

Honolulu, Hawaii

MAR 01 2018RE: S.B. No. 270
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 270 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit persons 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.

Your Committee received testimony in support of this measure from the Office of the Lieutenant Governor; Department of Health; Oahu County Committee, Legislative Priorities Committee of the Democratic Party of Hawai'i; Kupuna Caucus of the Democratic Party of Hawai'i; LGBT Caucus of the Democratic Party of Hawai'i; Hawaii State Teachers Association; National Association of Social Workers - Hawai'i Chapter; Hawaii Section of the American College of Obstetricians and Gynecologists; Americans for Democratic Action; Hawai'i Friends of Civil Rights; IMUAlliance; Young Progressives Demanding Action - Hawaii; Save Medicaid Hawaii; Filipina Advocacy Network; Planned Parenthood Votes Northwest and Hawaii; National Center for Lesbian Rights; Hawaii LGBT Legal Association; Hawaii Children's Action Network; Hawai'i Psychological Association; Hawaii Youth Services Network; Cathedral of Hope United Church of Christ; and eighty individuals. Your Committee received testimony in opposition to this measure



from the Hawaii Family Forum, Honolulu County Republican Party, Hawaii Catholic Conference, and fourteen individuals. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs and League of Women Voters.

Your Committee finds that according to the American Psychological Association, sexual orientation change efforts, also known as conversion therapy, tend to do more harm than good. Children and adolescents who participate in these types of interventions, which often use fear-based techniques, are given inaccurate scientific information regarding sexual orientation and gender identity and are also at risk of increased self-stigma and psychological distress. Participants in sexual orientation change efforts report many negative consequences from these interventions including anger, anxiety, depression, guilt, hopelessness, loss of social support, relationship problems with significant others and families, social isolation, suicidal thoughts, self-hatred, and sexual dysfunction.

Your Committee additionally finds that all the leading professional organizations involved in the treatment of children have issued statements opposing sexual orientation change efforts, including the American Psychological Association, American Medical Association, American Academy of Pediatrics, American Psychiatric Association, and National Association of Social Workers. Furthermore, the American College of Obstetricians and Gynecologists has found that "reparative therapy aimed to change sexual orientation by provoking guilt and anxiety to shame those who do not identify as heterosexual is ineffective and harmful", while the American Academy of Child and Adolescent Psychiatry recently issued a policy statement noting that these types of "'conversion therapies' (or other interventions imposed with the intent of promoting a particular sexual orientation and/or gender as a preferred outcome) lack scientific credibility and clinical utility" and can be harmful.

Your Committee further finds that more states have taken action to protect lesbian, gay, bisexual, and transgender youth from the harmful practices associated with sexual orientation change efforts, including California, Connecticut, Illinois, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and the District of Columbia. According to testimony



received by your Committee, although similar state laws have been challenged in court on constitutional grounds, these bans on sexual orientation change efforts have been upheld. Your Committee notes that the Supreme Court of the United States has declined to consider cases challenging similar laws, including turning away a challenge to New Jersey's law in 2015. Most recently, in May 2017, the Supreme Court of the United States let stand a lower court's ruling that California's ban was constitutional and neither impinged upon free exercise of religion nor impacted the activities of clergy members.

Your Committee also finds that this measure does not hinder counselors, health care providers, mental health providers, clergy, or parents from speaking to lesbian, gay, bisexual, and transgender children and adolescents. Rather, this measure regulates the conduct of state-licensed persons who provide professional counseling to minors under the age of eighteen, similar to existing consumer protection laws designed to protect the public against ineffective and unsafe treatment by Hawaii-licensed professionals.

Your Committee has amended this measure by:

- (1) Specifically identifying the state-licensed professionals who are prohibited from engaging in, attempting to engage in, or advertising sexual orientation change efforts, including physicians, especially those practicing psychiatry; psychologists; nurses; social workers; licensed mental health counselors; or licensed marriage and family therapists;
- (2) Clarifying that the term "sexual orientation change efforts" includes efforts to change gender identity or gender expressions and behaviors; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 270, as amended herein, and recommends that it pass Second Reading in the form attached hereto



as S.B. No. 270, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 270</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPH</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/20/18</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TOKUDA, Jill N. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.	/			
TOTAL	7			
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes