

2022 Regular Session

HOUSE BILL NO. 605

BY REPRESENTATIVES LANDRY, DUPLESSIS, AND FREEMAN

MENTAL HEALTH: Prohibits certain licensed professionals from engaging with any minor in the practice known as conversion therapy

1 AN ACT

2 To amend and reenact R.S. 37:921(9), 1110(A)(9), and 1360.67(A)(28) and to enact R.S.
3 37:921(10), 1110(A)(10), 1285(A)(33), and 1360.67(A)(29), Part VIII-A of Chapter
4 20 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
5 37:1747.11 through 1747.15, R.S. 37:2359(B)(16) and 2717(A)(14), and Chapter 1-B
6 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
7 49:200.61, relative to certain state-licensed members of health professions; to
8 prohibit certain physicians, psychologists, professional counselors, social workers,
9 and advanced practice registered nurses from engaging with any minor in sexual
10 orientation change efforts known as conversion therapy; to define conversion therapy
11 and other terms; to provide penalties for violation of the prohibition on conversion
12 therapy; to establish engaging in prohibited conversion therapy as grounds for
13 disciplinary action or other sanctions pursuant to certain healthcare professional
14 licensing laws; to prohibit public funding of conversion therapy; to require
15 administrative rulemaking by agencies, boards, and commissions that license certain
16 healthcare professionals; to provide for findings and purpose; and to provide for
17 related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 37:921(9), 1110(A)(9), 1360.67(A)(28) are hereby amended and
20 reenacted and R.S. 37:921(10), 1110(A)(10), 1285(A)(33), and 1360.67(A)(29), Part VIII-A
21 of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S.

1 37:1747.11 through 1747.15, and R.S. 37:2359(B)(16) and 2717(A)(14) are hereby enacted
2 to read as follows:

3 §921. Grounds for disciplinary proceedings

4 The board may deny, revoke, suspend, probate, limit, or restrict any license
5 to practice as a registered nurse or an advanced practice registered nurse, impose
6 fines, and assess costs, or otherwise discipline a licensee and the board may limit,
7 restrict, delay, or deny a student nurse from entering or continuing the clinical phase
8 of nursing education upon proof that the licensee or student nurse:

9 * * *

10 (9) Has engaged in conversion therapy as defined in and prohibited by the
11 provisions of Part VIII-A of Chapter 20 of this Title.

12 (10) Has violated any provision of this Part.

13 * * *

14 §1110. Denial, revocation, or suspension of licenses

15 A. The board shall withhold, deny, revoke, or suspend any license issued or
16 applied for in accordance with the provisions of this Chapter or otherwise discipline
17 a licensee upon proof that the applicant or licensee:

18 * * *

19 (9) Has engaged in conversion therapy as defined in and prohibited by the
20 provisions of Part VIII-A of Chapter 20 of this Title.

21 (10) Has willfully or negligently violated any of the provisions of this
22 Chapter.

23 * * *

24 §1285. Causes for nonissuance; suspension; revocation; or the imposition of
25 restrictions; fines; reinstatement; publication of action; stays

26 A. The board may refuse to issue, or may suspend or revoke any license or
27 permit, or impose probationary or other restrictions on any license or permit issued
28 pursuant to this Part for the following causes:

29 * * *

1 (33) Engaging in conversion therapy as defined in and prohibited by the
2 provisions of Part VIII-A of Chapter 20 of this Title.

3 * * *

4 §1360.67. Causes for refusal to issue, suspension or revocation of licenses, permits,
5 and certificates

6 A. The board may refuse to issue, or may suspend or revoke any license or
7 certificate, or impose probationary or other restrictions on any license or certificate
8 issued under this Part for the following causes:

9 * * *

10 (28) Engaging in conversion therapy as defined in and prohibited by the
11 provisions of Part VIII-A of Chapter 20 of this Title.

12 (29) Violation of any rules and regulations of the board, or any provisions
13 of this Part.

14 * * *

15 PART VIII-A. HEALTHCARE PROVIDERS:

16 PROHIBITION ON CONVERSION THERAPY

17 §1747.11. Purpose

18 The purpose of this Part is to protect lesbian, gay, bisexual, and transgender
19 youth from harmful efforts to change their sexual orientation known as conversion
20 therapy.

21 §1747.12. Legislative findings

22 The legislature hereby finds and declares all of the following:

23 (1) Conversion therapy is a general term that encompasses practices intended
24 to change a lesbian, gay, bisexual, transgender, queer, or two-spirit individual's
25 sexual orientation, gender identity, or both.

26 (2) Conversion therapy is rooted in the belief that any sexual orientation
27 other than heterosexuality is unnatural or immoral and that gender-nonconforming
28 people are abnormal.

1 (3) According to the American Psychiatric Association, there is no rigorous
2 scientific research supporting claims that an unwanted sexual orientation can be
3 "cured" through any method.

