

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2022

Bill 42

An Act to establish the Gender Affirming Health Care Advisory Committee

Co-sponsors:

MPP K. Wong-Tam

MPP J. Andrew

Mr. T. Kernaghan

MPP L. Vaugeois

Private Members' Bill

1st Reading November 16, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Gender Affirming Health Care Advisory Committee Act, 2022*. The Act provides that the Minister of Health shall, within 60 days of the Act coming into force, establish a Gender Affirming Health Care Advisory Committee. The Advisory Committee shall submit a report making recommendations to the Minister for improving access to and coverage for gender affirming health care. After receiving the Advisory Committee's report, the Minister shall inform the Assembly of the measures that the Minister recommends the Government of Ontario implement.

An Act to establish the Gender Affirming Health Care Advisory Committee

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definition

1 In this Act,

“gender affirming health care” means procedures, medical treatments and referral processes that align a patient’s body and physical presentation with their gender identity.

Gender Affirming Health Care Advisory Committee

2 (1) The Minister of Health shall, no more than 60 days after the day this section comes into force, establish a Gender Affirming Health Care Advisory Committee.

Composition

(2) The Gender Affirming Health Care Advisory Committee shall be composed of members appointed by the Minister.

Same

(3) The Minister shall ensure that the Gender Affirming Health Care Advisory Committee includes members of the following groups:

1. Members of the transgender, two-spirit, non-binary, intersex and gender diverse communities in accordance with subsections (4) and (5).
2. Health care providers with demonstrated experience working with members of the transgender, two-spirit, non-binary, intersex and gender diverse communities.
3. Other members who the Minister believes will make useful contributions to the Advisory Committee’s work.

Same

(4) The Minister shall make all reasonable efforts to ensure that the majority of the members of the Gender Affirming Health Care Advisory Committee are members of the transgender, two-spirit, non-binary, intersex and gender diverse communities in accordance with subsection (5).

Same

(5) The Minister shall make all reasonable efforts to ensure that the composition of the Gender Affirming Health Care Advisory Committee reflects the diversity of the transgender, two-spirit, non-binary, intersex and gender diverse communities by including members of the following groups:

1. Youth.
2. Seniors.
3. Indigenous persons.
4. Members of racialized groups.
5. Persons living with disability.
6. Persons living with, or who have experienced, homelessness or houselessness.
7. Persons who are, or were, engaged in sex work.
8. Persons living in rural and remote areas.
9. Persons of diverse sexual orientations.
10. Persons of diverse gender identities and gender expressions.

Remuneration and expenses

(6) The Lieutenant Governor in Council may determine the remuneration and expenses of any person appointed under subsection (2).

Appropriation required

(7) Subsection (6) does not apply unless money has been appropriated by the Legislature for the purpose of that subsection.

Gender Affirming Health Care Advisory Committee — Functions

3 (1) The Gender Affirming Health Care Advisory Committee shall make recommendations to the Minister for improving access to and coverage for gender affirming health care.

Same

(2) Without limiting the generality of subsection (1), the Gender Affirming Health Care Advisory Committee shall inquire into the following matters and make relevant recommendations to the Minister:

1. How to enhance coverage for and access to gender affirming health care for transgender, two-spirit, non-binary, intersex and gender diverse people in Ontario.
2. How to enhance coverage for and access to gender affirming and transition related prerequisites and procedures, including primary and secondary gender affirming surgeries and non-surgical transition related procedures.
3. How to ensure that a range of health care services is available to meet the individual needs of transgender, two-spirit, non-binary, intersex and gender diverse people in Ontario.
4. How to reduce wait times for gender affirming health care in Ontario.
5. How to ensure equitable access to gender affirming health care for transgender, two-spirit, non-binary, intersex and gender diverse people with diverse intersectionalities across Ontario.
6. How to expand insurance coverage for gender affirming treatments and transition related procedures not currently covered under the *Health Insurance Act*, including affirming facial feminization surgery, chest contouring and electrolysis.
7. How to adopt the informed consent model of transgender care and how to reduce referral requirements for access to care.
8. How to define gender affirming health care procedures as lifesaving procedures.

(3) In performing its functions under this section, the Gender Affirming Health Care Advisory Committee shall consult with the following stakeholders:

1. Primary care providers, including the following:
 - i. Community health centres.
 - ii. Aboriginal Health Access Centres.
 - iii. Nurse practitioner-led clinics.
 - iv. Family health teams.
2. Rainbow Health Ontario.
3. The World Professional Association for Transgender Health.
4. The Canadian Professional Association for Transgender Health.
5. The Centre for Addiction and Mental Health.
6. Any other stakeholders with whom the Advisory Committee determines it is appropriate to consult.

Report

(4) On or before the day that is six months after the day the Gender Affirming Health Care Advisory Committee is established, the Advisory Committee shall report its recommendations to the Minister.

Implementation of recommendations

(5) On or before the day that is 90 days after the day the Gender Affirming Health Care Advisory Committee reports its recommendations to the Minister under subsection (4), the Minister shall inform the Assembly of the recommendations of the Advisory Committee that the Minister recommends the Government of Ontario implement.

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Gender Affirming Health Care Advisory Committee Act, 2022*.