

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0691.01 Chelsea Princell x4335

HOUSE BILL 26-1322

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A BILL FOR AN ACT

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

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.

HOUSE
3rd Reading Unamended
April 2, 2026

HOUSE
Amended 2nd Reading
April 1, 2026

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.

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 law 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 OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR
16 FEELINGS TOWARD INDIVIDUALS OF A PARTICULAR SEX OR GENDER,
17 REGARDLESS OF THE SEXUAL ORIENTATION OR GENDER IDENTITY THE
18 PATIENT IS DIRECTED TOWARD.

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

21 ==
22 (A) COUNSELING OR THERAPY THAT PROVIDES ACCEPTANCE,
23 SUPPORT, AND UNDERSTANDING OF A PATIENT OR FACILITATES A PATIENT'S
24 COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND
25 DEVELOPMENT, WITHOUT SEEKING TO DIRECT THE PATIENT TOWARD A
26 PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME;

27 (B) COUNSELING OR THERAPY THAT IS NEUTRAL WITH RESPECT TO

1 SEXUAL ORIENTATION AND GENDER IDENTITY AND THAT DOES NOT SEEK
2 TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION
3 OR GENDER IDENTITY OUTCOME; OR

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

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

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

19 (3) THIS SECTION APPLIES TO ACTIONS BROUGHT AGAINST THE
20 FOLLOWING:

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

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

26 (I) KNEW OR HAD REASON TO KNOW THAT THE LICENSED MENTAL
27 HEALTH PROFESSIONAL ENGAGED IN OR WAS LIKELY TO ENGAGE IN SEXUAL

1 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS; AND

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

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

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

- 11 (a) ECONOMIC DAMAGES;
- 12 (b) NONECONOMIC DAMAGES;
- 13 (c) EXEMPLARY DAMAGES IF THE CONDUCT OF THE DEFENDANT
14 WAS WILLFUL OR WANTON, AS PROVIDED IN SECTION 13-21-102; AND
- 15 (d) ANY OTHER DAMAGES DEEMED APPROPRIATE BY THE COURT.

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

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

23 (II) ONCE GENERAL CAUSATION IS ESTABLISHED, THE TRIER OF
24 FACT MAY INFER SPECIFIC CAUSATION FROM EVIDENCE THAT THE
25 PLAINTIFF WAS SUBJECTED TO SEXUAL ORIENTATION OR GENDER IDENTITY
26 CHANGE EFFORTS AND SUBSEQUENTLY EXPERIENCED THE TYPE OF
27 PSYCHOLOGICAL INJURY OR ILLNESS THAT SEXUAL ORIENTATION OR

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

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

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

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

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

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

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

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

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

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

20 (c) NOTWITHSTANDING THE LIMITATION ON DAMAGES IN SECTION
21 13-20-101 (1), THE PERSON'S PERSONAL REPRESENTATIVE OR ESTATE MAY
22 RECOVER ALL DAMAGES AVAILABLE PURSUANT TO SUBSECTION (4) OF THIS
23 SECTION IN AN ACTION BROUGHT OR MAINTAINED PURSUANT TO THIS
24 SUBSECTION (7).

25 (8) THIS SECTION DOES NOT LIMIT OR RESTRICT ANY OTHER CAUSE
26 OF ACTION OR REMEDY AVAILABLE TO A PERSON INJURED BY SEXUAL
27 ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS.

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

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

9 **SECTION 3.** In Colorado Revised Statutes, 12-245-202, **amend**
10 (3.5) as follows:

11 **12-245-202. Definitions.**

12 As used in this article 245, unless the context otherwise requires:

13 (3.5) (a) "~~Conversion therapy~~" ~~means any practice or treatment by~~
14 ~~a licensee, registrant, or certificate holder that attempts or purports to~~
15 ~~change an individual's sexual orientation or gender identity, including~~
16 ~~efforts to change behaviors or gender expressions or to eliminate or~~
17 ~~reduce sexual or romantic attraction or feelings toward individuals of the~~
18 ~~same sex~~ MEANS ANY PRACTICE OR TREATMENT BY A LICENSED MENTAL
19 HEALTH-CARE PROVIDER THAT SEEKS TO DIRECT A PATIENT TOWARD A
20 PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME,
21 OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR
22 FEELINGS TOWARD INDIVIDUALS OF A PARTICULAR SEX OR GENDER,
23 REGARDLESS OF THE SEXUAL ORIENTATION OR GENDER IDENTITY THE
24 PATIENT IS DIRECTED TOWARD.

25 (b) "~~Conversion therapy~~" does not ~~include practices or treatments~~
26 ~~that provide~~ INCLUDE:

27 (I) ~~Acceptance, support, and understanding for the facilitation of~~

1 ~~an individual's coping, social support, and identity exploration and~~
2 ~~development, including sexual-orientation-neutral interventions to~~
3 ~~prevent or address unlawful conduct or unsafe sexual practices, as long~~
4 ~~as the counseling does not seek to change sexual orientation or gender~~
5 identity, or

6 (II) ~~Assistance to a person undergoing gender transition.~~
7 COUNSELING OR THERAPY THAT PROVIDES ACCEPTANCE, SUPPORT, AND
8 UNDERSTANDING OF A PATIENT OR FACILITATES A PATIENT'S COPING,
9 SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT,
10 WITHOUT SEEKING TO DIRECT THE PATIENT TOWARD A PREDETERMINED
11 SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME;

12 (III) COUNSELING OR THERAPY THAT IS NEUTRAL WITH RESPECT TO
13 SEXUAL ORIENTATION AND GENDER IDENTITY AND THAT DOES NOT SEEK
14 TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION
15 OR GENDER IDENTITY OUTCOME; OR

16 (IV) COUNSELING OR THERAPY RELATED TO A PATIENT'S SEXUAL
17 BEHAVIORS, PRACTICES, OR RELATIONSHIPS, PROVIDED THAT THE
18 COUNSELING OR THERAPY DOES NOT SEEK TO DIRECT THE PATIENT
19 TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY.

20 **SECTION 4. Effective date - applicability.** This act takes effect
21 July 1, 2026, and applies to a cause of action filed on or after said date.

22 **SECTION 5. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.