A BILL FOR AN ACT

CONCERNING PROHIBITING A MENTAL HEALTH CARE PROVIDER FROM ENGAGING IN CONVERSION THERAPY WITH A PATIENT UNDER EIGHTEEN YEARS OF AGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill prohibits a licensed physician specializing in psychiatry or a licensed, certified, or registered mental health care provider from engaging in conversion therapy with a patient under 18 years of age. A licensee who engages in these practices is subject to disciplinary action by the appropriate licensing board. The bill also makes the advertising or
practice of conversion therapy by a physician or mental health care provider a deceptive trade practice under the "Colorado Consumer Protection Act". "Conversion therapy" means efforts to change an individual's sexual orientation, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-36-102.5, amend the introductory portion; and add (5.5) as follows:

12-36-102.5. Definitions. As used in this article ARTICLE 36, unless the context otherwise requires:

(5.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSED PHYSICIAN SPECIALIZING IN THE PRACTICE OF PSYCHIATRY THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD INDIVIDUALS OF THE SAME SEX.

(b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR TREATMENTS THAT PROVIDE:

(I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY; OR

(II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.
SECTION 2. In Colorado Revised Statutes, 12-36-117, add (1)(nn) as follows:

12-36-117. Unprofessional conduct. (1) "Unprofessional conduct" as used in this article 36 means:

(nn) ENGAGING IN CONVERSION THERAPY WITH A PATIENT WHO IS UNDER EIGHTEEN YEARS OF AGE.

SECTION 3. In Colorado Revised Statutes, 12-43-201, amend (1.5); and add (1.4) as follows:

12-43-201. Definitions. As used in this article 43, unless the context otherwise requires:

(1.4) "CERTIFIED ADDICTION COUNSELOR" MEANS A PERSON WHO IS AN ADDICTION COUNSELOR CERTIFIED PURSUANT TO THIS ARTICLE 43. "CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD INDIVIDUALS OF THE SAME SEX.

(b) "CONVERSATION THERAPY" DOES NOT INCLUDE PRACTICES OR TREATMENTS THAT PROVIDE:

(I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE
COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR
GENDER IDENTITY; OR

(II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

SECTION 4. In Colorado Revised Statutes, 12-43-222, amend
(1) introductory portion; and add (1)(t)(V) as follows:

12-43-222. Prohibited activities - related provisions. (1) A
person licensed, registered, or certified under this article 43 violates this
article 43 if he or she:

(t) Has engaged in any of the following activities and practices:

(V) CONVERSION THERAPY WITH A CLIENT WHO IS UNDER
EIGHTEEN YEARS OF AGE.

SECTION 5. In Colorado Revised Statutes, 6-1-105, add
(1)(kkk) as follows:

6-1-105. Deceptive trade practices. (1) A person engages in a
deceptive trade practice when, in the course of the person's business,
vocation, or occupation, the person:

(kkk) ADVERTISES FOR THE PROVISION OF, OR FOR MONETARY
COMPENSATION ENGAGES IN, CONVERSION THERAPY AS DEFINED IN
SECTIONS 12-36-102.5 (5.5) AND 12-43-201 (1.5).

SECTION 6. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.