

Date of Hearing: April 9, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 3031 (Lee) – As Introduced February 16, 2024

SUBJECT: LGBTQ+ Commission

SUMMARY: Establishes the LGBTQ+ Commission. Specifically, **this bill:**

- 1) Establishes the LGBTQ+ Commission to be composed of nine members appointed with consideration to individuals who represent the geographical, racial, gender, diverse identities, ethnic, socioeconomic, cultural, age, and educational diversity of California’s lesbian, gay, bisexual, transgender, queer and/or questioning, and other non-cisnet gender identities and sexualities (LGBTQ+) community as follows:
 - a) Five members appointed by the Governor.
 - b) Two members appointed by the Speaker of the Assembly.
 - c) Two members appointed by the Senate Committee on Rules.
- 2) Establishes the LGBTQ+ Commission’s goals to:
 - a) Act in an advisory capacity to the Legislature and the Governor on policy matters affecting the state’s LGBTQ+ community and its members;
 - b) Engage in fact finding, data collection, and information gathering on matters impacting the state’s LGBTQ+ community, including LGBTQ+ experiences and needs;
 - c) Review, evaluate, and assess programs affecting the state’s LGBTQ+ community; and,
 - d) Provide the Legislature and the Governor with information and recommendations for actions to be taken by the Governor and the Legislature, including, but not limited to, policy solutions and legislation that will help the state respond to the needs of the state’s LGBTQ+ community.
- 3) Requires the LGBTQ+ Commission to convene quarterly meetings beginning on July 1, 2025, to identify the statewide needs of the LGBTQ+ community and to assist in implementing supportive policies and initiatives to address the needs of the LGBTQ+ community, including, but not limited to, the following:
 - a) Identifying systemic inequalities and barriers that affect the LGBTQ+ community;
 - b) Identifying methods to improve and protect the health, safety, and well-being of the state’s LGBTQ+ community and its members across all levels of state and local government;
 - c) Monitoring state legislation affecting the LGBTQ+ community;

- d) Working with state agencies to assess programs and policies that affect the LGBTQ+ community;
 - e) Coordinating with other related commissions to address issues of mutual concern.
 - f) Working as a liaison between the public and private sector to eliminate barriers to economic and health equity for the LGBTQ+ community; and,
 - g) Holding public hearings and gathering input on issues related to the unique problems and needs of the LGBTQ+ community.
- 4) Requires the LGBTQ+ Commission to submit a report by January 1, 2027, and annually thereafter, summarizing the information gathered as described in 3) above and making policy recommendation to address the needs of the LGBTQ+ community.

EXISTING LAW:

- 1) Establishes the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, which requires specified state entities, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to also collect voluntary self-identification information pertaining to sexual orientation, gender identity, and intersexuality. (Government Code [GOV] § 8310.8.)
- 2) States that no person in the State of California, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. (GOV § 11135)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: According to the Public Policy Institute of California (PPIC) about 2.7 million or 9.1% of California adults identify as lesbian, gay, bisexual or transgender — the largest share of any highly populated state and one that is “considerably higher” than the national figure of 7.9%. LGBTQ+ individuals represent a rather large group of the state yet do not adequately sit at enough tables or receive equitable treatment in day-to-day life. There is already clear evidence that the history of societal and institutional exclusion and discrimination against LGBTQ+ communities has resulted in disparities in health, housing, education, and other outcomes for those communities.

According to a report released by the California State Auditor in April 2023, the National Institutes of Health has designated sexual and gender minorities, defined as individuals who do not identify as heterosexual or cisgender, as a health disparity population, which means a population that disproportionately experiences differences in health outcomes that are often preventable.