4 (4) All major professional psychological associations in the United States,
5 including the American Psychological Association, American Psychiatric
6 Association, and American Academy of Child and Adolescent Psychiatry have taken
7 public positions against the use of conversion therapy.

8 (5) Protecting young people from all forms of discrimination and harm to
9 their mental health is a public health priority of this state.

10 §1747.13. Definitions

11 As used in this Part, the following terms have the meaning ascribed in this
12 Section:

13 (1)(a) "Conversion therapy" means any practice or treatment conducted
14 without a person's consent which is intended to change the person's sexual
15 orientation or gender identity, including efforts to change behaviors or gender
16 expressions, or to eliminate or reduce sexual or romantic attractions or feelings
17 toward individuals of the same sex or gender. Conversion therapy includes all of the
18 following:

19 (i) Any practice by a healthcare provider that attempts or purports to change
20 a person's sexual orientation or gender identity conducted without the person's
21 consent.

22 (ii) Any practice by a healthcare provider that attempts or purports to change
23 the behavioral expression of a person's sexual orientation or gender identity
24 conducted without the person's consent.

25 (iii) Any practice by a healthcare provider that attempts or purports to
26 eliminate or reduce a person's sexual or romantic attractions or feelings toward
27 individuals of the same sex or gender conducted without the person's consent.

1 (b) Conversion therapy does not include any of the following:

2 (i) Counseling or other practices by a healthcare provider to assist a person
3 who is undergoing gender transition.

4 (ii) Counseling or other practices by a healthcare provider that provide
5 acceptance, support, and understanding of a person or facilitate a person's coping,
6 social support, and identity exploration and development, including sexual
7 orientation-neutral interventions to prevent or address unlawful conduct or unsafe
8 sexual practices, if such counseling does not seek to change an individual's sexual
9 orientation or gender identity.

10 (iii) Counseling or other practices that are conducted at a person's request or
11 otherwise with the person's consent.

12 (2) "Healthcare provider" means any of the following professionals who are
13 licensed in accordance with applicable provisions of this Title and whose health
14 profession is regulated pursuant to this Title:

15 (a) A psychiatrist and any other physician.

16 (b) A medical psychologist, specialist in school psychology, and any other
17 psychologist including any provisional licensed psychologist.

18 (c) A marriage and family therapist and any other licensed professional
19 counselor.

20 (d) A clinical social worker.

21 (e) A psychiatric mental health nurse practitioner and any other advanced
22 practice registered nurse.

23 §1747.14. Conversion therapy; prohibition; penalties

24 A. No healthcare provider shall engage in conversion therapy with any
25 patient under the age of eighteen.

26 B. Whoever violates the prohibition provided in Subsection A of this Section
27 shall, for each violation, be fined not more than one thousand dollars, imprisoned for
28 not more than six months, or both. Additionally, a violation of the prohibition
29 provided in Subsection A of this Section shall subject the healthcare provider who

1 committed the violation to any applicable disciplinary proceeding, penalty, or
2 sanction for unprofessional conduct imposed by the agency, board, or commission
3 through which he is licensed to practice a health profession.

4 §1747.15. Rulemaking

5 Each agency, board, or commission which licenses and regulates the health
6 profession of any healthcare provider as defined in R.S. 37:1747.13 shall promulgate
7 all such rules in accordance with the Administrative Procedure Act as are necessary
8 to effectuate the purpose of this Part and implement its provisions.

9 * * *

10 §2359. Denial, revocation, or suspension of license; psychologist; provisional
11 license; specialist in school psychology

12 * * *

13 B. The board shall have the power and duty to suspend, place on probation,
14 require remediation for a specified time, revoke any license to practice psychology,
15 any provisional license to practice psychology, or any license to practice as a
16 specialist in school psychology issued by the board, or take any other action
17 specified in the rules and regulations whenever the board, by affirmative vote of at
18 least four members of a five-member hearing panel, shall find by a preponderance
19 of the evidence that a psychologist, provisional licensed psychologist, or specialist
20 in school psychology has engaged in any of the following acts or offenses:

21 * * *

22 (16) Conversion therapy as defined in and prohibited by the provisions of
23 Part VIII-A of Chapter 20 of this Title.

24 * * *

25 §2717. Disciplinary action; hearing; procedures; appeal

26 A. The board shall have the power to deny, revoke, or suspend any license,
27 certificate, or registration issued by the board or applied for in accordance with this
28 Chapter, or otherwise discipline a social worker for any of the following causes:

29 * * *

1 (14) Engaging in conversion therapy as defined in and prohibited by the
 2 provisions of Part VIII-A of Chapter 20 of this Title.

3 * * *

4 Section 2. Chapter 1-B of Title 49 of the Louisiana Revised Statutes of 1950,
 5 comprised of R.S. 49:200.61, is hereby enacted to read as follows:

6 CHAPTER 1-B. PROHIBITION ON PUBLIC FUNDING
 7 OF CONVERSION THERAPY

8 §200.61. Public funding of conversion therapy; prohibition

9 A. As used in this Chapter, the terms "conversion therapy" and "healthcare
 10 provider" shall have the meaning ascribed in R.S. 37:1747.13.

