Representative Karianne Lisonbee proposes the following substitute bill:

PROHIBITION OF THE PRACTICE OF CONVERSION THERAPY UPON MINORS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: ____________

Cosponsors: Eric K. Hutchings
Francis D. Gibson Mike Winder

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to conversion therapy for minors.

Highlighted Provisions:

This bill:

- prohibits certain mental health therapists from providing conversion therapy to a minor;
- limits the application of the prohibition; and
- makes a violation of the prohibition unprofessional conduct.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 58-60-110 is amended to read:

58-60-110. Unprofessional conduct.

(1) As used in this chapter, "unprofessional conduct" includes:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;

(b) failure to confine practice conduct to those acts or practices:

(i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and

(ii) which are within applicable scope of practice laws of this chapter; and

(c) disclosing or refusing to disclose any confidential communication under Section 58-60-114 or 58-60-509; and

(d) a violation of Subsection 58-60-118(2).

(2) "Unprofessional conduct" under this chapter may be further defined by division rule.

Section 2. Section 58-60-118 is enacted to read:

58-60-118. Prohibition on providing conversion therapy to a minor.

(1) As used in this section:

(a) "Conversion therapy" means a practice or treatment that:

(i) claims that therapy will result in a complete and permanent reversal in the patient or client's sexual orientation;

(ii) asserts that a complete and permanent change in the patient or client's sexual orientation is necessary;

(iii) subjects a patient or client to physical discomfort through aversive treatment that causes nausea, vomiting, or other unpleasant physical sensations; or

(iv) provides electric shock or other electrical therapy, including electroconvulsive
therapy or transcranial magnet stimulation.

(b) "Conversion therapy" does not mean a practice or treatment that:

(i) is neutral with respect to sexual orientation and gender identity;

(ii) provides assistance to a patient or client undergoing gender transition;

(iii) explores the patient or client's assumptions and goals by permitting a patient or client to decide how to self-identify and live out the patient or client's sexual orientation or gender identity;

(iv) provides acceptance, support, and understanding of a patient or client's sexual orientation identity and gender identity, without an a priori treatment goal;

(v) facilitates a patient or client's ability to cope, to develop social support, and to explore or develop the patient or client's identity;

(vi) addresses unlawful, unsafe, premarital, or extramarital sexual activities in a manner that is neutral with respect to sexual orientation;

(vii) discusses with a patient or client the patient or client's moral or religious beliefs or practices; or

(viii) provides acceptance, support, and understanding of a patient or client's moral or religious beliefs or practices.

(2) A mental health therapist 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 mental health therapist; or

(b) a parent or grandparent who is a mental health therapist with respect to counseling a child or grandchild of the parent or grandparent.