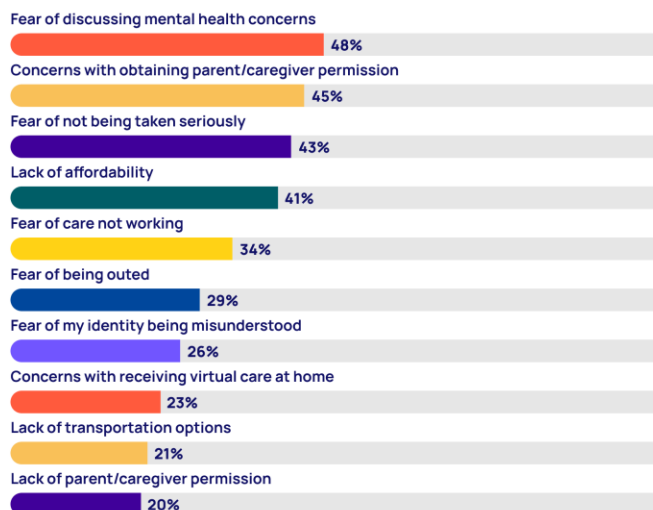
Over the past decade, the specific struggles of the transgender and gender nonconforming communities have become part of the American zeitgeist and contributed to political tension and cultural conflicts. The LGBTQ+ community’s progress has ignited violence, hateful rhetoric, and blatant discrimination. A 2011 National Transgender Discrimination Survey found that 90% of transgender people experienced mistreatment or discrimination at work or took action to avoid such discrimination. Nearly 47% of those surveyed lost their jobs, were denied a promotion, or were denied a job as a direct result of discrimination because they were transgender.

In June 2023, the California Attorney General’s (AG) office released the first State of Pride Report which gave an update on the current state of policies designed to defend the rights of the LGBTQ+ community, and statistics in California as well as across the nation. The Report stated that “Between 2021 and 2022 there were over 391 reported hate crime events motivated by sexual orientation bias (an increase of 29% from the previous year), and 45 hate crimes motivated by anti-transgender or anti-gender nonconforming bias (an increase of 55%).”

Mental Health in the LGBTQ+ Community. This country is currently facing a mental health crisis, but this crisis is exacerbated in certain communities, one of those being the LGBTQ+ community. LGBTQ+ youth are found to particularly face mental health challenges. According to the Trevor Project, 45% of LGBTQ+ youth seriously considered suicide in 2022. LGBTQ+ youth do not possess an inherent predisposition to suicide risk due to their sexual orientation or gender identity. Instead, they face heightened risks due to the mistreatment and societal stigmatization they endure. Dr. Jonah DeChants, a research scientist with the Trevor Project stated, “Recent political attacks aimed at transgender and nonbinary youth have not only threatened their access to health care, support systems, and affirming spaces at school, they’ve also negatively impacted their mental health.”

LGBTQ+ youth subjected to anti-LGBTQ+ victimization, such as physical threats, discrimination, or exposure to conversion therapy, reported over twice the rate of suicide attempts in the previous year compared to those who did not encounter any of these adversities. Despite the reported disproportionate need for mental health, many youth experience trouble accessing it. This graph shows why youth are reporting that mental health care is inaccessible:

LGBTQ youth who wanted mental health care but were unable to get it cited the following top ten reasons



Housing Instability for LGBTQ+ Youth. LGBTQ+ youth experiencing homelessness reported higher rates of mental health challenges, compared to their stably housed LGBTQ+ peers, according to a recent study conducted by the Trevor Project on homelessness and housing instability among LGBTQ+ youth. The study also found that, overall, 28% of LGBTQ+ youth reported experiencing homelessness or housing instability at some point in their lives, and LGBTQ+ youth who reported experiencing homelessness or housing instability had higher rates of victimization, being in foster care, and food insecurity, compared to their stably housing LGBTQ peers. Additionally, the study found that lesbian, gay, and bisexual youth experiencing homelessness report higher rates of depression, post-traumatic stress disorder, self-harm, suicidal ideation, or suicide attempts than their straight, cisgender peers experiencing homelessness.

According to research by Laura E. Durso and Gary Gates and published in *Serving Our Youth: Findings From A National Survey Of Service Providers Working With Lesbian, Gay, Bisexual, And Transgender Youth Who Are Homeless Or At Risk Of Becoming Homeless*, one common reason for becoming homeless is aging out of or running away from the child welfare system, where harassment and violence of LGBT youth frequently occur.

