

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0691.01 Chelsea Princell x4335

HOUSE BILL 26-1322

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HOUSE SPONSORSHIP

Valdez and McCormick,

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Cutter and Mullica,

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House Committees  
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Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CIVIL ACTIONS AGAINST CERTAIN INDIVIDUALS  
102 ENGAGING IN CONVERSION THERAPY EFFORTS.

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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 establishes a cause of action for claims of injury caused by sexual orientation or gender identity change efforts (efforts) against a mental health professional and allows the cause of action to be commenced at any time without limitation.

The bill applies to a cause of action brought against a licensed mental health professional who conducted the efforts; an individual or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

entity that hired, supervised, or otherwise exercised authority over the mental health professional; and a person who negligently hired, supervised, or retained a licensed mental health professional to engage in the efforts.

The bill permits the injured individual, or the individual's personal representative or estate if the individual is deceased, to be awarded economic, noneconomic, and exemplary damages and sets forth the manner in which causation may be established to show a connection between the efforts the individual underwent and the harm the individual suffers.

The bill states what an expert witness may address in the expert's testimony regarding the efforts the individual underwent and the harm the individual suffered.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The American Psychological Association, the American  
5 Psychiatric Association, the American Academy of Pediatrics, the  
6 American Medical Association, the American Counseling Association,  
7 the American Academy of Child and Adolescent Psychiatry, the  
8 American School Counselor Association, the National Association of  
9 Social Workers, and other mental health and medical organizations in the  
10 United States have determined that efforts to change an individual's  
11 sexual orientation or gender identity are harmful and ineffective;

12 (b) In 2009, the American Psychological Association Task Force  
13 on Appropriate Therapeutic Responses to Sexual Orientation conducted  
14 a systematic review of peer-reviewed research and concluded that sexual  
15 orientation change efforts are unlikely to be successful and involve risk  
16 of harm, including depression, suicidality, and anxiety;

17 (c) In 2021, the American Psychological Association adopted a  
18 resolution calling for the elimination of sexual orientation and gender

1 identity change efforts, concluding that sexual orientation and gender  
2 identity change efforts are harmful and ineffective in changing a person's  
3 sexual orientation or gender identity;

4 (d) The scientific and clinical consensus establishes that sexual  
5 orientation or gender identity change efforts pose serious risks of harm to  
6 patients, including depression, guilt, helplessness, hopelessness, shame,  
7 social withdrawal, suicidality, substance abuse, stress, self-blame,  
8 decreased self-esteem, feelings of anger and betrayal, loss of religious  
9 faith, alienation from family, problems in sexual and emotional intimacy,  
10 sexual dysfunction, high-risk sexual behaviors, feelings of being  
11 dehumanized, and a sense of having wasted time and resources;

12 (e) The psychological harm caused by sexual orientation or gender  
13 identity change efforts often do not manifest until years or decades after  
14 the efforts occurred. Survivors frequently fail to recognize such treatment  
15 as harmful and fail to connect their psychological injuries to the treatment  
16 until much later in life or are deterred from coming forward by shame  
17 instilled by the treatment itself.

18 (f) The dynamics of the therapeutic relationship, including the  
19 trust placed on mental health professionals, the age and vulnerability of  
20 patients, the authority exercised by professionals, and the shame and  
21 internalized stigma resulting from such treatment, create barriers to timely  
22 disclosure and recognition of harm similar to those recognized by this  
23 state in the context of childhood sexual abuse;

24 (g) The existing statute of limitations for professional negligence  
25 does not adequately account for the delayed recognition of psychological  
26 injury that is characteristic of harm caused by sexual orientation or gender  
27 identity change efforts;

1 (h) The psychological harms described in this declaration result  
2 from efforts to direct a patient toward a predetermined outcome regarding  
3 the patient's sexual orientation or gender identity, regardless of the nature  
4 of that predetermined outcome;

5 (i) In cases involving latent injuries where there is scientific  
6 consensus regarding harmfulness, Colorado courts should allow plaintiffs  
7 to establish causation by demonstrating that exposure to the harmful  
8 conduct was, in reasonable medical probability, a substantial factor  
9 contributing to the risk of developing the injury or illness, without  
10 requiring proof of the precise mechanism by which the harm occurred.  
11 This causation framework is appropriate for claims arising from sexual  
12 orientation or gender identity change efforts, given the scientific  
13 consensus regarding the harmfulness of such efforts and the latent nature  
14 of the resulting psychological injuries.

