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# A BILL FOR AN ACT

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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 protect the physical and  
8 psychological well-being of minors, including lesbian, gay,  
9 bisexual, and transgender youth, against exposure to serious  
10 harms caused by sexual orientation change efforts by regulating  
11 the conduct of specific state-licensed persons who provide  
12 professional counseling to minors under the age of eighteen and  
13 prohibiting these professionals from engaging in, attempting to  
14 engage in, or advertising the offering of sexual orientation  
15 change efforts on persons under eighteen years of age.

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

19                               "CHAPTER

20                               SEXUAL ORIENTATION CHANGE EFFORTS



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

4           (1) Engage in or attempt to engage in sexual orientation  
5               change efforts on a person under eighteen years of  
6               age; or

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

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

14          (c) For purposes of this section:

15          "Advertise" means a communication made by or on behalf of a  
16   person who is licensed to provide professional counseling, made  
17   for the purpose of inducing or promoting a professional  
18   counseling relationship in which sexual orientation change  
19   efforts will be undertaken on a person under the age of  
20   eighteen. "Advertise" includes oral, written, graphic, or



1 pictorial statements or representations, including those made  
2 through any electronic or print medium.

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

12 "Sexual orientation change efforts" means the practice of  
13 attempting to change a person's sexual orientation, including  
14 but not limited to efforts to change gender identity or gender  
15 expressions and behaviors; or to reduce or eliminate sexual or  
16 romantic attractions or feelings toward a person of the same  
17 gender.

18 "Sexual orientation change efforts" shall not include  
19 counseling supporting a person seeking to transition from one  
20 gender to another or counseling that:



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

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

9 SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 4. If any provision of this Act, or the  
13 application thereof to any person or circumstance, is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the Act that can be given effect without the  
16 invalid provision or application, and to this end the provisions  
17 of this Act are severable.

18 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Sexual Orientation Change Efforts; Conversion Therapy;  
Prohibition; Minors; Licensed Professionals

**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 persons under eighteen years of age. (SB270 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

