

SECOND REGULAR SESSION

# HOUSE BILL NO. 2263

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NURRENBERN.

4748H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, and to enact in lieu thereof five new sections relating to conversion therapy for minors.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 337.035,  
3 337.330, 337.525, 337.630, and 337.730, to read as follows:

337.035. 1. The committee may refuse to issue any certificate of registration or  
2 authority, permit or license required pursuant to this chapter for one or any combination of  
3 causes stated in subsection 2 of this section. The committee shall notify the applicant in  
4 writing of the reasons for the refusal and shall advise the applicant of the applicant's right to  
5 file a complaint with the administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any certificate of registration or  
8 authority, permit or license required by this chapter or any person who has failed to renew or  
9 has surrendered the person's certificate of registration or authority, permit or license for any  
10 one or any combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
12 to an extent that such use impairs a person's ability to perform the work of any profession  
13 licensed or regulated by this chapter;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of  
15 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United  
16 States, or of any country, for any offense directly related to the duties and responsibilities of

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 the occupation, as set forth in section 324.012, regardless of whether or not sentence is  
18 imposed;

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
20 registration or authority, permit or license issued pursuant to this chapter or in obtaining  
21 permission to take any examination given or required pursuant to this chapter;

22 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation  
23 by fraud, deception or misrepresentation;

24 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or  
25 dishonesty in the performance of the functions or duties of any profession licensed or  
26 regulated by this chapter;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of this  
28 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

29 (7) Impersonation of any person holding a certificate of registration or authority,  
30 permit or license or allowing any person to use his or her certificate of registration or  
31 authority, permit, license or diploma from any school;

32 (8) Disciplinary action against the holder of a license or other right to practice any  
33 profession regulated by this chapter granted by another state, territory, federal agency or  
34 country upon grounds for which revocation or suspension is authorized in this state;

35 (9) A person is finally adjudged insane or incapacitated by a court of competent  
36 jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice any profession  
38 licensed or regulated by this chapter who is not registered and currently eligible to practice as  
39 provided this chapter;

40 (11) Issuance of a certificate of registration or authority, permit or license based upon  
41 a material mistake of fact;

42 (12) Failure to display a valid certificate or license if so required by this chapter or  
43 any rule promulgated pursuant to this chapter;

44 (13) Violation of any professional trust or confidence;

45 (14) Use of any advertisement or solicitation which is false, misleading or deceptive  
46 to the general public or persons to whom the advertisement or solicitation is primarily  
47 directed;

48 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as  
49 adopted by the committee and filed with the secretary of state;

50 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
51 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
52 **to change an individual's sexual orientation or gender identity, including efforts to**  
53 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**

54 **attractions or feelings toward individuals of the same gender. "Conversion therapy"**  
55 **shall not include counseling that provides assistance to a person undergoing gender**  
56 **transition or counseling that provides acceptance, support, and understanding of a**  
57 **person or facilitates a person's coping, social support, and identity exploration and**  
58 **development, including sexual-orientation-neutral interventions to prevent or address**  
59 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**  
60 **change an individual's sexual orientation or gender identity.**

61 3. After the filing of such complaint, the proceedings shall be conducted in  
62 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing  
63 commission that the grounds, provided in subsection 2 **of this section**, for disciplinary action  
64 are met, the committee may, singly or in combination, censure or place the person named in  
65 the complaint on probation on such terms and conditions as the department deems appropriate  
66 for a period not to exceed five years, or may suspend, for a period not to exceed three years,  
67 or revoke the license, certificate, or permit.

68 4. An interested third party may file a complaint or appear or present evidence  
69 relative to such complaint or another complaint filed pursuant to this section. For purposes of  
70 this section, an interested third party includes a parent or guardian of a person who received  
71 treatment by a psychologist or any person who is related within the second degree of  
72 consanguinity or affinity and who is financially responsible for the payment of such  
73 treatment.