15 (j) The general assembly has previously recognized, in enacting  
16 Senate Bill 21-073, that survivors of sexual misconduct frequently do not  
17 recognize or connect their psychological injuries to the underlying  
18 conduct until well into adulthood and that an extended limitations period  
19 is appropriate to account for this delayed recognition. The same  
20 considerations apply to survivors of sexual orientation or gender identity  
21 change efforts.

22 (k) It is the intent of the general assembly to provide individuals  
23 who suffer harm as a result of sexual orientation or gender identity  
24 change efforts with adequate time to seek civil remedies for the harms  
25 they have suffered.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 13-20-1302 as  
27 follows:

1           **13-20-1302. Actions based on sexual orientation or gender**  
2           **identity change efforts - limitation - causation - damages - legislative**  
3           **intent - definitions.**

4           (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
5           REQUIRES:

6           (a) "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL  
7           HEALTH PROVIDER WHO HOLDS OR HELD A VALID LICENSE, CERTIFICATION,  
8           OR REGISTRATION ISSUED PURSUANT TO ARTICLE 245 OF TITLE 12 AT THE  
9           TIME THE SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS  
10          OCCURRED.

11          (b) (I) "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE  
12          EFFORTS" MEANS ANY PRACTICE BY A LICENSED MENTAL HEALTH  
13          PROFESSIONAL THAT SEEKS TO DIRECT A PATIENT TOWARD A  
14          PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME,  
15          INCLUDING EFFORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION  
16          OR GENDER IDENTITY, OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC  
17          ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF A PARTICULAR SEX  
18          OR GENDER, REGARDLESS OF THE SEXUAL ORIENTATION OR GENDER  
19          IDENTITY THE PATIENT IS DIRECTED TOWARD.

20          (II) "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE  
21          EFFORTS" DOES NOT INCLUDE:

22          (A) COUNSELING OR THERAPY THAT PROVIDES ASSISTANCE TO A  
23          PATIENT UNDERGOING GENDER TRANSITION;

24          (B) COUNSELING OR THERAPY THAT PROVIDES ACCEPTANCE,  
25          SUPPORT, AND UNDERSTANDING OF A PATIENT OR FACILITATES A PATIENT'S  
26          COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND  
27          DEVELOPMENT, WITHOUT SEEKING TO DIRECT THE PATIENT TOWARD A

1       PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME;

2               (C) COUNSELING OR THERAPY THAT IS NEUTRAL WITH RESPECT TO  
3       SEXUAL ORIENTATION AND GENDER IDENTITY AND THAT DOES NOT SEEK  
4       TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION  
5       OR GENDER IDENTITY OUTCOME; OR

6               (D) COUNSELING OR THERAPY RELATED TO A PATIENT'S SEXUAL  
7       BEHAVIORS, PRACTICES, OR RELATIONSHIPS, PROVIDED THAT THE  
8       COUNSELING OR THERAPY DOES NOT SEEK TO DIRECT THE PATIENT  
9       TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY.

10              (2) (a) A PERSON WHO SUFFERED AN INJURY AS A RESULT OF  
11       SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS MAY BRING  
12       A CIVIL ACTION FOR DAMAGES AGAINST A PERSON DESCRIBED IN  
13       SUBSECTION (3) OF THIS SECTION.

14              (b) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS  
15       SPECIFIED IN ARTICLE 80 OF THIS TITLE 13 OR ANY OTHER PROVISION OF  
16       LAW THAT CAN BE CONSTRUED TO LIMIT THE TIME PERIOD TO COMMENCE  
17       AN ACTION DESCRIBED IN THIS SECTION, A CIVIL ACTION TO RECOVER  
18       DAMAGES FOR THE PROVISION OF SEXUAL ORIENTATION OR GENDER  
19       IDENTITY CHANGE EFFORTS MAY BE COMMENCED AT ANY TIME WITHOUT  
20       LIMITATION.