11 B. No institution, board, commission, department, agency, official, or
 12 employee of the state, or of any political subdivision thereof, shall contract with,
 13 award any grant to, or otherwise bestow any funding upon, an entity or organization
 14 that employs a healthcare provider who engages in conversion therapy in violation
 15 of the provisions of Part VIII-A of Chapter 20 of Title 37 of the Louisiana Revised
 16 Statutes of 1950. The prohibition provided in this Subsection shall apply to state
 17 funds, federal funds, and any other funds that may be used for purposes of
 18 contracting for services, providing reimbursements, or grant issuance.

19 C. For purposes of compliance with Subsection B of this Section, the
 20 Louisiana Department of Health shall not enter into any provider agreement, as
 21 defined in R.S. 46:437.3, for medical assistance program funding with any healthcare
 22 provider that engages in conversion therapy in violation of the provisions of Part
 23 VIII-A of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 605 Original

2022 Regular Session

Landry

Abstract: Defines "conversion therapy" and prohibits certain licensed health professionals from engaging in that practice with any minor.

Proposed law sets forth legislative findings relative to the practice known as conversion therapy including the following:

- (1) "Conversion therapy" is a general term that encompasses practices intended to change a lesbian, gay, bisexual, transgender, queer, or two-spirit individual's sexual orientation, gender identity, or both.
- (2) According to the American Psychiatric Assoc., there is no rigorous scientific research supporting claims that an unwanted sexual orientation can be "cured" through any method.
- (3) The American Psychological Assoc., American Psychiatric Assoc., and American Academy of Child and Adolescent Psychiatry have all taken public positions against the use of conversion therapy.

Proposed law defines "conversion therapy", for purposes of proposed law, as any practice or treatment conducted without a person's consent which is intended to change the person's sexual orientation or gender identity, including efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex or gender. Provides that conversion therapy includes all of the following:

- (1) Any practice by a healthcare provider that attempts or purports to change a person's sexual orientation or gender identity conducted without the person's consent.
- (2) Any practice by a healthcare provider that attempts or purports to change the behavioral expression of a person's sexual orientation or gender identity conducted without the person's consent.
- (3) Any practice by a healthcare provider that attempts or purports to eliminate or reduce a person's sexual or romantic attractions or feelings toward individuals of the same sex or gender conducted without the person's consent.

Proposed law stipulates that conversion therapy does not include any of the following:

- (1) Counseling or other practices by a healthcare provider to assist a person who is undergoing gender transition.
- (2) Counseling or other practices by a healthcare provider that provide acceptance, support, and understanding of a person or facilitate a person's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change an individual's sexual orientation or gender identity.

- (3) Counseling or other practices that are conducted at a person's request or otherwise with the person's consent.

Proposed law defines "healthcare provider", for purposes of proposed law, as any of the following professionals who are licensed in accordance with, and whose health profession is regulated by, applicable provisions of present law:

- (1) A psychiatrist and any other physician.
- (2) A medical psychologist, specialist in school psychology, and any other psychologist including any provisional licensed psychologist.
- (3) A marriage and family therapist and any other licensed professional counselor.
- (4) A clinical social worker.
- (5) A psychiatric mental health nurse practitioner and any other advanced practice registered nurse.

Proposed law prohibits healthcare providers, as defined for purposes of proposed law, from engaging in conversion therapy with any patient under the age of 18.

Proposed law provides that whoever violates the prohibition on conversion therapy provided in proposed law shall, for each violation, be fined not more than \$1,000, imprisoned for not more than six months, or both. Provides further that such violation shall also subject the healthcare provider to any applicable disciplinary proceeding, penalty, or sanction for unprofessional conduct imposed by the agency, board, or commission through which he is licensed to practice a health profession.

Proposed law amends present law establishing the practice act of each healthcare provider to which proposed law applies in order to provide that engaging in conversion therapy as prohibited by proposed law is grounds for disciplinary action.

Proposed law requires each agency, board, or commission which licenses and regulates a healthcare provider to which proposed law applies to promulgate all administrative rules necessary to implement proposed law.

Proposed law prohibits boards, commissions, departments, agencies, officials, and employees of the state, or of any political subdivision thereof, from contracting with, awarding any grant to, or otherwise bestow any funding upon, an entity or organization that employs a healthcare provider who engages in conversion therapy in violation of proposed law. Specifically prohibits the La. Dept. of Health from entering into any Medicaid provider agreement with any healthcare provider that engages in conversion therapy in violation of proposed law.

(Amends R.S. 37:921(9), 1110(A)(9), and 1360.67(A)(28); Adds R.S. 37:921(10), 1110(A)(10), 1285(A)(33), 1360.67(A)(29), 1747.11-1747.15, 2359(B)(16), and 2717(A)(14) and R.S. 49:200.61)