

SENATE BILL NO. 1335

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

4818S.01H

KRISTINA MARTIN, Secretary

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.

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Section A. Sections 337.035, 337.330, 337.525, 337.630, 2 and 337.730, RSMo, are repealed and five new sections enacted 3 in lieu thereof, to be known as sections 337.035, 337.330, 4 337.525, 337.630, and 337.730, to read as follows:

337.035. 1. The committee may refuse to issue any 2 certificate of registration or authority, permit or license 3 required pursuant to this chapter for one or any combination 4 of causes stated in subsection 2 of this section. The 5 committee shall notify the applicant in writing of the 6 reasons for the refusal and shall advise the applicant of 7 the applicant's right to file a complaint with the 8 administrative hearing commission as provided by chapter 621.

9 2. The committee may cause a complaint to be filed 10 with the administrative hearing commission as provided by 11 chapter 621 against any holder of any certificate of 12 registration or authority, permit or license required by 13 this chapter or any person who has failed to renew or has 14 surrendered the person's certificate of registration or 15 authority, permit or license for any one or any combination 16 of the following causes:

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

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

28 (3) Use of fraud, deception, misrepresentation or
29 bribery in securing any certificate of registration or
30 authority, permit or license issued pursuant to this chapter
31 or in obtaining permission to take any examination given or
32 required pursuant to this chapter;

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

36 (5) Incompetency, misconduct, gross negligence, fraud,
37 misrepresentation or dishonesty in the performance of the
38 functions or duties of any profession licensed or regulated
39 by this chapter;

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

43 (7) Impersonation of any person holding a certificate
44 of registration or authority, permit or license or allowing
45 any person to use his or her certificate of registration or
46 authority, permit, license or diploma from any school;

47 (8) Disciplinary action against the holder of a
48 license or other right to practice any profession regulated

49 by this chapter granted by another state, territory, federal
50 agency or country upon grounds for which revocation or
51 suspension is authorized in this state;

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

54 (10) Assisting or enabling any person to practice or
55 offer to practice any profession licensed or regulated by
56 this chapter who is not registered and currently eligible to
57 practice as provided this chapter;

58 (11) Issuance of a certificate of registration or
59 authority, permit or license based upon a material mistake
60 of fact;

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

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

65 (14) Use of any advertisement or solicitation which is
66 false, misleading or deceptive to the general public or
67 persons to whom the advertisement or solicitation is
68 primarily directed;

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

72 **(16) Engaging in conversion therapy with a minor. For**
73 **purposes of this subdivision, the term "conversion therapy"**
74 **means any practices or treatments that seek to change an**
75 **individual's sexual orientation or gender identity,**
76 **including efforts to change behaviors or gender expressions**
77 **or to eliminate or reduce sexual or romantic attractions or**
78 **feelings toward individuals of the same gender. The term**
79 **"conversion therapy" shall not include counseling that**
80 **provides assistance to a person undergoing gender transition**

81 or counseling that provides acceptance, support, and
82 understanding of a person or facilitates a person's coping,
83 social support, and identity exploration and development,
84 including sexual-orientation-neutral interventions to
85 prevent or address unlawful conduct or unsafe sexual
86 practices, as long as such counseling does not seek to
87 change an individual's sexual orientation or gender identity.

88 3. After the filing of such complaint, the proceedings
89 shall be conducted in accordance with the provisions of
90 chapter 621. Upon a finding by the administrative hearing
91 commission that the grounds, provided in subsection 2 **of**
92 **this section**, for disciplinary action are met, the committee
93 may, singly or in combination, censure or place the person
94 named in the complaint on probation on such terms and
95 conditions as the department deems appropriate for a period
96 not to exceed five years, or may suspend, for a period not
97 to exceed three years, or revoke the license, certificate,
98 or permit.

99 4. An interested third party may file a complaint or
100 appear or present evidence relative to such complaint or
101 another complaint filed pursuant to this section. For
102 purposes of this section, an interested third party includes
103 a parent or guardian of a person who received treatment by a
104 psychologist or any person who is related within the second
105 degree of consanguinity or affinity and who is financially
106 responsible for the payment of such treatment.

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

7 the administrative hearing commission as provided by chapter
8 621.

