individuals,
23 with particular attention to the following areas:

24 (1) healthcare, including, but not limited to, access to healthcare
25 providers that are trained in transgender medical issues, including
26 sexual health;

27 (2) long term care for the chronically ill and senior citizens in
28 the transgender population;

29 (3) education;

30 (4) higher education;

31 (5) housing, including, but not limited to, homelessness
32 prevention and reduction for transgender youth and adults;

33 (6) employment; and

34 (7) criminal justice, including raising transgender awareness
35 among law enforcement through training and facilitating the
36 appropriate placement of transgender individuals in correctional
37 facilities based on an individual’s gender identity.

38 b. The Commission on Transgender Equality shall consist of 17
39 members as follows:

40 (1) nine members to be appointed by the Governor upon the
41 recommendation of the head of the department, division, or office
42 from which the member is to be appointed:

43 (a) a representative of the Department of Banking and Insurance
44 whose duties or expertise includes insurance and banking services
45 and policies as applied to transgender individuals;

46 (b) a representative of the Department of Human Services
47 whose duties or expertise includes expanding access by minority
48 populations to the department’s services or eliminating

1 discrimination in the delivery of departmental programs, policies, or
2 initiatives;

3 (c) a representative of the Department of Health whose duties or
4 expertise includes expanding access by minority populations to
5 clinically-appropriate healthcare services or eliminating
6 discrimination in the delivery of healthcare programs, policies, or
7 initiatives;

8 (d) a representative of the Department of Education whose
9 duties or expertise includes protecting the rights of minority
10 students or eliminating discrimination in the delivery of educational
11 programs, policies, or initiatives;

12 (e) a representative of the Office of the Secretary of Higher
13 Education whose duties or expertise includes protecting the rights
14 of minority students in the higher education system or eliminating
15 discrimination in the delivery of higher educational programs,
16 policies, or initiatives;

17 (f) a representative of the Division on Civil Rights in the
18 Department of Law and Public Safety whose duties or expertise
19 includes expanding access by lesbian, gay, bisexual, and
20 transgender individuals to the department's services or eliminating
21 discrimination against lesbian, gay, bisexual and transgender
22 individuals in the delivery of the division's programs, policies, or
23 initiatives;

24 (g) a representative of the Department of Children and Families
25 whose duties or expertise includes expanding access by lesbian,
26 gay, bisexual, and transgender youth to the department's services or
27 eliminating discrimination in the delivery of departmental
28 programs, policies, or initiatives with regard to lesbian, gay,
29 bisexual, and transgender youth;

30 (h) a representative of the Department of Corrections whose
31 duties or expertise includes protecting the safety of minority
32 populations or eliminating discrimination in the delivery of
33 departmental programs, policies, or initiatives; and

34 (i) a representative of the Department of Labor and Workforce
35 Development whose duties or expertise includes expanding access
36 by minority populations to the department's services or eliminating
37 discrimination in the delivery of departmental programs, policies, or
38 initiatives;

39 (2) two public members to be appointed by the Speaker of the
40 General Assembly, one of whom shall be a physician who
41 specializes in transgender health issues, and one of whom shall be a
42 transgender individual;

43 (3) two public members to be appointed by the President of the
44 Senate, one of whom shall be a parent or guardian of a transgender
45 individual, and one of whom shall be an attorney specializing in
46 transgender rights; and

47 (4) four public members to be appointed by the Governor, one
48 of whom shall be a representative of a social service agency that

1 provides services and supports to transgender individuals, one of
2 whom shall be appointed based on the recommendation of the
3 American Civil Liberties Union, one of whom shall be appointed
4 based on the recommendation of Garden State Equality, and one of
5 whom shall be appointed based on the recommendation of The
6 Gender Rights Advocacy Association of New Jersey.

7 c. Members of the commission appointed pursuant to
8 paragraph (1) of subsection b. of this section shall serve at the
9 pleasure of the Governor. Public members of the commission shall
10 serve for a term of five years, provided that, of the public members
11 first appointed to the commission, two shall serve for a term of two
12 years, two shall serve for a term of three years, two shall serve for a
13 term of four years, and two shall serve for a term of five years.
14 Vacancies in the membership of the commission shall be filled in
15 the same manner as the original appointments.

