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# 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 the American  
2 Psychological Association convened a task force on appropriate  
3 therapeutic responses to sexual orientation. The task force  
4 conducted a systematic review of peer-reviewed journal  
5 literature on sexual orientation change efforts. The task force  
6 concluded that sexual orientation change efforts are unlikely to  
7 be successful and involve risk of harm to lesbian, gay, and  
8 bisexual individuals, including depression, suicidality, loss of  
9 sexual feeling, anxiety, shame, negative self-image, and other  
10 negative feelings and behaviors. The legislature further finds  
11 that children and adolescents who participate in these types of  
12 sexual orientation change efforts, which often use fear-based  
13 techniques, are given inaccurate scientific information  
14 regarding sexual orientation and gender identity and are also at  
15 risk of increased self-stigma and psychological distress.

16           The legislature additionally finds that sexual orientation  
17 change efforts are opposed by the country's leading medical and



1 mental health professional organizations, including the American  
2 Psychological Association, American Medical Association,  
3 American Academy of Pediatrics, American Psychiatric  
4 Association, National Association of Social Workers, American  
5 College of Obstetricians and Gynecologists, and American Academy  
6 of Child and Adolescent Psychiatry.

7 The purpose of this Act is to:

- 8 (1) Protect the physical and psychological well-being of  
9 minors, including lesbian, gay, bisexual, and  
10 transgender youth, against exposure to serious harms  
11 caused by sexual orientation change efforts by  
12 regulating the conduct of specific state-licensed  
13 persons who provide professional counseling to minors  
14 under the age of eighteen and prohibiting these  
15 professionals from engaging in, attempting to engage  
16 in, or advertising the offering of sexual orientation  
17 change efforts on persons under eighteen years of age;  
18 and
- 19 (2) Establish the sexual orientation counseling task force  
20 to address the concerns of minors seeking counseling



1 on sexual orientation, gender identity, gender  
2 expressions, and related behaviors.

3 SECTION 2. The Hawaii Revised Statutes is amended by  
4 adding a new chapter to title 25 to be appropriately designated  
5 and to read as follows:

6 **"CHAPTER**

7 **SEXUAL ORIENTATION CHANGE EFFORTS**

8 **§ -1 Sexual orientation change efforts prohibited;**  
9 **advertising prohibited.** (a) No person who is licensed to  
10 provide professional counseling shall:

11 (1) Engage in or attempt to engage in sexual orientation  
12 change efforts on a person under eighteen years of  
13 age; or

14 (2) Advertise the offering of sexual orientation change  
15 efforts on a person under eighteen years of age.

16 (b) Any person who is licensed to provide professional  
17 counseling who engages in or attempts to engage in the offering  
18 of sexual orientation change efforts on a person under eighteen  
19 years of age shall be subject to disciplinary action by the  
20 appropriate professional licensing authority.

21 (c) For purposes of this section:



1 "Advertise" means a communication made by or on behalf of a  
2 person who is licensed to provide professional counseling, made  
3 for the purpose of inducing or promoting a professional  
4 counseling relationship in which sexual orientation change  
5 efforts will be undertaken on a person under the age of  
6 eighteen. "Advertise" includes oral, written, graphic, or  
7 pictorial statements or representations, including those made  
8 through any electronic or print medium.

9 "Person who is licensed to provide professional counseling"  
10 means a person who performs counseling as part of the person's  
11 professional training, including a physician, especially one  
12 practicing psychiatry, licensed pursuant to chapter 453;  
13 psychologist licensed pursuant to chapter 465; nurse licensed  
14 pursuant to chapter 457; social worker licensed pursuant to  
15 chapter 467E; licensed mental health counselor licensed pursuant  
16 to chapter 453D; or licensed marriage and family therapist  
17 licensed pursuant to chapter 451J.

18 "Sexual orientation change efforts" means the practice of  
19 attempting to change a person's sexual orientation, including  
20 but not limited to efforts to change gender identity or gender  
21 expressions and behaviors; or to reduce or eliminate sexual or



1 romantic attractions or feelings toward a person of the same  
2 gender.

3 "Sexual orientation change efforts" shall not include  
4 counseling supporting a person seeking to transition from one  
5 gender to another or counseling that:

6 (1) Provides acceptance, support, and understanding of a  
7 person or facilitates a person's coping, social  
8 support, and identity exploration and development,  
9 including sexual orientation-neutral interventions to  
10 prevent or address unlawful conduct or unsafe sexual  
11 practices; and

12 (2) Does not seek to change sexual orientation, gender  
13 identity, or gender expression."

14 SECTION 3. (a) There is established within the department  
15 of health, the sexual orientation counseling task force. The  
16 task force shall address the concerns of minors seeking  
17 counseling on sexual orientation, gender identity, gender  
18 expressions, and related behaviors. The task force shall submit  
19 a report with findings and recommendations, including proposed  
20 legislation, to the legislature no later than twenty days prior



1 to the convening of the regular session of 2019. The report  
2 shall address and include:

3 (1) Current counseling practices in Hawaii and nationwide  
4 for minors, including counseling on sexual  
5 orientation, gender identity, gender expression, and  
6 related behaviors;

7 (2) Studies by nationally accredited institutions or  
8 government agencies regarding the availability of  
9 counseling for minors on issues regarding sexual  
10 orientation, gender identity, gender expression, and  
11 related behaviors;

12 (3) An analysis of the availability of minor-initiated  
13 counseling on sexual orientation, gender identity,  
14 gender expression, and related behaviors; and

15 (4) Proposed legislation to provide accessible and  
16 appropriate counseling to minors on issues regarding  
17 sexual orientation, gender identity, gender  
18 expression, and related behaviors.

19 (b) The director of health, or the director's designee,  
20 shall be the chair of the sexual orientation counseling task  
21 force. The task force shall include:



- 1           (1) Three members to be selected by the governor; provided  
2           that two members shall be from the mental health  
3           industry;
- 4           (2) Two members to be selected by the president of the  
5           senate;
- 6           (3) Two members to be selected by the speaker of the house  
7           of representatives;
- 8           (4) Two members to be selected by the director of health;
- 9           (5) Two members to be selected by the superintendent of  
10          education; and
- 11          (6) One member to be selected by the attorney general.
- 12          (c) The members of the task force shall serve without  
13          compensation, but shall be reimbursed by the department of  
14          health for necessary expenses, including travel expenses,  
15          incurred for service on the task force. No member of the task  
16          force shall be made subject to section 84-17, Hawaii Revised  
17          Statutes, solely because of that member's participation on the  
18          task force. The task force shall be exempt from chapter 92,  
19          Hawaii Revised Statutes.
- 20          (d) The sexual orientation counseling task force shall  
21          dissolve on June 30, 2019.



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

4 SECTION 5. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 6. This Act shall take effect on July 1, 2018.



**Report Title:**

Sexual Orientation Change Efforts; Conversion Therapy;  
Prohibition; Minors; Licensed Professionals; Sexual Orientation  
Counseling Task Force

**Description:**

Prohibits specific state-licensed persons who are licensed to provide professional counseling from engaging in, attempting to engage in, or advertising sexual orientation change efforts on minors. Establishes the sexual orientation counseling task force to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. (CD1)

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