21              (3) THIS SECTION APPLIES TO ACTIONS BROUGHT AGAINST THE  
22       FOLLOWING:

23              (a) A LICENSED MENTAL HEALTH PROFESSIONAL WHO ENGAGES IN  
24       SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS;

25              (b) A PERSON WHO EMPLOYED, SUPERVISED, OR OTHERWISE  
26       EXERCISED AUTHORITY OVER THE LICENSED MENTAL HEALTH  
27       PROFESSIONAL AND THE PERSON OR ENTITY:

1 (I) KNEW OR HAD REASON TO KNOW THAT THE LICENSED MENTAL  
2 HEALTH PROFESSIONAL ENGAGED IN OR WAS LIKELY TO ENGAGE IN SEXUAL  
3 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS; AND

4 (II) FAILED TO TAKE REASONABLE STEPS TO PREVENT OR STOP THE  
5 LICENSED MENTAL HEALTH PROFESSIONAL FROM ENGAGING IN SEXUAL  
6 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS; OR

7 (c) A PERSON WHO NEGLIGENTLY HIRED, SUPERVISED, OR  
8 RETAINED A LICENSED MENTAL HEALTH PROFESSIONAL WHO ENGAGED IN  
9 OR WAS LIKELY TO ENGAGE IN SEXUAL ORIENTATION OR GENDER IDENTITY  
10 CHANGE EFFORTS.

11 (4) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION, THE  
12 PLAINTIFF MAY RECOVER DAMAGES THAT INCLUDE:

13 (a) ECONOMIC DAMAGES;

14 (b) NONECONOMIC DAMAGES;

15 (c) EXEMPLARY DAMAGES IF THE CONDUCT OF THE DEFENDANT  
16 WAS WILLFUL OR WANTON, AS PROVIDED IN SECTION 13-21-102; AND

17 (d) ANY OTHER DAMAGES DEEMED APPROPRIATE BY THE COURT.

18 (5) (a) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION,  
19 CAUSATION MAY BE ESTABLISHED AS FOLLOWS:

20 (I) GENERAL CAUSATION MAY BE ESTABLISHED BY EXPERT  
21 TESTIMONY, SCIENTIFIC LITERATURE, OR OTHER EVIDENCE  
22 DEMONSTRATING THAT SEXUAL ORIENTATION OR GENDER IDENTITY  
23 CHANGE EFFORTS ARE CAPABLE OF CAUSING THE TYPE OF PSYCHOLOGICAL  
24 INJURY OR ILLNESS THE PLAINTIFF SUFFERS; AND

25 (II) ONCE GENERAL CAUSATION IS ESTABLISHED, THE TRIER OF  
26 FACT MAY INFER SPECIFIC CAUSATION FROM EVIDENCE THAT THE  
27 PLAINTIFF WAS SUBJECTED TO SEXUAL ORIENTATION OR GENDER IDENTITY

1 CHANGE EFFORTS AND SUBSEQUENTLY EXPERIENCED THE TYPE OF  
2 PSYCHOLOGICAL INJURY OR ILLNESS THAT SEXUAL ORIENTATION OR  
3 GENDER IDENTITY CHANGE EFFORTS ARE CAPABLE OF CAUSING, UNLESS  
4 THE DEFENDANT ESTABLISHES, BY A PREPONDERANCE OF THE EVIDENCE,  
5 THAT THE PLAINTIFF'S PSYCHOLOGICAL INJURY OR ILLNESS WAS CAUSED  
6 SOLELY BY OTHER FACTORS UNRELATED TO THE SEXUAL ORIENTATION OR  
7 GENDER IDENTITY CHANGE EFFORTS.

8 (b) IN DETERMINING WHETHER SEXUAL ORIENTATION OR GENDER  
9 IDENTITY CHANGE EFFORTS ARE A SUBSTANTIAL FACTOR IN CAUSING THE  
10 PLAINTIFF'S INJURY, THE TRIER OF FACT MAY CONSIDER THE NATURE,  
11 DURATION, AND INTENSITY OF THE SEXUAL ORIENTATION OR GENDER  
12 IDENTITY CHANGE EFFORTS, THE AGE AND VULNERABILITY OF THE  
13 PLAINTIFF AT THE TIME THE SEXUAL ORIENTATION OR GENDER IDENTITY  
14 CHANGE EFFORTS TOOK PLACE, THE RELATIONSHIP BETWEEN THE  
15 PLAINTIFF AND THE MENTAL HEALTH PROFESSIONAL, THE TEMPORAL  
16 RELATIONSHIP BETWEEN THE SEXUAL ORIENTATION OR GENDER IDENTITY  
17 CHANGE EFFORTS AND THE ONSET OR EXACERBATION OF SYMPTOMS, AND  
18 ANY OTHER RELEVANT FACTORS.

