

PENNSYLVANIA LGBTQ ADVOCACY AGENDA

**OF
THE**



**A PROSPECTUS FOR THE 2021-2022
LEGISLATIVE SESSION
DECEMBER 2020**

About the Pennsylvania Youth Congress

The Pennsylvania Youth Congress is the first and only statewide LGBTQ youth organization in PA. Founded in 2011, young LGBTQ leaders recognized the critical need for a statewide platform to address the urgent issues impacting their lives. A statewide youth-led LGBTQ advocacy organization had never been created before in the United States, and so PYC goes on in charting a new path for young leaders. PYC advances freedom and justice for young LGBTQ Pennsylvanians through fighting for responsible public policy within local and state government. PYC has successfully championed numerous local and statewide education campaigns, ordinances, and legislation. As an organization comprised of young, empowered LGBTQ Pennsylvanians, PYC represents citizens working toward safer schools and thriving communities across the commonwealth.

PYC remains Pennsylvania's only statewide LGBTQ advocacy organization based in Harrisburg. The PYC Family is comprised of the Pennsylvania Youth Congress Foundation, a 501(c)(3) nonprofit organization, and the Pennsylvania Youth Congress, a nonpartisan political nonprofit organization. The Pennsylvania Youth Congress Family is fiercely nonpartisan and works closely with all policymakers toward our shared goals.

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Pennsylvania LGBTQ Advocacy Agenda

A Prospectus for the 2021-2022 Legislative Session

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Introduction

There are many serious issues impacting the over half a million LGBTQ Pennsylvanians. We reside, work, and enjoy our lives in every community, from Erie to Easton, McConnellsburg to Milford.

While many of us are able to live safely and with dignity as our authentic selves, most of us continue to struggle with daily challenges.



There is not a single law in effect adopted by the General Assembly explicitly protecting LGBTQ Pennsylvanians from violence or discrimination.

The issues many LGBTQ Pennsylvanians face are absolutely compounded by the intersection of multiple oppressed identities. The experience of a Black trans teenager in rural Berks County will be different than a white cisgender bisexual elder in downtown Pittsburgh. An LGBTQ individual's race, familial status, religion, age, gender, national origin, immigration status, or disability can greatly impact their lived experience. Understanding the intersectionality of identities calls for advocates and policymakers to be attentive and responsive to the numerous pressing concerns of LGBTQ Pennsylvanians.

These issues are often directly a result of the laws that are, or are not, enacted. Thousands of LGBTQ Pennsylvanians experience the cruelty of discrimination, including many in your own community. Our schools are places where many LGBTQ youth are regularly targeted for violence. Trans individuals are often

assaulted in our county jails. A significant percentage of LGBTQ youth are extremely vulnerable to homelessness and housing instability. The inaccessibility of quality healthcare greatly impacts the ability of LGBTQ Pennsylvanians to live their fullest lives.

In this first-ever statewide LGBTQ advocacy agenda, the Pennsylvania Youth Congress is sharing leading issues that the General Assembly should prioritize in the coming years. There are dozens of critical bills that are necessary to move in order to improve the lives of LGBTQ people across the commonwealth. These proposals do not represent the full agenda for all LGBTQ people. There are many specific issues that separately impact LGBTQ youth, adults, and elders that demand the full attention of advocates, for example. This document serves as a listing of our top advocacy priorities as the Pennsylvania Youth Congress that need serious visibility and require accountability towards passage by our state legislature. There are over 100 LGBTQ community organizations across the state with various platforms, and this agenda from the Pennsylvania Youth Congress does not attempt to represent entire communities. Indeed, no one organization or entity can. LGBTQ communities are not monolithic and our local organizations reflect incredibly rich diversity.

The Pennsylvania Youth Congress has tracked the full state history of every LGBTQ rights bill introduced into the General Assembly, and all those adopted by local governments across the commonwealth. There have been over 100 pieces of legislation introduced since 1976 towards ensuring basic protections for LGBTQ Pennsylvanians. Only five have received committee votes, and just one became law. However, the 2002 law providing for LGBTQ-inclusive hate crimes protections was struck down by the Commonwealth Court in 2008. As of December 2020, only 62 of Pennsylvania's 2,562 municipalities have adopted local nondiscrimination ordinances. Several dozen school districts have adopted trans-affirming policies, and a handful of local governments have adopted bans on conversion therapy on minors and hate crimes ordinances.

This report includes 14 legislative proposals that the Pennsylvania Youth Congress supports the General Assembly pursuing without delay. Following, the agenda continues to detail several major pillars of the annual budget that although are not LGBTQ-specific, have a tremendous impact on the lives of LGBTQ people every day. Lastly, the agenda concludes with visibility priorities for the General Assembly to anchor going forward.