337.330. 1. The committee may refuse to issue any license required under this  
2 chapter for one or any combination of causes stated in subsection 2 of this section. The  
3 committee shall notify the applicant in writing of the reasons for the refusal and shall advise  
4 the applicant of the applicant's right to file a complaint with the administrative hearing  
5 commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission, as provided by chapter 621, against any holder of any license required by this  
8 chapter or any person who has failed to renew or has surrendered the person's license for any  
9 one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
11 to an extent that such use impairs a person's ability to perform the work of any profession  
12 licensed or regulated by this chapter;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of  
14 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United  
15 States, or of any country for any offense directly related to the duties and responsibilities of  
16 the occupation, as set forth in section 324.012, regardless of whether or not sentence is  
17 imposed;

18 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or  
19 license issued under this chapter or in obtaining permission to take any examination given or  
20 required under sections 337.300 to 337.345;

21 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation  
22 by fraud, deception or misrepresentation;

23 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or  
24 dishonesty in the performance of the functions or duties of any profession licensed by  
25 sections 337.300 to 337.345;

26 (6) Violation of, or assisting or enabling any person to violate, any provision of  
27 sections 337.300 to 337.345, or of any lawful rule adopted thereunder;

28 (7) Impersonation of any person holding a certificate of registration or authority,  
29 permit or license or allowing any person to use his or her certificate of registration or  
30 authority, permit, license, or diploma from any school;

31 (8) Disciplinary action against the holder of a license or other right to practice any  
32 profession regulated by sections 337.300 to 337.345 granted by another state, territory,  
33 federal agency, or country upon grounds for which revocation or suspension is authorized in  
34 this state;

35 (9) A person is finally adjudged insane or incapacitated by a court of competent  
36 jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice any profession  
38 licensed or regulated by sections 337.300 to 337.345 who is not registered and currently  
39 eligible to practice as provided in sections 337.300 to 337.345;

40 (11) Issuance of a certificate of registration or authority, permit, or license based upon  
41 a material mistake of fact;

42 (12) Failure to display a valid certificate or license if so required by sections 337.300  
43 to 337.345 or any rule promulgated thereunder;

44 (13) Violation of any professional trust or confidence;

45 (14) Use of any advertisement or solicitation which is false, misleading, or deceptive  
46 to the general public or persons to whom the advertisement or solicitation is primarily  
47 directed;

48 (15) Being guilty of unethical conduct as defined in the code of conduct as adopted  
49 by the committee and filed with the secretary of state;

50 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
51 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
52 **to change an individual's sexual orientation or gender identity, including efforts to**  
53 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**  
54 **attractions or feelings toward individuals of the same gender. "Conversion therapy"**

55 **shall not include counseling that provides assistance to a person undergoing gender**  
56 **transition or counseling that provides acceptance, support, and understanding of a**  
57 **person or facilitates a person's coping, social support, and identity exploration and**  
58 **development, including sexual-orientation-neutral interventions to prevent or address**  
59 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**  
60 **change an individual's sexual orientation or gender identity.**

61 3. After the filing of such complaint, the proceedings shall be conducted in  
62 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing  
63 commission that the grounds, provided in subsection 2 of this section, for disciplinary action  
64 are met, the committee may, singly or in combination, censure or place the person named in  
65 the complaint on probation on such terms and conditions as the department deems appropriate  
66 for a period not to exceed five years, or may suspend, for a period not to exceed three years,  
67 or revoke the license, certificate, or permit.

337.525. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.500 to 337.540 for one or any combination of causes stated in  
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of his or her right to file a complaint with the  
5 administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license required by sections  
8 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for  
9 any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
11 to an extent that such use impairs a person's ability to engage in the occupation of  
12 professional counselor;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of  
14 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United  
15 States, or of any country, for any offense directly related to the duties and responsibilities of  
16 the occupation, as set forth in section 324.012, regardless of whether or not sentence is  
17 imposed;

18 (3) Use of fraud, deception, misrepresentation or bribery in securing any license  
19 issued pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to  
20 take any examination given or required pursuant to the provisions of sections 337.500 to  
21 337.540;

22 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation  
23 by fraud, deception or misrepresentation;

24 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the  
25 performance of the functions or duties of a professional counselor;

26 (6) Violation of, or assisting or enabling any person to violate, any provision of  
27 sections 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections  
28 337.500 to 337.540;

29 (7) Impersonation of any person holding a license or allowing any person to use his or  
30 her license or diploma from any school;