19 (6) (a) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION,  
20 EXPERT TESTIMONY REGARDING THE GENERAL PSYCHOLOGICAL EFFECTS  
21 OF SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS IS  
22 ADMISSIBLE TO ESTABLISH THE TYPES OF HARM SEXUAL ORIENTATION OR  
23 GENDER IDENTITY CHANGE EFFORTS ARE KNOWN TO CAUSE. EXPERT  
24 TESTIMONY MAY ADDRESS:

25 (I) THE SCIENTIFIC AND CLINICAL CONSENSUS REGARDING THE  
26 HARMFULNESS OF SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE  
27 EFFORTS;

1 (II) THE TYPES OF PSYCHOLOGICAL INJURIES COMMONLY CAUSED  
2 BY SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS;

3 (III) THE TYPICAL LATENCY PERIOD BETWEEN SEXUAL  
4 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS AND THE  
5 MANIFESTATION OR RECOGNITION OF PSYCHOLOGICAL HARM; AND

6 (IV) WHETHER INDIVIDUALS WHO UNDERGO SEXUAL ORIENTATION  
7 OR GENDER IDENTITY CHANGE EFFORTS EXPERIENCE DELAYED  
8 RECOGNITION OF HARM, INCLUDING SHAME AND THE DYNAMICS OF THE  
9 THERAPEUTIC RELATIONSHIP.

10 (b) THIS SUBSECTION (6) DOES NOT LIMIT THE ADMISSIBILITY OF  
11 OTHER RELEVANT EXPERT TESTIMONY ON CAUSATION OR DAMAGES.

12 (7) (a) THE CAUSE OF ACTION DESCRIBED IN THIS SECTION  
13 SURVIVES THE DEATH OF THE PERSON WHO UNDERWENT SEXUAL  
14 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS AND MAY BE  
15 BROUGHT OR MAINTAINED BY THE PERSON'S PERSONAL REPRESENTATIVE  
16 OR ESTATE. THE PERSON'S DEATH MAY CONSTITUTE AN INJURY FOR THE  
17 PURPOSES OF THIS SECTION.

18 (b) NOTWITHSTANDING THE STATUTE OF LIMITATIONS DESCRIBED  
19 IN SECTION 13-80-112, AN ACTION BROUGHT AS A SURVIVAL ACTION  
20 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION MUST BE BROUGHT  
21 WITHIN FIVE YEARS AFTER THE PERSON'S DEATH.

22 (c) NOTWITHSTANDING THE LIMITATION ON DAMAGES IN SECTION  
23 13-20-101 (1), THE PERSON'S PERSONAL REPRESENTATIVE OR ESTATE MAY  
24 RECOVER ALL DAMAGES AVAILABLE PURSUANT TO SUBSECTION (4) OF THIS  
25 SECTION IN AN ACTION BROUGHT OR MAINTAINED PURSUANT TO THIS  
26 SUBSECTION (7).

27 (8) THIS SECTION DOES NOT LIMIT OR RESTRICT ANY OTHER CAUSE

1 OF ACTION OR REMEDY AVAILABLE TO A PERSON INJURED BY SEXUAL  
2 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS.

3 (9) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS  
4 SECTION BE INTERPRETED BROADLY TO EFFECTUATE ITS REMEDIAL  
5 PURPOSE OF PROVIDING CIVIL REMEDIES TO PERSONS HARMED BY SEXUAL  
6 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS.

7 (10) THIS SECTION APPLIES TO CAUSES OF ACTION ACCRUING ON OR  
8 AFTER JULY 1, 2026, AND TO CAUSES OF ACTION ACCRUING BEFORE JULY  
9 1, 2026, IF THE APPLICABLE STATUTE OF LIMITATIONS, AS IT EXISTED PRIOR  
10 TO JULY 1, 2026, HAS NOT YET RUN ON JULY 1, 2026.

11 **SECTION 3. Effective date - applicability.** This act takes effect  
12 July 1, 2026, and applies to a cause of action filed on or after said date.

13 **SECTION 4. Safety clause.** The general assembly finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety or for appropriations for  
16 the support and maintenance of the departments of the state and state  
17 institutions.