

## HB0399S04 compared with HB0399S03

~~text~~ shows text that was in HB0399S03 but was deleted in HB0399S04.

Inserted text shows text that was not in HB0399S03 but was inserted into HB0399S04.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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#### LONG TITLE

#### General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ prohibits certain mental health ~~care professionals~~ therapists from providing conversion therapy to a minor ~~(.)~~;
- ▶ limits the application of the prohibition; and

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▶ makes a violation of the prohibition unprofessional conduct.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

58-60-110, as last amended by Laws of Utah 2001, Chapter 281

#### ENACTS:

~~{58-1-509}~~58-60-118, Utah Code Annotated 1953

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

Section 1. Section ~~{58-1-509}~~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:

~~{58-1-509}~~58-60-118. Prohibition on providing conversion therapy to a minor.

(1) As used in this section:

(a) ~~{(i)}~~ "Conversion therapy" means a practice or treatment that:

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

~~(B)ii~~ ~~leads~~ asserts that a complete and permanent change in the patient or ~~client to believe that a change in~~ client's sexual orientation is ~~likely~~.

~~(ii)~~ 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 does not seek to change a patient or client's sexual orientation or gender identity, including mental health therapy that:

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

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

~~(C)iii~~ explores the patient or client's assumptions and goals ~~and maximizes self-determination~~ 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;

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

~~(E)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 ~~exploration and development~~;

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

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

~~(b) "Health care professional" means an individual who is licensed, or an individual who provides mental health therapy as part of the individual's training for a profession that is licensed, under:~~

~~(i) Chapter 31b, Nurse Practice Act;~~

~~(ii) Chapter 60, Mental Health Professional Practice Act;~~

~~(iii) Chapter 61, Psychologist Licensing Act;~~

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~~(iv) Chapter 67, Utah Medical Practice Act, or~~

~~(v) Chapter 68, Utah Osteopathic Medical Practice Act;~~

~~(2) A health care professional}; 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 ~~{care professional}~~therapist; or

(b) a parent or grandparent who is a ~~{health care professional and who is acting substantially in the capacity of a}~~mental health therapist with respect to counseling a child or grandchild of the parent or grandparent~~{ and not in the capacity of a health care professional}~~.