16 d. The commission shall organize as soon as practicable
17 following the appointment of its members, but not later than the
18 30th day following the appointment of its members. Upon its
19 organization, the commission shall select a chairperson and a vice
20 chairperson from among its members. The chairperson shall
21 appoint a secretary, who need not be a member of the commission.
22 The commission shall meet and hold meetings at such times and
23 places as shall be designated by the chairperson. A majority of the
24 authorized members shall constitute a quorum for the purposes of
25 undertaking official commission business. The members of the
26 commission shall serve without compensation, but shall be eligible
27 for reimbursement for necessary and reasonable expenses incurred
28 in the performance of their official duties within the limits of funds
29 appropriated or otherwise made available to the commission for its
30 purposes.

31 e. The commission shall be entitled to receive assistance and
32 services from any State, county, or municipal department, board,
33 commission, or agency as it may require, and as may be available to
34 it for its purposes. The Division on Civil Rights in the Department
35 of Law and Public Safety shall provide professional and clerical
36 staff to the commission as may be necessary to effectuate the
37 purposes of this act.

38 f. Commencing one year after the date the commission initially
39 organizes, and annually thereafter, the commission shall submit a
40 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
41 (C.52:14-19.1), to the Legislature, outlining its recommendations
42 for advancing transgender equality in the State, including any
43 specific recommendations for legislative, administrative, or other
44 actions to advance transgender equality as the commission deems
45 appropriate.

46
47 3. This act shall take effect immediately.

STATEMENT

This bill establishes the Commission on Transgender Equality in, but not of, the Division on Civil Rights in the Department of Law and Public Safety. The purpose of the commission will be to assess the legal and societal barriers to equality for transgender individuals in the State, and provide recommendations to the Governor and the Legislature on how to ensure equality and improve the lives of transgender individuals, with particular attention to healthcare, long term care for the chronically ill and senior citizens in the transgender population, education, higher education, housing, employment, and criminal justice.

The Commission on Transgender Equality will consist of 17 members, including nine members with subject matter expertise related to transgender or discrimination issues representing various executive branch departments, divisions, and offices, and eight public members with knowledge or experience related to transgender issues.

The nine members from the executive branch will be appointed by the Governor upon the recommendation of the head of the department, division, or office from which the member is to be appointed, and will include representatives from the Department of Banking and Insurance, the Department of Human Services, the Department of Health, the Department of Education, the Office of the Secretary of Higher Education, the Division on Civil Rights, the Department of Children and Families, the Department of Corrections, and the Department of Labor and Workforce Development. The executive branch members will serve at the pleasure of the Governor.

Of the public members, four will be appointed by the Governor and two each will be appointed by the Speaker of the General Assembly and the President of the Senate. The public members will serve for a term of five years, provided that the public members first appointed will serve for staggered terms of two, three, four, and five years. Vacancies in the membership of the commission will be filled in the same manner as the original appointments.

The commission will organize as soon as practicable following the appointment of its members, but not later than the 30th day following the appointment of its members. Upon its organization, the commission will select a chairperson and a vice chairperson from among its members. The chairperson will appoint a secretary, who need not be a member of the commission. The commission will meet and hold meetings at such times and places as are designated by the chairperson. A majority of the authorized members will constitute a quorum for the purposes of undertaking official commission business. The members of the commission will serve without compensation, but will be eligible for reimbursement for necessary and reasonable expenses incurred in the performance

1 of their official duties within the limits of funds appropriated or
2 otherwise made available to the commission for its purposes.

3 The commission will be entitled to receive assistance and
4 services from any State, county, or municipal department, board,
5 commission, or agency as it may require, and as may be available to
6 it for its purposes. The Division on Civil Rights in the Department
7 of Law and Public Safety will provide professional and clerical staff
8 to the commission.

9 Commencing one year after the date the commission initially
10 organizes, and annually thereafter, the commission will be required
11 to submit a report to the Governor and to the Legislature outlining
12 its recommendations for advancing transgender equality in the
13 State, including any specific recommendations for legislative,
14 administrative, or other actions to advance transgender equality as
15 the commission deems appropriate.