

**Representative Karianne Lisonbee** proposes the following substitute bill:

**PROHIBITION OF THE PRACTICE OF CONVERSION**

**THERAPY UPON MINORS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig Hall**

Senate Sponsor: \_\_\_\_\_

Cosponsors: Eric K. Hutchings

Francis D. Gibson Mike Winder

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**LONG TITLE**

**General Description:**

This bill modifies and enacts provisions relating to conversion therapy for minors.

**Highlighted Provisions:**

This bill:

- ▶ prohibits certain mental health therapists from providing conversion therapy to a minor;
- ▶ limits the application of the prohibition; and
- ▶ makes a violation of the prohibition unprofessional conduct.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



25 **58-60-110**, as last amended by Laws of Utah 2001, Chapter 281

26 ENACTS:

27 **58-60-118**, Utah Code Annotated 1953



29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **58-60-110** is amended to read:

31 **58-60-110. Unprofessional conduct.**

32 (1) As used in this chapter, "unprofessional conduct" includes:

33 (a) using or employing the services of any individual to assist a licensee in any manner  
34 not in accordance with the generally recognized practices, standards, or ethics of the profession  
35 for which the individual is licensed, or the laws of the state;

36 (b) failure to confine practice conduct to those acts or practices:

37 (i) in which the individual is competent by education, training, and experience within  
38 limits of education, training, and experience; [~~and~~]

39 (ii) which are within applicable scope of practice laws of this chapter; and

40 (c) disclosing or refusing to disclose any confidential communication under Section  
41 **58-60-114** or **58-60-509**[~~;~~]; and

42 (d) a violation of Subsection **58-60-118(2)**.

43 (2) "Unprofessional conduct" under this chapter may be further defined by division  
44 rule.

45 Section 2. Section **58-60-118** is enacted to read:

46 **58-60-118. Prohibition on providing conversion therapy to a minor.**

47 (1) As used in this section:

48 (a) "Conversion therapy" means a practice or treatment that:

49 (i) claims that therapy will result in a complete and permanent reversal in the patient or  
50 client's sexual orientation;

51 (ii) asserts that a complete and permanent change in the patient or client's sexual  
52 orientation is necessary;

53 (iii) subjects a patient or client to physical discomfort through aversive treatment that  
54 causes nausea, vomiting, or other unpleasant physical sensations; or

55 (iv) provides electric shock or other electrical therapy, including electroconvulsive

56 therapy or transcranial magnet stimulation.

57 (b) "Conversion therapy" does not mean a practice or treatment that:

58 (i) is neutral with respect to sexual orientation and gender identity;

59 (ii) provides assistance to a patient or client undergoing gender transition;

60 (iii) explores the patient or client's assumptions and goals by permitting a patient or  
61 client to decide how to self-identify and live out the patient or client's sexual orientation or  
62 gender identity;

63 (iv) provides acceptance, support, and understanding of a patient or client's sexual  
64 orientation identity and gender identity, without an a priori treatment goal;

65 (v) facilitates a patient or client's ability to cope, to develop social support, and to  
66 explore or develop the patient or client's identity;

67 (vi) addresses unlawful, unsafe, premarital, or extramarital sexual activities in a  
68 manner that is neutral with respect to sexual orientation;

69 (vii) discusses with a patient or client the patient or client's moral or religious beliefs or  
70 practices; or

71 (viii) provides acceptance, support, and understanding of a patient or client's moral or  
72 religious beliefs or practices.

73 (2) A mental health therapist may not provide conversion therapy to a patient or client  
74 who is younger than 18 years old.

75 (3) Subsection (2) does not apply to:

76 (a) a clergy member or religious counselor who is acting substantially in a pastoral or  
77 religious capacity and not in the capacity of a mental health therapist; or

78 (b) a parent or grandparent who is a mental health therapist with respect to counseling  
79 a child or grandchild of the parent or grandparent.