This agenda is meant to be a starting point for in-depth policy proposals. Each listed priority may not include all facets of what the legislation we support might contain. The Pennsylvania Youth Congress will be supporting the introduction of the bills featured in this report in the 2021-2022 legislative session.



Each proposal is based on the real lived experiences of Pennsylvanians. Every issue should be approached in an individualized process which invites those who are most impacted by an issue to inform the advocacy and legislative process. Often, meetings between legislators and their LGBTQ constituents are extremely illuminating and deeply moving. Learning more about the incidents of violence and discrimination in your community is not an easy process, nor is the work to

stop it. However, it is up to our lawmakers to do their homework in arriving at a position on supporting a given proposal. The Pennsylvania Youth Congress is happy to be a resource to all legislators in considering the next steps on any of the following topics.

There are legislative packages that we also broadly support. It is vital to be in solidarity with partner movements that are working towards shared policy goals in many areas, especially recognizing the following:

- Economic justice is an LGBTQ issue.
- Racial justice is an LGBTQ issue.
- Law enforcement transparency and accountability, and criminal justice reform, are LGBTQ issues.
- Immigration reform is an LGBTQ issue.
- Reproductive justice is an LGBTQ issue.
- Decriminalization of sex work is an LGBTQ issue.
- All matters of social justice are LGBTQ issues.



Pennsylvania LGBTQ Advocacy Agenda Legislative Priorities

1. LGBTQ Nondiscrimination Protections

Every Pennsylvanian should be able to work, live, and thrive in their community. However, there are no explicit protections under Pennsylvania law banning discrimination in employment, housing, and public accommodations on the basis of sexual orientation or gender identity. LGBTQ Pennsylvanians are denied jobs, healthcare, and receive a lower quality of safety. Strong economies and societies are based in making sure each individual has an equal chance to fully participate. Nondiscrimination protections will permeate throughout all state government programs, and provide equal opportunity from adoption through public education. The General Assembly must revise the Pennsylvania Human Relations Act of 1955 to include sexual orientation and gender identity as protected classes.

Bills from the 2019-2020 session: SB 224, SB 614, HB 1404



2. Safer Schools Policies (on bullying, harassment, intimidation)

Bullying, harassment, and intimidation are very real issues for students across the commonwealth, and more specifically, LGBTQ students. A school is one of the most formative and influential institutions in a young person's life. Our public education system should be one where all students are guaranteed a safe environment to learn and succeed. Yet, Pennsylvania has one of the weakest laws on bullying in the United States. The Pennsylvania Safe Schools Act will provide a secure and accountable way to report bullying, harassment, and intimidation, and promote positive behavior support and restorative justice practices. The PASS Act will ensure that all students, regardless of their race, religion, disability, sexual orientation, gender identity, or other protected classes are safe in their educational communities. The General Assembly must move this robust legislation to keep all Pennsylvania students protected from school-based violence.

Bill from the 2015-2016 session: HB 156



3. Foster Care and Out of Home Placement Protections for LGBTQ Youth

LGBTQ youth are overrepresented in foster care and other out of home placements because of rejection from their families, where they face heightened risks of violence and discrimination. Neither sexual orientation nor gender identity are listed as protected classes in our state's foster care law. This prevents LGBTQ youth in foster care from reporting harm they experience. All youth in Pennsylvania must be provided a safe, stable, and nurturing environment. To assure this for LGBTQ youth in foster care, it is essential that sexual orientation and gender identity be listed as protected classes in the Rights of Children in Foster Care. While nondiscrimination protections would extend to foster care and out of home placement laws, this specific statute and certain regulations for out of home placements must be updated.

To be introduced



4. Inclusive Sexual Health Education

It is a fact that many young people engage in sexual intimacy. Sexual and romantic relationship during and after adolescence should be encouraged to be entirely consensual and positive. When young people learn about healthy relationships, affirmative consent, and sexual healthcare, they are vastly better prepared for the real world. Without high-quality and fully inclusive sexual health education, young Pennsylvanians remain at risk for a variety of negative outcomes with Sexually Transmitted Infections (STIs) or sexual assault. Pennsylvania lacks a substantive law when it comes to sexual health education in our public schools. The last time a legislative hearing took place on updating our state's sexual health education law was in 2009. We must now pass reforms which provide robust, age-appropriate standards for sexual health education in our school districts. Students in elementary school should begin learning about consent, and older students should learn about inclusive sexual healthcare.

