

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0839.01 Kristen Forrestal x4217

HOUSE BILL 18-1245

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HOUSE SPONSORSHIP

Rosenthal and Michaelson Jenet, Esgar, Ginal, Herod

SENATE SPONSORSHIP

Fenberg and Guzman, Moreno

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A PROHIBITION AGAINST A MENTAL HEALTH CARE  
102 PROVIDER ENGAGING IN CONVERSION THERAPY WITH A PATIENT  
103 UNDER EIGHTEEN YEARS OF AGE.

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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 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 efforts is subject to disciplinary action by the appropriate licensing board. "Conversion therapy" means efforts that

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

seek 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.

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

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

4           **12-36-102.5. Definitions.** As used in this ~~article~~ ARTICLE 36,  
5 unless the 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; OR

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

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

24           **12-36-117. Unprofessional conduct.** (1) "Unprofessional

1 conduct" as used in this article 36 means:

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

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

6 **12-43-201. Definitions.** As used in this article 43, unless the  
7 context otherwise requires:

8 (1.6) "CONVERSION THERAPY" MEANS ANY PRACTICE BY A  
9 LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT THAT SEEKS TO CHANGE  
10 AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING  
11 EFFORTS TO CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO  
12 ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS  
13 TOWARD INDIVIDUALS OF THE SAME SEX. THE TERM DOES NOT INCLUDE:

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

21 (b) PSYCHOTHERAPIES THAT PROVIDE ASSISTANCE TO A PERSON  
22 UNDERGOING GENDER TRANSITION.

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

25 **12-43-222. Prohibited activities - related provisions.** (1) A  
26 person licensed, registered, or certified under this article 43 violates this  
27 article 43 if he or she:

1           (w) Has sold or fraudulently obtained or furnished a license,  
2 registration, or certification to practice as a psychologist, social worker,  
3 marriage and family therapist, licensed professional counselor,  
4 psychotherapist, or addiction counselor or has aided or abetted in such  
5 activities; ~~or~~

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

9           (y) HAS ENGAGED IN CONVERSION THERAPY WITH A PATIENT  
10 UNDER EIGHTEEN YEARS OF AGE.

11           **SECTION 5. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2018 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.