

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1004

By: Olsen

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6 AS INTRODUCED

7 An Act relating to counseling; creating the Parental  
8 and Family Rights in Counseling Protection Act;  
9 defining terms; prohibiting government from  
10 restricting certain counseling by a mental health  
11 provider or religious advisor; prohibiting government  
12 from restricting certain parental rights; providing  
13 for certain construction; providing for the assertion  
14 of certain claims; permitting mental health providers  
15 or religious advisors to engage in sexual orientation  
16 change efforts and certain gender dysphoria  
17 resolution efforts with children; providing for  
18 codification; and declaring an emergency.

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1 As used in the Parental and Family Rights in Counseling

2 Protection Act:

3 1. "Aversion therapy" means any counseling by a mental health  
4 provider that exposes or asks a patient or client to undergo  
5 physical pain, such as electroshock or electroconvulsive therapy,  
6 touch therapy, pornography exposure, or vomit-induction therapy, in  
7 order to change sexual behaviors or gender-identity expressions or  
8 to eliminate or reduce sexual or romantic attractions or feelings  
9 toward individuals of the same sex;

10 2. "Counseling" means all communication between a mental health  
11 provider or a religious advisor and a patient or client intended to  
12 aid the patient or client in his or her self-determined objectives;

13 3. "Mental health provider" means a physician specializing in  
14 the practice of psychiatry; a psychologist; a psychological  
15 assistant, intern, or trainee; a licensed marriage and family  
16 therapist; a registered marriage and family therapist, intern, or  
17 trainee; a licensed educational psychologist; a credentialed school  
18 psychologist; a licensed clinical social worker; an associate  
19 clinical social worker; a licensed professional clinical counselor;  
20 a registered clinical counselor, intern, or trainee; and any other  
21 person designated as a mental health professional under state law or  
22 regulation;

1       4. "Patient" or "client" means any person, including persons  
2 under eighteen (18) years of age, under the care of a mental health  
3 provider or religious advisor;

4       5. "Political subdivision" means a municipality, a school  
5 district, a county, or a public trust where the sole beneficiary or  
6 beneficiaries are a city, town, school district, or county;

7       6. "Religious advisor" means any pastor, preacher, minister,  
8 priest, rabbi, imam, or other ecclesiastical dignitary of any  
9 denomination who has been duly ordained or authorized by the  
10 religious organization to which he or she belongs;

11       7. "Sexual orientation change efforts" and "gender dysphoria  
12 resolution efforts" mean any counseling, psychotherapy, nonmedical  
13 psychiatric services, or communication by mental health providers or  
14 religious advisors that seeks to reduce or eliminate unwanted same-  
15 sex attraction or gender dysphoria. This includes efforts to change  
16 sexual behaviors or gender-identity expressions and to eliminate or  
17 reduce sexual or romantic attractions or feelings toward individuals  
18 of the same sex; and

19       8. "State" means the State of Oklahoma or any office,  
20 department, agency, authority, commission, board, institution,  
21 hospital, college, university, public trust, or other  
22 instrumentality thereof.

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1           SECTION 3.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1925.21 of Title 59, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. Neither the state nor any political subdivision thereof  
5 shall prohibit or restrict any mental health provider or religious  
6 advisor from providing counseling or any patient or client from  
7 receiving counseling intended to aid patients or clients in their  
8 self-determined objectives of reducing, eliminating, resolving, or  
9 addressing unwanted same-sex attractions, behaviors, identity,  
10 sexual or gender-identity expressions, or unwanted gender dysphoria.  
11 A mental health provider or religious advisor shall have the liberty  
12 to use any therapy they choose, provided that it is in the best  
13 interest of the client and within the ethical bounds of the  
14 profession.

15           B. Neither the state nor any political subdivision thereof  
16 shall restrict the rights of parents or legal guardians from  
17 obtaining counseling, including sexual orientation change efforts  
18 and gender dysphoria resolution efforts, for patients or clients who  
19 are their children and who experience unwanted same-sex attractions,  
20 behaviors, identity, sexual or gender-identity expressions, or  
21 unwanted gender dysphoria.

22           C. No part of the Parental and Family Rights in Counseling  
23 Protection Act may be used as justification by parents, legal  
24 guardians, mental health providers, or religious advisors to subject

1 patients or clients to aversion therapy for the purpose of changing  
2 sexual behaviors or gender-identity expressions, to eliminate or  
3 reduce sexual or romantic attractions or feelings toward individuals  
4 of the same sex, or to reduce or eliminate gender dysphoria.

5 D. A mental health provider, religious advisor, patient, or  
6 client whose freedom of speech or communication in the context of  
7 counseling has been violated under subsection A of this section may  
8 assert that violation as a claim or defense in a judicial proceeding  
9 and may obtain appropriate relief against the state or any political  
10 subdivision thereof. Standing to assert a claim or defense under  
11 this section shall be governed by the general rules of standing.  
12 Prevailing mental health providers, religious advisors, patients, or  
13 clients under this section shall be entitled to appropriate attorney  
14 fees and costs.

15 SECTION 4. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1925.22 of Title 59, unless  
17 there is created a duplication in numbering, reads as follows:

18 A mental health provider or religious advisor may engage in  
19 sexual orientation change efforts or nonmedical gender dysphoria  
20 resolution efforts with a child under eighteen (18) years of age.

21 SECTION 5. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
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1 be in full force from and after its passage and approval.

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3 58-1-7146 AB 12/16/20

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