Bill from the 2019-2020 session: HB 1586



5. LGBTQ-Inclusive Public Education Curriculum

As a commonwealth, Pennsylvania prioritizes local control over curriculum. The General Assembly tends to ascribe basic competency requirements and generally encourage education on specific topics like the Holocaust and genocide. These topics and more should be *required* studies for all Pennsylvania public school students. The essential cornerstones of public education must be proscribed at the state level. The Keystone State should join New Jersey and California in requiring LGBTQ-inclusive curricula. Indeed, Pennsylvanians should be prepared for the world through a strong, culturally-inclusive education throughout their time in public education systems.

To be introduced



6. Name Change Process Reform

Many transgender Pennsylvanians must have their legal documents updated to reflect their real name.

A legal name change amends an individual's birth certificate and impacts every other legal government-issued document.

Pennsylvania has an outdated law on how an individual updates their legal name. Under the current process, it

can take up to a year and cost hundreds or even over a thousand dollars. While the administrative process has been made incredibly simple and accessible for minors, it is not for adults who must go through the courts. Trans Pennsylvanians need a simpler process to update their documentation simply to live in our commonwealth. This will require action by the General Assembly. The name change process should be consolidated and made available so that all trans Pennsylvanians can easily update their documentation which is vital for their lives and essential for the basic safety of many.



A Rule from the Pennsylvania Supreme Court's Civil Procedural Rules Committee that streamlines sealing files, holding hearings in closed courtrooms, and makes the overall court-approved name change process easier would be immensely helpful to many. However, the General Assembly must update its statute to reflect this process, in addition to relaxing the ban that transgender people who have been convicted of certain crimes have on changing their names and onerous publication requirements.

To be introduced

7. Intersex Protections for Minors

It is all too common for infants born with intersex traits to have unnecessary, invasive, and harmful operations performed on them as infants or children. This is due to the fact that they possess benign physical sex characteristics outside the binary norm. These nonconsensual surgeries often cause lifelong emotional and physical distress. Such operations performed on individuals without their knowledge or informed consent is a violation of their autonomy and basic human rights. Cosmetic surgeries on the genitalia and reproductive systems of intersex babies and children must be prohibited by state law until informed consent can be given by the individual.

To be introduced



8. Conversion Therapy Ban for Minors

Conversion therapy is torturous abuse. It has proved time and time again to be disastrous to the health and safety of those subjected to it. Whether it is electroshock therapy or traditional counseling, these methods are incredibly cruel and damaging. There must be a comprehensive statewide ban to prevent this inefficacious practice from ruining the lives of any more children and teenagers. Conversion therapy lacks medical justification, and has been shown to produce depression, anxiety, and self-destructive behavior. It is unacceptable that Pennsylvania does not have a statewide law preventing the use of these tactics on minors that have been deemed entirely ineffective and harmful.

Bills from the 2019-2020 session: SB 56, HB 1293



9. Protections for Individuals in Jails, Prisons, and Detention Centers

Transgender, intersex, and nonbinary individuals often face deplorable conditions in the custody of county jails or state prisons in Pennsylvania. While the state has adopted significant regulations under the Prison Rape Elimination Act (PREA) in the spirit of protecting vulnerable trans and intersex individuals, so much more needs to be done. Additionally, under state law, each county has the control of the policy and operations of its county jail system. Each county jail is governed by County Jail Oversight Board, and ultimately, its county commissioners. The General Assembly should enact a statute that provides clear, accountable protections from violence and provides necessary accommodations to non-cisgender individuals when inside the criminal justice system or juvenile justice system. A clear enabling statute will allow the appropriate agencies to promulgate adaptive regulations moving forward.

To be introduced



10. Hate Crimes Protections

LGBTQ Pennsylvanians, particularly Black and brown trans women and transfeminine individuals, face greater violence due to anti-LGBTQ fear and hate. Pennsylvania has hate crimes protections, but sexual orientation and gender identity are not listed as protected classes. This can embolden those who would commit violence on the basis of an individual's identity. In these times of rising rates of transphobic and homophobic violence, it is imperative that the safety of LGBTQ Pennsylvanians be prioritized. In order to ensure true safety and justice, victim rehabilitation, targeted education for violence prevention, and restorative justice practices must be implemented statewide alongside the addition of sexual orientation and gender identity as protected classes under the Ethnic Intimidation Act.

Bills from the 2019-2020 session: SB 96, SB 947, HB 2013



11. Data Collection Requirements

State agencies regularly collect demographic data in the course of its regular business. The Pennsylvania General Assembly should require a robust data collection inclusion practice which includes sexual orientation and gender identity information to be captured by default as appropriate. It may be more than another decade before LGBTQ data is collected by the US Census Bureau. Realtime information on the lives of LGBTQ Pennsylvanians will allow our state and local governments to be responsive in addressing the many significant disparities experienced, from healthcare to education and beyond.

