



House of Representatives

General Assembly

File No. 586

January Session, 2017

Substitute House Bill No. 6695

House of Representatives, April 13, 2017

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROTECTION OF YOUTH FROM CONVERSION THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 sections 2 to 4, inclusive, of this act:

3 (1) "Conversion therapy" means any practice or treatment
4 administered to a person under eighteen years of age that seeks to
5 change the person's sexual orientation or gender identity, including,
6 but not limited to, any effort to change gender expression or to
7 eliminate or reduce sexual or romantic attraction or feelings toward
8 persons of the same gender. "Conversion therapy" does not include
9 counseling intended to (A) assist a person undergoing gender
10 transition, (B) provide acceptance, support and understanding to the
11 person, or (C) facilitate the person's coping, social support or identity
12 exploration and development, including, but not limited to, any
13 therapeutic intervention that is neutral with regard to sexual
14 orientation and seeks to prevent or address unlawful conduct or

15 unsafe sexual practices, provided such counseling does not seek to
16 change the person's sexual orientation or gender identity.

17 (2) "Health care provider" means a licensed practitioner of the
18 healing arts, as defined in section 20-1 of the general statutes, an
19 occupational therapist licensed pursuant to chapter 376a of the general
20 statutes, an alcohol and drug counselor licensed pursuant to chapter
21 376b of the general statutes or certified pursuant to section 20-74s of
22 the general statutes, a registered nurse or advanced practice registered
23 nurse licensed under chapter 378 of the general statutes, a nurse's aide
24 registered pursuant to chapter 378a of the general statutes, a board
25 certified behavior analyst, as defined under chapter 382a of the general
26 statutes, a psychologist licensed pursuant to chapter 383 of the general
27 statutes, a marriage and family therapist licensed pursuant to chapter
28 383a of the general statutes, a clinical social worker or master clinical
29 social worker licensed pursuant to chapter 383b of the general statutes,
30 a professional counselor licensed pursuant to chapter 383c of the
31 general statutes, a genetic counselor licensed pursuant to chapter 383d
32 of the general statutes, a pharmacist licensed pursuant to chapter 400j
33 of the general statutes, a hypnotist registered with the Department of
34 Consumer Protection pursuant to chapter 400m of the general statutes
35 or any person licensed, certified or registered under comparable
36 provisions of law outside of the state but providing professional
37 services under such license, certification or registration in the state.

38 Sec. 2. (NEW) (*Effective from passage*) (a) No health care provider
39 shall engage in conversion therapy.

40 (b) Any conversion therapy practiced by a health care provider shall
41 be considered unprofessional conduct and shall be grounds for
42 disciplinary action under section 19a-17, 21a-7 or 21a-8 of the general
43 statutes, including, but not limited to, suspension or revocation of the
44 professional's license, certification or registration to practice his or her
45 profession.

46 (c) Nothing in sections 1 to 4, inclusive, of this act shall prevent a
47 national certifying body that certifies any licensed, certified or

48 registered professional from acting in response to a complaint that a
49 licensed, certified or registered professional has engaged in conversion
50 therapy.

51 Sec. 3. (NEW) (*Effective from passage*) (a) It shall be unlawful for any
52 person engaged in trade or commerce to provide conversion therapy.

53 (b) A violation of subsection (a) of this section shall be considered
54 an unfair or deceptive trade practice pursuant to section 42-110b of the
55 general statutes and shall be subject to the same enforcement, liabilities
56 and penalties as set forth in sections 42-110a to 42-110q, inclusive, of
57 the general statutes.

58 Sec. 4. (NEW) (*Effective from passage*) No public funds, as defined in
59 section 9-601, shall be expended for the purpose of (1) practicing
60 conversion therapy, (2) referring a person to a health care provider for
61 conversion therapy, (3) referring any individual to any person engaged
62 in trade or commerce for conversion therapy, (4) health benefits
63 coverage for conversion therapy, or (5) a grant or contract with any
64 entity to conduct conversion therapy or refer any person to a health
65 care provider for conversion therapy or to a person engaged in trade or
66 commerce to provide conversion therapy.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1, "board certified" was inserted before "behavior analyst" and "licensed pursuant to" was replaced with "as defined under" for accuracy and statutory consistency.

PH Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

This bill, which prohibits health care providers or anyone else engaged in trade or commerce from providing conversion therapy, is not anticipated to result in a fiscal impact to the state or municipalities. It is expected that there will be few to no violations of this prohibition and that the Departments of Public Health and Consumer Protection will not generate revenue through the imposition of fines on violators.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6695*****AN ACT CONCERNING THE PROTECTION OF YOUTH FROM CONVERSION THERAPY.*****SUMMARY**

This bill prohibits health care providers, or anyone else engaged in trade or commerce, from engaging in “conversion therapy” (i.e., any practice or treatment that seeks to change a minor’s sexual orientation or gender identity). The bill specifies certain types of counseling that are not considered conversion therapy, such as counseling intended to assist a person undergoing gender transition or facilitate a person’s identity exploration.

Under the bill, if a health care provider engages in such therapy, it is considered unprofessional conduct subject to disciplinary action. If anyone engaged in trade or commerce does so, it is deemed an unfair or deceptive trade practice (see BACKGROUND).

Finally, the bill prohibits public funds from being spent for conversion therapy or related actions.

EFFECTIVE DATE: Upon passage

BAN ON CONVERSION THERAPY***Conversion Therapy Defined (§ 1)***

Under the bill, “conversion therapy” is any practice or treatment administered to someone under age 18 that seeks to change the person’s sexual orientation or gender identity, including efforts to change gender expression or to eliminate or reduce sexual or romantic attraction or feelings toward people of the same gender. The term does not include counseling intended to:

1. assist someone undergoing gender transition;
2. provide acceptance, support, and understanding to the person; or
3. facilitate the person's coping, social support, or identity exploration and development, including any therapeutic intervention that is neutral as to sexual orientation and seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change the person's sexual orientation or gender identity.

Health Care Providers (§§ 1 & 2)

The bill prohibits health care providers from engaging in conversion therapy. It provides that such therapy is considered unprofessional conduct and grounds for disciplinary action by the Department of Public Health or Department of Consumer Protection (DCP) as applicable, including suspension or revocation of the person's credential to practice.

The bill also specifies that it does not prevent a national certifying body from taking action against a health care provider following a complaint that the provider engaged in conversion therapy.

Under the bill, health care providers include physicians; chiropractors; podiatrists; naturopaths; optometrists; occupational therapists; alcohol and drug counselors; registered nurses; advanced practice registered nurses; nurse's aides; behavior analysts; psychologists; marriage and family therapists; clinical social workers; master clinical social workers; professional counselors; genetic counselors; pharmacists; and hypnotists. The term includes such individuals who are credentialed in Connecticut or those credentialed outside the state but who provide professional services in the state.

Public Funds (§ 4)

The bill prohibits state or local public funds from being spent for:

1. practicing conversion therapy;

2. referring someone to a health care provider or anyone engaged in trade or commerce for conversion therapy;
3. health benefits coverage for conversion therapy; or
4. grants or contracts with any entity to conduct conversion therapy or refer anyone to a health care provider or person engaged in trade or commerce to provide such therapy.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/24/2017)