31 (8) Revocation or suspension of a license or other right to practice counseling granted  
32 by another state, territory, federal agency or country upon grounds for which revocation or  
33 suspension is authorized in this state;

34 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

35 (10) Assisting or enabling any person to practice or offer to practice professional  
36 counseling who is not licensed and currently eligible to practice under the provisions of  
37 sections 337.500 to 337.540;

38 (11) Issuance of a license based upon a material mistake of fact;

39 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or  
40 any rule promulgated hereunder;

41 (13) Violation of any professional trust or confidence;

42 (14) Use of any advertisement or solicitation which is false, misleading or deceptive  
43 to the general public or persons to whom the advertisement or solicitation is primarily  
44 directed;

45 (15) Being guilty of unethical conduct as defined in the ethical standards for  
46 counselors adopted by the division and filed with the secretary of state;

47 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
48 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
49 **to change an individual's sexual orientation or gender identity, including efforts to**  
50 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**  
51 **attractions or feelings toward individuals of the same gender. "Conversion therapy"**  
52 **shall not include counseling that provides assistance to a person undergoing gender**  
53 **transition or counseling that provides acceptance, support, and understanding of a**  
54 **person or facilitates a person's coping, social support, and identity exploration and**  
55 **development, including sexual-orientation-neutral interventions to prevent or address**  
56 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**  
57 **change an individual's sexual orientation or gender identity.**

58 3. Any person, organization, association or corporation who reports or provides  
59 information to the committee pursuant to the provisions of this chapter and who does so in  
60 good faith shall not be subject to an action for civil damages as a result thereof.

61           4. After the filing of such complaint, the proceedings shall be conducted in  
62 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing  
63 commission that the grounds, provided in subsection 2 of this section, for disciplinary action  
64 are met, the committee may censure or place the person named in the complaint on probation  
65 on such terms and conditions as the committee deems appropriate for a period not to exceed  
66 five years, or may suspend, for a period not to exceed three years, or revoke the license.

          337.630. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.600 to 337.689 for one or any combination of causes stated in  
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with  
5 the administrative hearing commission as provided by chapter 621.

6           2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license required by sections  
8 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's  
9 license for any one or any combination of the following causes:

10           (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
11 to an extent that such use impairs a person's ability to engage in the occupation of social work  
12 licensed under this chapter; except that the fact that a person has undergone treatment for past  
13 substance or alcohol abuse and/or has participated in a recovery program, shall not by itself  
14 be cause for refusal to issue or renew a license;

15           (2) The person has been finally adjudicated and found guilty, or entered a plea of  
16 guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state, of the  
17 United States, or of any country, for any offense directly related to the duties and  
18 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not  
19 sentence is imposed;

20           (3) Use of fraud, deception, misrepresentation or bribery in securing any license  
21 issued pursuant to the provisions of sections 337.600 to 337.689 or in obtaining permission to  
22 take any examination given or required pursuant to the provisions of sections 337.600 to  
23 337.689;

24           (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation  
25 by fraud, deception or misrepresentation;

26           (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the  
27 performance of the functions or duties of a social worker licensed pursuant to this chapter;

28           (6) Violation of, or assisting or enabling any person to violate, any provision of  
29 sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections  
30 337.600 to 337.689;

31 (7) Impersonation of any person holding a license or allowing any person to use the  
32 person's license or diploma from any school;

33 (8) Revocation or suspension of a license or other right to practice social work  
34 licensed pursuant to this chapter granted by another state, territory, federal agency or country  
35 upon grounds for which revocation or suspension is authorized in this state;

36 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice social work  
38 licensed pursuant to this chapter who is not licensed and currently eligible to practice  
39 pursuant to the provisions of sections 337.600 to 337.689;

40 (11) Obtaining a license based upon a material mistake of fact;

41 (12) Failure to display a valid license if so required by sections 337.600 to 337.689 or  
42 any rule promulgated hereunder;

43 (13) Violation of any professional trust or confidence;

44 (14) Use of any advertisement or solicitation which is false, misleading or deceptive  
45 to the general public or persons to whom the advertisement or solicitation is primarily  
46 directed;

47 (15) Being guilty of unethical conduct as defined in the ethical standards for clinical  
48 social workers adopted by the committee by rule and filed with the secretary of state;

