

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0510.01 Kristen Forrestal x4217

HOUSE BILL 16-1210

HOUSE SPONSORSHIP

Rosenthal, Esgar, Ginal, Moreno

SENATE SPONSORSHIP

Steadman, Guzman, Ulibarri

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON CONVERSION THERAPY BY A LICENSED**
102 **MENTAL HEALTH PROVIDER.**

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://www.leg.state.co.us/billsummaries>.)

The bill prohibits a licensed physician specializing in psychiatry or a licensed 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 efforts is subject to disciplinary action by the appropriate licensing board. "Conversion therapy" means efforts that seek to change an individual's sexual orientation, including efforts to change behaviors

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 14, 2016

or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-36-102.5, **add**
3 (5.5) as follows:

4 **12-36-102.5. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (5.5) "CONVERSION THERAPY" MEANS ANY PRACTICE BY A
7 LICENSEE SPECIALIZING IN THE PRACTICE OF PSYCHIATRY THAT SEEKS TO
8 CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY,
9 INCLUDING EFFORTS TO CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR
10 TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTION OR
11 FEELINGS TOWARD INDIVIDUALS OF THE SAME SEX. THE TERM DOES NOT
12 INCLUDE:

13 (a) PSYCHOTHERAPIES THAT PROVIDE ACCEPTANCE, SUPPORT, AND
14 UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING,
15 SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT,
16 INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT
17 OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS
18 LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL
19 ORIENTATION OR GENDER IDENTITY;

20 (b) PSYCHOTHERAPIES THAT PROVIDE ASSISTANCE TO A PERSON
21 UNDERGOING GENDER TRANSITION; OR

22 (c) THE ENGAGEMENT IN THE PRACTICE OF RELIGIOUS MINISTRY BY
23 A PERSON WHO IS LICENSED PURSUANT TO THIS ARTICLE AS LONG AS THE
24 PERSON IS NOT HOLDING HIMSELF OR HERSELF OUT AS A LICENSEE AT THE
25 TIME OF THE RELIGIOUS MINISTRY.

1 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, **add** (1)
2 (nn) as follows:

3 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
4 conduct" as used in this article means:

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

7 **SECTION 3.** In Colorado Revised Statutes, 12-43-201, **add** (1.6)
8 as follows:

9 **12-43-201. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (1.6) "CONVERSION THERAPY" MEANS ANY PRACTICE BY A
12 LICENSEE OR REGISTRANT THAT SEEKS TO CHANGE AN INDIVIDUAL'S
13 SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO
14 CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR
15 REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD
16 INDIVIDUALS OF THE SAME SEX. THE TERM DOES NOT INCLUDE:

17 (a) PSYCHOTHERAPIES THAT PROVIDE ACCEPTANCE, SUPPORT, AND
18 UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING,
19 SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT,
20 INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT
21 OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS
22 LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL
23 ORIENTATION OR GENDER IDENTITY;

24 (b) PSYCHOTHERAPIES THAT PROVIDE ASSISTANCE TO A PERSON
25 UNDERGOING GENDER TRANSITION; OR

26 (c) THE ENGAGEMENT IN THE PRACTICE OF RELIGIOUS MINISTRY BY
27 A PERSON WHO IS LICENSED PURSUANT TO THIS ARTICLE AS LONG AS THE

1 PERSON IS NOT HOLDING HIMSELF OR HERSELF OUT AS A LICENSED MENTAL
2 HEALTH PROFESSIONAL AT THE TIME OF THE RELIGIOUS MINISTRY.

3 **SECTION 4.** In Colorado Revised Statutes, 12-43-222, **amend**
4 (1) (w) and (1) (x); and **add** (1) (y) as follows:

5 **12-43-222. Prohibited activities - related provisions.** (1) A
6 person licensed, registered, or certified under this article violates this
7 article if the person:

8 (w) Has sold or fraudulently obtained or furnished a license,
9 registration, or certification to practice as a psychologist, social worker,
10 marriage and family therapist, licensed professional counselor,
11 psychotherapist, or addiction counselor or has aided or abetted in such
12 activities; ~~or~~

13 (x) Has failed to respond, in the manner required by the board, to
14 a complaint filed with or by the board against the licensee, registrant, or
15 certificate holder; OR

16 (y) ENGAGES IN CONVERSION THERAPY WITH A PATIENT UNDER
17 EIGHTEEN YEARS OF AGE.

18 **SECTION 5. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2016 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.