

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0839.01 Kristen Forrestal x4217

HOUSE BILL 18-1245

HOUSE SPONSORSHIP

Rosenthal and Michaelson Jenet, Esgar, Ginal, Herod

SENATE SPONSORSHIP

Fenberg and Guzman, Moreno

House Committees

Public Health Care & Human Services

Senate Committees

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.**

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.

HOUSE
2nd Reading Unamended
April 4, 2018

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.

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.