49 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
50 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
51 **to change an individual's sexual orientation or gender identity, including efforts to**  
52 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**  
53 **attractions or feelings toward individuals of the same gender. "Conversion therapy"**  
54 **shall not include counseling that provides assistance to a person undergoing gender**  
55 **transition or counseling that provides acceptance, support, and understanding of a**  
56 **person or facilitates a person's coping, social support, and identity exploration and**  
57 **development, including sexual-orientation-neutral interventions to prevent or address**  
58 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**  
59 **change an individual's sexual orientation or gender identity.**

60 3. Any person, organization, association or corporation who reports or provides  
61 information to the committee pursuant to the provisions of sections 337.600 to 337.689 and  
62 who does so in good faith shall not be subject to an action for civil damages as a result  
63 thereof.

64 4. After the filing of such complaint, the proceedings shall be conducted in  
65 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing  
66 commission that the grounds, provided in subsection 2 of this section, for disciplinary action  
67 are met, the committee may censure or place the person named in the complaint on probation



68 on such terms and conditions as the committee deems appropriate for a period not to exceed  
69 five years, or may suspend, for a period not to exceed three years, or revoke the license.

337.730. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.700 to 337.739 for one or any combination of causes stated in  
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with  
5 the administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license required by sections  
8 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's  
9 license for any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
11 to an extent that such use impairs a person's ability to engage in the occupation of marital and  
12 family therapist; except the fact that a person has undergone treatment for past substance or  
13 alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal  
14 to issue or renew a license;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of  
16 guilty in a criminal prosecution under the laws of any state, of the United States, or of any  
17 country, for any offense directly related to the duties and responsibilities of the occupation, as  
18 set forth in section 324.012, regardless of whether or not sentence is imposed;

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any license  
20 issued pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to  
21 take any examination given or required pursuant to the provisions of sections 337.700 to  
22 337.739;

23 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation  
24 by fraud, deception or misrepresentation;

25 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the  
26 performance of the functions or duties of a marital and family therapist;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of  
28 sections 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections  
29 337.700 to 337.739;

30 (7) Impersonation of any person holding a license or allowing any person to use the  
31 person's license or diploma from any school;

32 (8) Revocation or suspension of a license or other right to practice marital and family  
33 therapy granted by another state, territory, federal agency or country upon grounds for which  
34 revocation or suspension is authorized in this state;

35 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

36 (10) Assisting or enabling any person to practice or offer to practice marital and  
37 family therapy who is not licensed and is not currently eligible to practice under the  
38 provisions of sections 337.700 to 337.739;

39 (11) Obtaining a license based upon a material mistake of fact;

40 (12) Failure to display a valid license if so required by sections 337.700 to 337.739 or  
41 any rule promulgated hereunder;

42 (13) Violation of any professional trust or confidence;

43 (14) Use of any advertisement or solicitation which is false, misleading or deceptive  
44 to the general public or persons to whom the advertisement or solicitation is primarily  
45 directed;

46 (15) Being guilty of unethical conduct as defined in the ethical standards for marital  
47 and family therapists adopted by the committee by rule and filed with the secretary of state;

48 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
49 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
50 **to change an individual's sexual orientation or gender identity, including efforts to**  
51 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**  
52 **attractions or feelings toward individuals of the same gender. "Conversion therapy"**  
53 **shall not include counseling that provides assistance to a person undergoing gender**  
54 **transition or counseling that provides acceptance, support, and understanding of a**  
55 **person or facilitates a person's coping, social support, and identity exploration and**  
56 **development, including sexual-orientation-neutral interventions to prevent or address**  
57 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**  
58 **change an individual's sexual orientation or gender identity.**

59 3. Any person, organization, association or corporation who reports or provides  
60 information to the committee under sections 337.700 to 337.739 and who does so in good  
61 faith shall not be subject to an action for civil damages as a result thereof.

62 4. After filing of such complaint, the proceedings shall be conducted in accordance  
63 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
64 that the grounds provided in subsection 2 of this section for disciplinary action are met, the  
65 division may censure or place the person named in the complaint on probation on such terms  
66 and conditions as the committee deems appropriate for a period not to exceed five years, or  
67 may suspend for a period not to exceed three years, or revoke the license.

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