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

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

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

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

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

33 (5) Incompetency, misconduct, gross negligence, fraud,
34 misrepresentation, or dishonesty in the performance of the
35 functions or duties of any profession licensed by sections
36 337.300 to 337.345;

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

40 (7) Impersonation of any person holding a certificate
41 of registration or authority, permit or license or allowing
42 any person to use his or her certificate of registration or
43 authority, permit, license, or diploma from any school;

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

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

51 (10) Assisting or enabling any person to practice or
52 offer to practice any profession licensed or regulated by
53 sections 337.300 to 337.345 who is not registered and
54 currently eligible to practice as provided in sections
55 337.300 to 337.345;

56 (11) Issuance of a certificate of registration or
57 authority, permit, or license based upon a material mistake
58 of fact;

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

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

63 (14) Use of any advertisement or solicitation which is
64 false, misleading, or deceptive to the general public or
65 persons to whom the advertisement or solicitation is
66 primarily directed;

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

70 (16) **Engaging in conversion therapy with a minor. For**
71 **purposes of this subdivision, the term "conversion therapy"**
72 **means any practices or treatments that seek to change an**
73 **individual's sexual orientation or gender identity,**
74 **including efforts to change behaviors or gender expressions**
75 **or to eliminate or reduce sexual or romantic attractions or**
76 **feelings toward individuals of the same gender. The term**
77 **"conversion therapy" shall not include counseling that**
78 **provides assistance to a person undergoing gender transition**
79 **or counseling that provides acceptance, support, and**
80 **understanding of a person or facilitates a person's coping,**
81 **social support, and identity exploration and development,**
82 **including sexual-orientation-neutral interventions to**
83 **prevent or address unlawful conduct or unsafe sexual**
84 **practices, as long as such counseling does not seek to**
85 **change an individual's sexual orientation or gender identity.**

86 3. After the filing of such complaint, the proceedings
87 shall be conducted in accordance with the provisions of
88 chapter 621. Upon a finding by the administrative hearing
89 commission that the grounds, provided in subsection 2 of
90 this section, for disciplinary action are met, the committee
91 may, singly or in combination, censure or place the person
92 named in the complaint on probation on such terms and
93 conditions as the department deems appropriate for a period
94 not to exceed five years, or may suspend, for a period not
95 to exceed three years, or revoke the license, certificate,
96 or permit.

337.525. 1. The committee may refuse to issue or
2 renew any license required by the provisions of sections

3 337.500 to 337.540 for one or any combination of causes
4 stated in subsection 2 of this section. The committee shall
5 notify the applicant in writing of the reasons for the
6 refusal and shall advise the applicant of his or her right
7 to file a complaint with the administrative hearing
8 commission as provided by chapter 621.

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

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

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

26 (3) Use of fraud, deception, misrepresentation or
27 bribery in securing any license issued pursuant to the
28 provisions of sections 337.500 to 337.540 or in obtaining
29 permission to take any examination given or required
30 pursuant to the provisions of sections 337.500 to 337.540;

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

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

37 (6) Violation of, or assisting or enabling any person
38 to violate, any provision of sections 337.500 to 337.540, or
39 of any lawful rule or regulation adopted pursuant to
40 sections 337.500 to 337.540;

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

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

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

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

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

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

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

60 (14) Use of any advertisement or solicitation which is
61 false, misleading or deceptive to the general public or
62 persons to whom the advertisement or solicitation is
63 primarily directed;

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

67 **(16) Engaging in conversion therapy with a minor. For**
68 **purposes of this subdivision, the term "conversion therapy"**
69 **means any practices or treatments that seek to change an**
70 **individual's sexual orientation or gender identity,**
71 **including efforts to change behaviors or gender expressions**
72 **or to eliminate or reduce sexual or romantic attractions or**
73 **feelings toward individuals of the same gender. The term**
74 **"conversion therapy" shall not include counseling that**
75 **provides assistance to a person undergoing gender transition**
76 **or counseling that provides acceptance, support, and**
77 **understanding of a person or facilitates a person's coping,**
78 **social support, and identity exploration and development,**
79 **including sexual-orientation-neutral interventions to**
80 **prevent or address unlawful conduct or unsafe sexual**
81 **practices, as long as such counseling does not seek to**
82 **change an individual's sexual orientation or gender identity.**

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

88 4. After the filing of such complaint, the proceedings
89 shall be conducted in accordance with the provisions of
90 chapter 621. Upon a finding by the administrative hearing
91 commission that the grounds, provided in subsection 2 of
92 this section, for disciplinary action are met, the committee
93 may censure or place the person named in the complaint on
94 probation on such terms and conditions as the committee
95 deems appropriate for a period not to exceed five years, or

96 may suspend, for a period not to exceed three years, or
97 revoke the license.