LGBTQ+ Foster Youth. LGBTQ youth within the child welfare system frequently encounter numerous placements, often being placed in congregate care settings after being labeled hard to place. According to a research article, *LGBTQ Youth and Their Families* by Diane Elize and published in the *Child Welfare for the 21st Century: A Handbook of Practices, Policies, and Programs*, congregate care can pose significant risks to LGBTQ youth, making them vulnerable to victimization. Furthermore, achieving permanency in placement becomes less likely for those in congregate care. Consequently, the instability resulting from multiple placements may also contribute to compelling some LGBTQ youth to flee from the child welfare system or face homelessness upon aging out of care.”

Elize also found that, “Notably, youth who are transgender and/or gender-expansive often have a difficult time in child welfare systems. Violence enacted upon people who are LGBTQ is often not because they are ‘out’ as LGBTQ, but because service providers, caretakers, and peers are policing the youth’s gender behaviors.” Heterosexism and other biases against children who are LGBTQ and are in foster homes can lead to youth experiencing multiple placements and being placed in group homes or residential facilities. Youth who are LGBTQ may choose the ‘safety’ of the streets over foster homes and other placements.”

Author’s Statement: According to the Author, “The LGBTQ+ Commission will recognize the lived experiences of LGBTQ+ community members. As a state-level body, the Commission will play an important role in informing policy and programs for the LGBTQ+ community, and is another important step forward to ensure that everyone can live authentically and inclusively in our community.”

Equity Implications: Despite clear evidence of discrimination and a large percentage of LGBTQ+ individuals in California, the progress is slow and, at times, backward. There have been strides in the past decade, but the high suicide rates, hate crimes, and general discrimination highlight that LGBTQ+ people are not participating in enough discussions and/or do not have the opportunities to weigh in on policies that impact communities. A commission dedicated to considering equity in parts of government has the potential to further equity.

Policy Considerations: As noted, foster youth face unique challenges and are overrepresented in the child welfare system.

LGBTQ+ young people are over-represented in foster care. A 2019 study by Children’s Rights found that 30.4% of youth in foster care identify as LGBTQ+ and 5% as transgender, compared to 11.2% and 1.17% of youth not in foster care.

As such, the Author may wish to compel this commission to include foster youth challenges when discussing policies.

The Legislature sets policy goals via proposed bills and it is important to weigh in on proposed legislation. Based on legislation passed by this body, the Administration also sets policy via regulations. Regulations are equally important for a commission to consider and weigh in on.

As such, the Author may wish to compel this commission to also weigh in on regulatory matters.

Proposed Committee Amendments: In order to address the above policy considerations, the Committee proposes the author take the following amendments:

(d) Commencing July 1, 2025, the commission shall convene quarterly meetings to identify the statewide needs of the LGBTQ+ community and to assist in implementing supportive policies and initiatives to address the needs of the LGBTQ+ community, including, but not limited to, the following:

- (1) Identifying systemic inequalities and barriers that affect the LGBTQ+ community.
- (2) Identifying methods to improve and protect the health, safety, and well-being of the state’s LGBTQ+ community and its members across all levels of state and local government.
- (3) Monitoring state **policy proposals including legislation and regulation** affecting the LGBTQ+ community.
- (4) Working with state agencies to assess programs and policies that affect the LGBTQ+ community.
- (5) Coordinating with other related commissions to address issues of mutual concern.
- (6) Working as a liaison between the public and private sector to eliminate barriers to economic and health equity for the LGBTQ+ community.
- (7) Holding public hearings and gathering input on issues related to the unique problems and needs of the LGBTQ+ community.

(8) Identifying challenges that impact current and former LGBTQ+ foster youth

REGISTERED SUPPORT / OPPOSITION:

Support

Equality California (Co-Sponsor)
California Academy of Child and Adolescent Psychiatry
California Dental Association
County of Santa Clara

Santa Monica Democratic Club

Opposition

None on file.

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