

JAN 22 2016

A BILL FOR AN ACT

RELATING TO MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that being lesbian, gay,
2 bisexual, or transgender is not a disease, disorder, illness,
3 deficiency, or shortcoming. Major professional associations of
4 mental health practitioners and researchers in the United States
5 have recognized this fact for nearly forty years.

6 The American Psychological Association convened a task
7 force on appropriate therapeutic responses to sexual
8 orientation. The task force conducted a systematic review of
9 peer-reviewed journal literature on sexual orientation change
10 efforts. The task force concluded that sexual orientation
11 change efforts can pose critical health risks to lesbian, gay,
12 and bisexual individuals, including confusion, depression,
13 guilt, helplessness, shame, social withdrawal, suicide,
14 substance abuse, and other negative feelings and behaviors.

15 The legislature further finds that other studies confirm
16 the serious health risks that minors face when they experience
17 family rejection based on their sexual orientation. In one



1 study, lesbian, gay, and bisexual young adults who reported high
2 levels of family rejection during adolescence were 8.4 times
3 more likely to report having attempted suicide, 5.9 times more
4 likely to report high levels of depression, 3.4 times more
5 likely to use illegal drugs, and 3.4 times more likely to report
6 having engaged in unprotected sexual intercourse compared with
7 peers from families that reported no or low levels of family
8 rejection. The legislature therefore concludes that all minors,
9 especially lesbian, gay, bisexual, and transgender minors who
10 experience family rejection, should be protected against sexual
11 orientation change efforts by teachers and counseling
12 professionals.

13 The purpose of this Act is to protect the physical and
14 psychological well-being of minors, including lesbian, gay,
15 bisexual, and transgender youth, against exposure to serious
16 harms caused by sexual orientation change efforts.

17 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:



1 "§302A- Sexual orientation change efforts prohibited.

2 (a) No teacher shall engage in sexual orientation change
3 efforts on a student under eighteen years of age.

4 (b) Any teacher who engages in sexual orientation change
5 efforts on a student under eighteen years of age shall be
6 subject to disciplinary action by the department.

7 (c) For the purposes of this section, "sexual orientation
8 change efforts" means the practice of attempting to change a
9 person's sexual orientation, including but not limited to
10 efforts to change behaviors, gender identity, or gender
11 expressions; or to reduce or eliminate sexual or romantic
12 attractions or feelings toward a person of the same gender.

13 "Sexual orientation change efforts" shall not include
14 counseling for a person seeking to transition from one gender to
15 another or counseling that:

16 (1) Provides acceptance, support, and understanding of a
17 person or facilitates a person's coping, social
18 support, and identity exploration and development,
19 including sexual orientation-neutral interventions to
20 prevent or address unlawful conduct or unsafe sexual
21 practices; and



(2) Does not seek to change sexual orientation."

SECTION 3. Chapter 436B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§436B- Sexual orientation change efforts prohibited; advertising prohibited. (a) No person who is licensed to provide professional counseling, including but not limited to a physician specializing in the practice of psychiatry, physician assistant, psychologist, social worker, mental health counselor, marriage and family therapist, or a person who performs counseling as part of the person's professional training for any of these professions, shall:

(1) Engage in sexual orientation change efforts, as defined in section 302A- , on a person under eighteen years of age; or

(2) Advertise the offering of sexual orientation change efforts, as defined in section 302A- , on a person under eighteen years of age.

(b) Any person who is licensed to provide professional counseling who attempts to engage in sexual orientation change efforts or advertises the offering of sexual advertising change



S.B. NO. 2615

efforts on a person under eighteen years of age shall be subject to disciplinary action by the appropriate professional licensing authority.

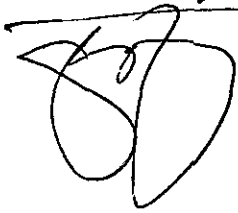
(c) In addition to the penalties under subsection (b), advertising the offering of sexual advertising change efforts on a person under eighteen years of age shall constitute an unfair or deceptive act or practice under section 480-2."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

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Report Title:

Conversion Therapy; Sexual Orientation; Minors

Description:

Prohibits teachers and persons who are licensed to provide professional counseling from engaging in or advertising sexual orientation change efforts on students and persons under eighteen years of age.

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