

2016 -- S 2827

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LC005439
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH

Introduced By: Senators Nesselbush, Doyle, Satchell, Goldin, and Conley

Date Introduced: March 23, 2016

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-1 of the General Laws entitled "Department of Health" is
2 hereby amended by adding thereto the following section:

3 **23-1-59. Sexual orientation and gender identity protection for minors. – (a)**
4 Definitions. For the purposes of this section:

5 (1) "Gender identity" means a person's gender-related identity, appearance, or behavior,
6 whether or not that gender-related identity, appearance, or behavior is different from that
7 traditionally associated with the person's physiology or assigned sex at birth. Gender-related
8 identity may be shown by providing evidence including, but not limited to, medical history, care,
9 or treatment of the gender-related identity, consistent and uniform assertion of the gender-related
10 identity or any other evidence that the gender-related identity is sincerely held as part of a
11 person's core identity; provided, however, that gender-related identity shall not be asserted for
12 any improper purpose.

13 (2) "Licensed professional" means any licensed medical, mental health, or human service
14 professional licensed under this chapter, including any psychologist, psychiatrist, social worker,
15 psychiatric nurse, allied mental health and human services professional, licensed marriage and
16 family therapist, licensed rehabilitation counselor, licensed mental health counselor, licensed
17 educational psychologist, or any of their respective interns or trainees, or any other person
18 designated or licensed as a mental health or human service professional under Rhode Island law
19 or regulation.

1 (3) "Sexual orientation" means having an orientation for or being identified as having an
2 orientation for heterosexuality, bisexuality, or homosexuality.

3 (4) "Sexual orientation and gender identity change efforts" means any practice by a
4 licensed professional under this chapter that seeks or purports to impose change of an individual's
5 sexual orientation or gender identity. This definition shall include practices to change an
6 individual's sexual orientation or gender identity but specifically shall not include practices to
7 provide acceptance, support, and understanding of an individual's sexual orientation, gender
8 identity, or gender expression and the facilitation of an individual's coping, social support, and
9 identity exploration and development, including interventions to prevent or address unlawful
10 conduct or unsafe sexual practices.

11 (b) Under no circumstances shall a licensed professional advertise for or engage in sexual
12 orientation and gender identity change efforts with a patient less than eighteen (18) years of age.
13 Any licensed professional violating this prohibition shall be subject to discipline by the board,
14 which may include suspension or revocation of license.

15 (c) Whoever violates this section shall be subject to any appropriate discipline pursuant to
16 chapter 37 of title 5 including, but not limited to, suspension or revocation of any license issued
17 by the department.

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH

1 This act would prevent licensed professionals under the department of health's authority
2 to advertise for or engage in sexual orientation/gender identity change efforts with a patient under
3 eighteen (18) years of age.

4 This act would take effect upon passage.

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