Conversion Therapy Rules Comparison

Administrative Rules Review and General Oversight Committee | August 18, 2022

The following table compares the language of 2019 General Session H.B. 399, Prohibition of the Practice of Conversion Therapy Upon Minors, which failed to pass, and the two administrative rules adopted in 2020 by the Division of Professional Licensing related to conversion therapy. Red, highlighted text indicates which words differ between the failed legislation and the rules.

H.B. 399 original (failed)	Psychologist Licensing Act Rule	Mental Health Professional Practice Act Rule
(1)(a)(i) "Conversion therapy" means any practice or treatment that seeks to change the sexual orientation or gender identity of a patient or client, including mental health therapy that seeks to change, eliminate, or reduce behaviors, expressions, attractions, or feelings related to a patient or client's sexual orientation or gender identity.	(3)(a) "Conversion therapy" means any practice or treatment that seeks to change the sexual orientation or gender identity of a patient or client, including mental health therapy that seeks to change, eliminate, or reduce behaviors, expressions, attractions, or feelings related to a patient or client's sexual orientation or gender identity.	(3)(a) "Conversion therapy" means any practice or treatment that seeks to change the sexual orientation or gender identity of a patient or client, including mental health therapy that seeks to change, eliminate, or reduce behaviors, expressions, attractions, or feelings related to a patient or client's sexual orientation or gender identity.
(ii) "Conversion therapy" does not mean a practice or treatment that does not seek to change a patient or client's sexual orientation or gender identity, including mental health therapy that: (A) is neutral with respect to sexual orientation or gender identity; (B) provides assistance to a patient or client undergoing gender transition; (C) provides acceptance, support, and understanding of a patient or client; (D) facilitates a patient or client's ability to cope, social support, and identity exploration and development;	(b) "Conversion therapy" does not mean a practice or treatment that does not seek to change a patient or client's sexual orientation or gender identity, including mental health therapy that: (i) is neutral with respect to sexual orientation and gender identity; (ii) provides assistance to a patient or client undergoing gender transition; (iii) provides acceptance, support, and understanding of a patient or client; (iv) facilitates a patient or client's ability to cope, social support, and identity exploration and development;	(b) "Conversion therapy" does not mean a practice or treatment that does not seek to change a patient or client's sexual orientation or gender identity, including mental health therapy that: (i) is neutral with respect to sexual orientation and gender identity; (ii) provides assistance to a patient or client undergoing gender transition; (iii) provides acceptance, support, and understanding of a patient or client; (iv) facilitates a patient or client's ability to cope, social support, and identity exploration and development;

(E) addresses unlawful, unsafe, premarital, or extramarital sexual activities in a manner that is neutral with respect to sexual orientation; or (F) discusses with a patient or client the patient or client's moral or religious beliefs or practices. *UCA 58-1-509*	(v) addresses unlawful, unsafe, premarital, or extramarital sexual activities in a manner that is neutral with respect to sexual orientation; or (vi) discusses with a patient or client the patient or client's moral or religious beliefs or practices. *Utah Admin. Code r. R156-61-102* *Authorizing statute 58-1-106(1)(a), 58-1-202(1)(a); 58-61-101*	(v) addresses unlawful, unsafe, premarital, or extramarital sexual activities in a manner that is neutral with respect to sexual orientation; or (vi) discusses with a patient or client the patient or client's moral or religious beliefs or practices. *Utah Admin. Code r. R156-60-102* *Authorizing statute 58-1-106(1)(a), 58-1-202(1)(a); 58-60-101*
(2) A health care professional may not provide conversion therapy to a patient or client who is younger than 18 years old. (3) Subsection (2) does not apply to: (a) a clergy member or religious counselor who is acting substantially in a pastoral or religious capacity and not in the capacity of a health care professional; or (b) a parent or grandparent who is a health care professional and who is acting substantially in the capacity of a parent or grandparent and not in the capacity of a health care professional. *UCA 58-1-509*	"Unprofessional conduct" includes: (23)(a) providing conversion therapy to a patient or client who is younger than 18 years old; and (b) Subsection (23)(a) does not apply to: (i) a clergy member or religious counselor who is acting substantially in a pastoral or religious capacity and not in the capacity of a psychologist; or (ii) a parent or grandparent who is a psychologist and who is acting substantially in the capacity of a parent or grandparent and not in the capacity of a psychologist. *Utah Admin. Code r. R156-61-502*	"Unprofessional conduct" includes: (2)(a) providing conversion therapy to a patient or client who is younger than 18 years old; and (b) Subsection (2)(a) does not apply to: (i) a clergy member or religious counselor who is acting substantially in a pastoral or religious capacity and not in the capacity of a mental health therapist; or (ii) a parent or grandparent who is a mental health therapist and who is acting substantially in the capacity of a parent or grandparent and not in the capacity of a mental health therapist; *Utah Admin. Code r. R156-60-502* *Authorizing statute 58-1-106(1)(a), 58-1-202(1)(a); 58-60-101*