

## HB0399S05 compared with HB0399S04

~~text~~ shows text that was in HB0399S04 but was deleted in HB0399S05.

Inserted text shows text that was not in HB0399S04 but was inserted into HB0399S05.

**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}~~Craig Hall 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:       | <u>Brian S. King</u>     | <u>Mark A. Wheatley</u> |
| Francis D. Gibson | <u>Stephanie Pitcher</u> | Mike Winder             |
| Eric K. Hutchings | <u>Steve Waldrip</u>     |                         |

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#### LONG TITLE

#### General Description:

This bill ~~text~~ enacts provisions relating to conversion therapy for minors.

#### Highlighted Provisions:

This bill:

- ▶ prohibits certain mental health therapists from providing conversion therapy to a minor ~~text~~.

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~~{~~ → 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:

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

#### ~~}~~ ENACTS:

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

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

Section 1. Section ~~{~~ ~~58-60-110~~; 58-1-509 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~~; 58-1-509. **Prohibition on providing conversion therapy to a minor.**

(1) As used in this section:

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

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

~~(ii) asserts that a complete and permanent change in the; 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~~ 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)~~ or gender identity.

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

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

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

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

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

~~(viii)~~ G) provides acceptance, support, and understanding of a patient or client's moral or religious beliefs or practices; sexual orientation or gender identity without an a priori outcome.

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(b) "Gender identity" means the same as that term is defined in Section 34A-5-102.

(c) "Mental health therapist" means:

(i) the same as that term is defined in Section 58-60-102; or

(ii) an individual who is allowed to engage in acts included within the definition of practice as a mental health therapist under Subsection 58-60-107(2)(a).

(d) "Sexual orientation" means the same as that term is defined in Section 34A-5-102.

(2) A mental health therapist may not provide conversion therapy to a patient or client who is younger than 18 years old.

(3) A violation of Subsection (2) is unprofessional conduct under Section 58-60-110.

~~(3)~~(4) 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~~ care professional; or

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