To be introduced



12. HIV Decriminalization

Nearly 40,000 Pennsylvanians live today with HIV. Many but not all have access to healthcare which reduces their viral loads to be undetectable. Stronger healthcare services must be guaranteed to all those living with HIV or AIDS. More dynamic and expansive prevention programs must be in place to stop the spread of HIV and other STIs.

HIV criminalization laws often encourage the spread of the virus, rather than help contain it. While Pennsylvania does not have an expansive HIV criminalization law, there are several statutes that criminalize behavior for actions explicitly by extremely vulnerable and marginalized populations. The General Assembly should no longer allow antiquated laws on the books which disproportionately send Black and brown Pennsylvanians to jail. While these laws originally intended to deter the spread of HIV, they have had quite the opposite effect. The General Assembly should repeal the HIV criminalization laws for those incarcerated and for sex workers, located at 18 Pa. Cons. Stat. Ann. § 2704 and 18 Pa. Cons. Stat. Ann. § 5902.

To be introduced



13. Ban on Gay + Trans Panic Defense

Asserting a gay or trans panic defense in court legitimizes violence and even lethal attacks against LGBTQ people. It is a baseless, fear-mongering legal tactic designed to excuse cruelty against the LGBTQ community. It is a clear demonstration of prejudice to allow this panic defense to be used in Pennsylvania. The General Assembly must ban the gay and trans panic defenses for its nonsensical cruelty. LGBTQ citizens are already subjected to far more hate crimes than heterosexual and cisgender Pennsylvanians. There should be no legal defense in place to protect the perpetrators of those crimes simply because LGBTQ people exist. The American Bar Association leadership voted unanimously to condemn it. Several states have already passed this ban, and more still are actively considering following suit. So should Pennsylvania.

Bill from the 2019-2020 session: HB 2333



14. Establishing the Pennsylvania Commission on LGBTQ Affairs as a Permanent and Independent Agency

Ensuring our state government is responsive to the urgent needs of all LGBTQ Pennsylvanians requires a robust mechanism that can provide information on the reforms and programs needed. The Pennsylvania Youth Congress submitted the proposal to Governor Tom Wolf in 2015 to create a Governor's Office of LGBTQ Affairs with an associated commission. This was in recognition that when a governmental effort is foremost a group of individuals brought together in a hyper-partisan environment rather than as first a sharply adept and centralized agency, it will be unable to effectively provide specific recommendations to state government in a reflective and authentic manner. At the local, state, and federal level, advisory committees of an executive, like a Mayor, Governor, or President, tend to focus on outward messaging from the executive than doing the actual work. In order for our state government to receive high-quality information on the necessary steps to make Pennsylvania a truly welcoming and affirming commonwealth for LGBTQ people, a lasting and independent commission must be established by the General Assembly.



Creating the commission by the legislature will guarantee its firmly rooted permanence. While Massachusetts Governor William Weld created the Governor's Commission on Gay and Lesbian Youth in 1992, it was later formally established as a permanent, independent commission by the Massachusetts

state legislature in 2006. The Massachusetts Commission on LGBTQ Youth is today a golden standard for what an independent state government commission on LGBTQ issues can be. Each year the commission issues a comprehensive policy report, and is accountable to the state legislature in their work. Pennsylvania deserves no less accountability for a functioning agency that is independent of partisan rancor.

Each branch of Government should be advised by a permanent and independent LGBTQ commission to remove itself from the partisan nature of any one Governor. Under this new model, the leaders of the four legislative caucuses and the Governor would appoint equal shares of a 40 member commission.

While Republican and Democratic governors alike facilitated the Pennsylvania Council on Sexual Minorities which was created in 1975, it eventually was dissolved after a lack of interest under the Governor Bob Casey administration in the early 1990s. Establishing the Pennsylvania Commission on LGBTQ Affairs as an independent agency will ensure that our state government can be responsive to the concerns of LGBTQ people for generations to come, outside of the influence of politics.

To be introduced



Pennsylvania LGBTQ Advocacy Agenda

Budget Priorities

Budgets are moral documents, and impact nearly every facet of our lives. While there are numerous areas of civic concern each budget cycle, LGBTQ advocates across the commonwealth remain highly attentive to numerous aspects of the state budget, including the following issues as they directly impact the basic welfare of vulnerable LGBTQ Pennsylvanians.

