

115TH CONGRESS
1ST SESSION

H. R. 2119

To prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2017

Mr. TED LIEU of California (for himself, Ms. PELOSI, Mr. AGUILAR, Mr. BLUMENAUER, Ms. BONAMICI, Mr. CARBAJAL, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELBENE, Mrs. DEMINGS, Mr. DESAULNIER, Mr. ENGEL, Mr. ESPAILLAT, Ms. ESTY of Connecticut, Mr. GALLEGO, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS, Mr. HIMES, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. KEATING, Mr. KILDEE, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Mrs. LOWEY, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Mr. QUIGLEY, Ms. ROSEN, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Ms. SINEMA, Ms. SLAUGHTER, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Ms. TSONGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. BROWNLEY of California, Mr. HIGGINS of New York, Ms. ESHOO, Mr. MCGOVERN, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Therapeutic Fraud
5 Prevention Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Being lesbian, gay, bisexual, transgender, or
9 gender nonconforming is not a disorder, disease, ill-
10 ness, deficiency, or shortcoming.

11 (2) The national community of professionals in
12 education, social work, health, mental health, and
13 counseling has determined that there is no scientif-
14 ically valid evidence that supports the practice of at-
15 tempting to prevent a person from being lesbian,
16 gay, bisexual, transgender, or gender nonconforming.

17 (3) Such professionals have determined that
18 there is no evidence that conversion therapy is effec-
19 tive or that an individual’s sexual orientation or gen-
20 der identity can be changed by conversion therapy.

21 (4) Such professionals have also determined
22 that the potential risks of conversion therapy are not
23 only that it is ineffective, but also that it is substan-
24 tially dangerous to an individual’s mental and phys-
25 ical health, and has been shown to contribute to de-

1 pression, self-harm, low self-esteem, family rejection,
2 and suicide.

3 (5) It is in the interest of the Nation to prevent
4 lesbian, gay, bisexual, transgender, and gender non-
5 conforming people and their families from being de-
6 frauded by persons seeking to profit by offering this
7 harmful and wholly ineffective therapy.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **CONVERSION THERAPY.**—The term “conver-
11 sion therapy”—

12 (A) means any practice or treatment by
13 any person that seeks to change another indi-
14 vidual’s sexual orientation or gender identity,
15 including efforts to change behaviors or gender
16 expressions, or to eliminate or reduce sexual or
17 romantic attractions or feelings toward individ-
18 uals of the same gender, if such person receives
19 monetary compensation in exchange for such
20 practices or treatments; and

21 (B) does not include any practice or treat-
22 ment, which does not seek to change sexual ori-
23 entation or gender identity, that—

24 (i) provides assistance to an individual
25 undergoing a gender transition; or

1 (ii) provides acceptance, support, and
2 understanding of a client or facilitation of
3 a client’s coping, social support, and iden-
4 tity exploration and development, including
5 sexual orientation-neutral interventions to
6 prevent or address unlawful conduct or un-
7 safe sexual practices.

8 (2) GENDER IDENTITY.—The term “gender
9 identity” means the gender-related identity, appear-
10 ance, mannerisms, or other gender-related character-
11 istics of an individual, regardless of the individual’s
12 designated sex at birth.

13 (3) PERSON.—The term “person” means any
14 individual, partnership, corporation, cooperative, as-
15 sociation, or any other entity.

16 (4) SEXUAL ORIENTATION.—The term “sexual
17 orientation” means homosexuality, heterosexuality,
18 or bisexuality.

19 **SEC. 4. UNFAIR OR DECEPTIVE ACTS AND PRACTICES RE-**
20 **LATED TO CONVERSION THERAPY.**

21 (a) UNLAWFUL CONDUCT.—It shall be unlawful for
22 any person—

23 (1) to provide conversion therapy to any indi-
24 vidual if such person receives monetary compensa-
25 tion in exchange for such services;

1 (2) to advertise for the provision of conversion
2 therapy and claim in such advertising—

3 (A) to change another individual’s sexual
4 orientation or gender identity;

5 (B) to eliminate or reduce sexual or ro-
6 mantic attractions or feelings toward individ-
7 uals of the same gender; or

8 (C) that such efforts are harmless or with-
9 out risk to individuals receiving such therapy;
10 or

11 (3) to assist or facilitate the provision of con-
12 version therapy to an individual if such person re-
13 ceives monetary compensation, from any source, in
14 connection with providing conversion therapy.

