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

AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:921(9), 1110(A)(9), 1360.67(A)(28) are hereby amended and reenacted and R.S. 37:921(10), 1110(A)(10), 1285(A)(33), and 1360.67(A)(29), Part VIII-A of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:200.61, relative to certain state-licensed members of health professions; to prohibit certain physicians, psychologists, professional counselors, social workers, and advanced practice registered nurses from engaging with any minor in sexual orientation change efforts known as conversion therapy; to define conversion therapy and other terms; to provide penalties for violation of the prohibition on conversion therapy; to establish engaging in prohibited conversion therapy as grounds for disciplinary action or other sanctions pursuant to certain healthcare professional licensing laws; to prohibit public funding of conversion therapy; to require administrative rulemaking by agencies, boards, and commissions that license certain healthcare professionals; to provide for findings and purpose; and to provide for related matters.
37:1747.11 through 1747.15, and R.S. 37:2359(B)(16) and 2717(A)(14) are hereby enacted
to read as follows:
§921. Grounds for disciplinary proceedings
  The board may deny, revoke, suspend, probate, limit, or restrict any license
to practice as a registered nurse or an advanced practice registered nurse, impose
fines, and assess costs, or otherwise discipline a licensee and the board may limit,
restrict, delay, or deny a student nurse from entering or continuing the clinical phase
of nursing education upon proof that the licensee or student nurse:
  * * *
  (9) Has engaged in conversion therapy as defined in and prohibited by the
  provisions of Part VIII-A of Chapter 20 of this Title.
  (10) Has violated any provision of this Part.
  * * *
§1110. Denial, revocation, or suspension of licenses
  A. The board shall withhold, deny, revoke, or suspend any license issued or
  applied for in accordance with the provisions of this Chapter or otherwise discipline
  a licensee upon proof that the applicant or licensee:
  * * *
  (9) Has engaged in conversion therapy as defined in and prohibited by the
  provisions of Part VIII-A of Chapter 20 of this Title.
  (10) Has willfully or negligently violated any of the provisions of this
  Chapter.
  * * *
§1285. Causes for nonissuance; suspension; revocation; or the imposition of
restrictions; fines; reinstatement; publication of action; stays
  A. The board may refuse to issue, or may suspend or revoke any license or
  permit, or impose probationary or other restrictions on any license or permit issued
  pursuant to this Part for the following causes:
  * * *
(33) Engaging in conversion therapy as defined in and prohibited by the provisions of Part VIII-A of Chapter 20 of this Title.

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

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

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

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

PART VIII-A. HEALTHCARE PROVIDERS:

PROHIBITION ON CONVERSION THERAPY

§1747.11. Purpose

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

§1747.12. Legislative findings

The legislature hereby finds and declares all of 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) Conversion therapy is rooted in the belief that any sexual orientation other than heterosexuality is unnatural or immoral and that gender-nonconforming people are abnormal.
(3) According to the American Psychiatric Association, there is no rigorous scientific research supporting claims that an unwanted sexual orientation can be "cured" through any method.

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

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

§1747.13. Definitions

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

(1)(a) "Conversion therapy" means 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. Conversion therapy includes all of the following:

(i) 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.

(ii) 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.

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

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

(ii) 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.

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

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

(a) A psychiatrist and any other physician.

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

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

(d) A clinical social worker.

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

§1747.14. Conversion therapy; prohibition; penalties

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

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

§1747.15. Rulemaking

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

* * *

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

* * *

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

* * *

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

* * *

§2717. Disciplinary action; hearing; procedures; appeal

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

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

*     *     *

Section 2. Chapter 1-B of Title 49 of the Louisiana Revised Statutes of 1950,

comprised of R.S. 49:200.61, is hereby enacted to read as follows:

CHAP Te 1-B. PROHIBITION ON PUBLIC FUNDING

OF CONVERSION THERAPY

§200.61. Public funding of conversion therapy; prohibition

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

B. No institution, board, commission, department, agency, official, or
employee of the state, or of any political subdivision thereof, shall contract with,
award 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 the provisions of Part VIII-A of Chapter 20 of Title 37 of the Louisiana Revised
Statutes of 1950. The prohibition provided in this Subsection shall apply to state
funds, federal funds, and any other funds that may be used for purposes of
contracting for services, providing reimbursements, or grant issuance.

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

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(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)