1. Fully-funded public education

A fully funded public education system will result in a strong learning experience and healthy social development for all LGBTQ students. With a high-quality education, students are better equipped to take on the world after graduation. There should be affirmative shifts towards investing more in mental health and social services over funding to militarize our schools. The issue of fully funding a first-rate public education system is an LGBTQ issue. The quality of an individual's education should not be determined by their zip code.



2. Expansive and LGBTQ-inclusive workforce development and training programs

Many LGBTQ people experience both employment discrimination and discrimination in education. These factors and more result in significant portions of LGBTQ communities being unable to secure work, and advance their careers. Particularly at risk are homeless LGBTQ youth, LGBTQ youth in foster care, and LGBTQ young people coming from under-funded and inadequate educational institutions. LGBTQ advocates are concerned with meaningful opportunities for workforce development. All training and technical programs, and job searching services, should be welcoming and accessible to LGBTQ people. Supporting socially-responsible workforce development will be one way to help support LGBTQ people out of poverty.



3. Funding for homeless shelters, transitional housing, and affordable housing

Due to discrimination and violence, many LGBTQ individuals are unable to hold and advance the careers they would like to pursue, resulting in adverse economic outcomes. They may struggle to afford basic necessities, and more still experience housing instability or homelessness. Poverty can lead to numerous negative and deadly circumstances.

To address the urgent needs of individuals in Pennsylvania who are experiencing poverty or who are without stable housing, particularly for LGBTQ individuals, the General Assembly should invest more in housing grants and related tax incentives. Affordable housing should be accessible in every community to those who need it. The General Assembly should invest directly into organizations providing essential social services for those who are experiencing poverty, housing instability, food insecurity, or homelessness, and ensure the current systems and providers that help them are LGBTQ welcoming and affirming.



4. Healthcare access

Healthcare is a human right. All Pennsylvanians, including LGBTQ Pennsylvanians, should receive high-quality, responsive, and accessible healthcare services. It is clear that the current healthcare system does not adequately keep a significant portion of Americans safe and healthy. The best medical services and medications are often saved for the wealthy and those who are provided strong insurance through their work. There are many promising proposals as to how to fix the dire conditions of the American healthcare system, and we support the work to improve them so that no one is left behind.

All healthcare services should be rendered as fully LGBTQ-inclusive. When healthcare providers reject or are hostile to LGBTQ individuals, they are denied essential care which is unacceptable. This work begins in the training for licensed healthcare workers and extends through their professional responsibilities as practitioners. Healthcare institutions from hospitals to nursing homes to rehabilitation centers should be required to be LGBTQ affirming. Every healthcare institution and professional should be held accountable to standards of inclusion and respect for every patient, including LGBTQ individuals. The very ability to stay alive should not depend on your zip code, employment status, rural location, balance in your bank account, sexual orientation, or gender identity.



Pennsylvania LGBTQ Advocacy Agenda

Visibility Priorities

The General Assembly must prioritize the visibility and historical preservation of LGBTQ Pennsylvania just as much as it celebrates other core communities within the commonwealth.

Resolutions

Each year, the General Assembly should be in the habit of issuing a few key proclamations. The most important resolutions to pass include:

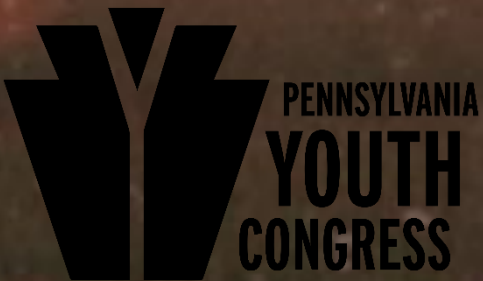
- LGBTQ Pride Month (June)
- LGBTQ History Month (October)
- Trans Day of Remembrance (November 20th)
- Trans Day of Visibility (March 31st)



Capitol Grounds

The Pennsylvania Capitol Preservation Committee should finally begin to recognize Pennsylvania LGBTQ history. The Pennsylvania Youth Congress strongly recommends honoring **Bayard Rustin** for his essential and significant contributions to the Civil Rights Movement. Born and raised in West Chester to a Quaker family, Rustin was among the leading strategists of racial justice work in our nation's history. He is credited with bringing nonviolence into the central movement, and was the lead organizer for the March on Washington for Jobs and Freedom in 1963. However, credit for his major work in the Civil Rights Movement was marginalized out of the mainstream historical record because he was an out gay man. In 2021, Rustin deserves the recognition his is due. A bust of Rustin located within the state Capitol complex would be an honor that is decades overdue and invaluable to honoring Pennsylvania history.





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