15 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
16 SION.—

17 (1) VIOLATION OF RULE.—A violation of sub-
18 section (a) shall be treated as a violation of a rule
19 defining an unfair or deceptive act or practice pre-
20 scribed under section 18(a)(1)(B) of the Federal
21 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

22 (2) POWERS OF COMMISSION.—

23 (A) IN GENERAL.—The Federal Trade
24 Commission shall enforce this section in the
25 same manner, by the same means, and with the

1 same jurisdiction, powers, and duties as though
2 all applicable terms and provisions of the Fed-
3 eral Trade Commission Act (15 U.S.C. 41 et
4 seq.) were incorporated into and made a part of
5 this Act.

6 (B) PRIVILEGES AND IMMUNITIES.—Any
7 person who violates subsection (a) shall be sub-
8 ject to the penalties, and entitled to the privi-
9 leges and immunities, provided in the Federal
10 Trade Commission Act (15 U.S.C. 41 et seq.).

11 (3) REGULATIONS.—The Federal Trade Com-
12 mission may promulgate, in accordance with section
13 553 of title 5, United States Code, such regulations
14 as the Commission considers appropriate to carry
15 out this section.

16 (c) ENFORCEMENT BY STATES.—

17 (1) IN GENERAL.—If the attorney general of a
18 State has reason to believe that an interest of the
19 residents of the State has been or is being threat-
20 ened or adversely affected by a practice that violates
21 subsection (a), the attorney general of the State
22 may, as *parens patriae*, bring a civil action on behalf
23 of the residents of the State in an appropriate dis-
24 trict court of the United States to obtain appro-
25 priate relief.

1 (2) RIGHTS OF FEDERAL TRADE COMMIS-
2 SION.—

3 (A) NOTICE TO FEDERAL TRADE COMMIS-
4 SION.—

5 (i) IN GENERAL.—Except as provided
6 in clause (iii), the attorney general of a
7 State, before initiating a civil action under
8 paragraph (1), shall provide written notifi-
9 cation to the Federal Trade Commission
10 that the attorney general intends to bring
11 such civil action.

12 (ii) CONTENTS.—The notification re-
13 quired under clause (i) shall include a copy
14 of the complaint to be filed to initiate the
15 civil action.

16 (iii) EXCEPTION.—If it is not feasible
17 for the attorney general of a State to pro-
18 vide the notification required under clause
19 (i) before initiating a civil action under
20 paragraph (1), the attorney general shall
21 notify the Commission immediately upon
22 instituting the civil action.

23 (B) INTERVENTION BY FEDERAL TRADE
24 COMMISSION.—The Commission may—

1 (i) intervene in any civil action
2 brought by the attorney general of a State
3 under paragraph (1); and

4 (ii) upon intervening—

5 (I) be heard on all matters arising in the civil action; and

6 (II) file petitions for appeal of a
7 decision in the civil action.
8

9 (3) INVESTIGATORY POWERS.—Nothing in this
10 subsection may be construed to prevent the attorney
11 general of a State from exercising the powers conferred on the attorney general by the laws of the
12 State to conduct investigations, to administer oaths
13 or affirmations, or to compel the attendance of witnesses or the production of documentary or other
14 evidence.
15
16

17 (4) PREEMPTIVE ACTION BY FEDERAL TRADE
18 COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action
19 with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with re-
20
21
22
23
24

1 spect to which the Commission instituted such ac-
2 tion.

3 (5) VENUE; SERVICE OF PROCESS.—

4 (A) VENUE.—Any action brought under
5 paragraph (1) may be brought in—

6 (i) the district court of the United
7 States that meets applicable requirements
8 relating to venue under section 1391 of
9 title 28, United States Code; or

10 (ii) another court of competent juris-
11 diction.

12 (B) SERVICE OF PROCESS.—In an action
13 brought under paragraph (1), process may be
14 served in any district in which—

15 (i) the defendant is an inhabitant,
16 may be found, or transacts business; or

17 (ii) venue is proper under section
18 1391 of title 28, United States Code.

19 (6) ACTIONS BY OTHER STATE OFFICIALS.—

20 (A) IN GENERAL.—In addition to a civil
21 action brought by an attorney general under
22 paragraph (1), any other officer of a State who
23 is authorized by the State to do so may bring
24 a civil action under paragraph (1), subject to
25 the same requirements and limitations that

1 apply under this subsection to civil actions
2 brought by attorneys general.

3 (B) SAVINGS PROVISION.—Nothing in this
4 subsection may be construed to prohibit an au-
5 thorized official of a State from initiating or
6 continuing any proceeding in a court of the
7 State for a violation of any civil or criminal law
8 of the State.

9 **SEC. 5. SEVERABILITY.**

10 If any provision of this Act, or the application of such
11 provision to any person or circumstance, is held to be un-
12 constitutional, the remainder of this Act, and its applica-
13 tion to any person or circumstance shall not be affected
14 thereby.

○