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

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

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

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

- 30 (3) Use of fraud, deception, misrepresentation or
31 bribery in securing any license issued pursuant to the
32 provisions of sections 337.600 to 337.689 or in obtaining
33 permission to take any examination given or required
34 pursuant to the provisions of sections 337.600 to 337.689;
- 35 (4) Obtaining or attempting to obtain any fee, charge,
36 tuition or other compensation by fraud, deception or
37 misrepresentation;
- 38 (5) Incompetency, misconduct, fraud, misrepresentation
39 or dishonesty in the performance of the functions or duties
40 of a social worker licensed pursuant to this chapter;
- 41 (6) Violation of, or assisting or enabling any person
42 to violate, any provision of sections 337.600 to 337.689, or
43 of any lawful rule or regulation adopted pursuant to
44 sections 337.600 to 337.689;
- 45 (7) Impersonation of any person holding a license or
46 allowing any person to use the person's license or diploma
47 from any school;
- 48 (8) Revocation or suspension of a license or other
49 right to practice social work licensed pursuant to this
50 chapter granted by another state, territory, federal agency
51 or country upon grounds for which revocation or suspension
52 is authorized in this state;
- 53 (9) Final adjudication as incapacitated by a court of
54 competent jurisdiction;
- 55 (10) Assisting or enabling any person to practice or
56 offer to practice social work licensed pursuant to this
57 chapter who is not licensed and currently eligible to
58 practice pursuant to the provisions of sections 337.600 to
59 337.689;
- 60 (11) Obtaining a license based upon a material mistake
61 of fact;

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

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

66 (14) Use of any advertisement or solicitation which is
67 false, misleading or deceptive to the general public or
68 persons to whom the advertisement or solicitation is
69 primarily directed;

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

73 **(16) Engaging in conversion therapy with a minor. For**
74 **purposes of this subdivision, the term "conversion therapy"**
75 **means any practices or treatments that seek to change an**
76 **individual's sexual orientation or gender identity,**
77 **including efforts to change behaviors or gender expressions**
78 **or to eliminate or reduce sexual or romantic attractions or**
79 **feelings toward individuals of the same gender. The term**
80 **"conversion therapy" shall not include counseling that**
81 **provides assistance to a person undergoing gender transition**
82 **or counseling that provides acceptance, support, and**
83 **understanding of a person or facilitates a person's coping,**
84 **social support, and identity exploration and development,**
85 **including sexual-orientation-neutral interventions to**
86 **prevent or address unlawful conduct or unsafe sexual**
87 **practices, as long as such counseling does not seek to**
88 **change an individual's sexual orientation or gender identity.**

89 3. Any person, organization, association or
90 corporation who reports or provides information to the
91 committee pursuant to the provisions of sections 337.600 to
92 337.689 and who does so in good faith shall not be subject
93 to an action for civil damages as a result thereof.

94 4. After the filing of such complaint, the proceedings
95 shall be conducted in accordance with the provisions of
96 chapter 621. Upon a finding by the administrative hearing
97 commission that the grounds, provided in subsection 2 of
98 this section, for disciplinary action are met, the committee
99 may censure or place the person named in the complaint on
100 probation on such terms and conditions as the committee
101 deems appropriate for a period not to exceed five years, or
102 may suspend, for a period not to exceed three years, or
103 revoke the license.

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

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

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

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

29 (3) Use of fraud, deception, misrepresentation or
30 bribery in securing any license issued pursuant to the
31 provisions of sections 337.700 to 337.739 or in obtaining
32 permission to take any examination given or required
33 pursuant to the provisions of sections 337.700 to 337.739;

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

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

40 (6) Violation of, or assisting or enabling any person
41 to violate, any provision of sections 337.700 to 337.739 or
42 of any lawful rule or regulation adopted pursuant to
43 sections 337.700 to 337.739;

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

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

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

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

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

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

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

64 (14) Use of any advertisement or solicitation which is
65 false, misleading or deceptive to the general public or
66 persons to whom the advertisement or solicitation is
67 primarily directed;

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

72 **(16) Engaging in conversion therapy with a minor. For**
73 **purposes of this subdivision, the term "conversion therapy"**
74 **means any practices or treatments that seek to change an**
75 **individual's sexual orientation or gender identity,**
76 **including efforts to change behaviors or gender expressions**
77 **or to eliminate or reduce sexual or romantic attractions or**
78 **feelings toward individuals of the same gender. The term**
79 **"conversion therapy" shall not include counseling that**
80 **provides assistance to a person undergoing gender transition**
81 **or counseling that provides acceptance, support, and**
82 **understanding of a person or facilitates a person's coping,**
83 **social support, and identity exploration and development,**
84 **including sexual-orientation-neutral interventions to**
85 **prevent or address unlawful conduct or unsafe sexual**

86 **practices, as long as such counseling does not seek to**
87 **change an individual's sexual orientation or gender identity.**

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

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

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