
DIGEST

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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)