



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1129

FISCAL NOTE

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| Drafting Number: | LLS 19-0072 | Date: | February 7, 2019 |
| Prime Sponsors: | Rep. Michaelson Jenet; Esgar Sen. Fenberg | Bill Status: | House Public Health |
| | | Fiscal Analyst: | Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us |

Bill Topic: PROHIBIT CONVERSION THERAPY FOR A MINOR

- Summary of Fiscal Impact:**
- State Revenue
 - State Expenditure (*minimal*)
 - State Transfer
 - TABOR Refund
 - Local Government
 - Statutory Public Entity

This bill prohibits a physician specializing in psychiatry or a licensed, certified, or registered mental health provider from performing conversion therapy on a patient under the age of 18. This bill will increase state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

This bill prohibits the use of conversion therapy by physicians specializing in psychiatry and licensed, certified, or registered mental health providers on a patient under the age of 18. The bill defines conversion therapy as any practice that seeks to change an individual's sexual orientation or gender identity. This includes efforts to change behaviors or gender expressions, or eliminate or reduce sexual or romantic attractions towards individuals of the same sex. It does not include treatments that provide acceptance, support, and understanding for the facilitation of an individual's coping, social support, and identity exploration or assistance to a person undergoing gender transitions. Use of conversion therapy is classified as unprofessional conduct and could result in disciplinary action by the appropriate licensing board. In addition, the bill adds advertising for or engaging in conversion therapy for money as a deceptive trade practice.

State Expenditures

Starting in the FY 2019-20, the bill increases workload in the Department of Regulatory Agencies (DORA), the Department of Personnel and Administration, and the Department of Law, as described below.

Department of Regulatory Agencies. This bill will increase workload for the professional boards that oversee the professions that the bill prohibits from using conversion therapy. Boards will need to provide outreach and education, conduct investigations, hold hearings, and take disciplinary action against any violators. The fiscal note assumes that regulated psychiatrists and mental

health providers will have a high level of compliance and will not engage in prohibited practices. The workload increase is expected to be minimal and can be accomplished within existing appropriations.

Department of Personnel and Administration. Workload will increase for the Office of Administrative Courts in the Department of Personal and Administration, to the extent that more complaints are referred by DORA. Because a high level of compliance is assumed, any increase in workload will be minimal.

Deceptive trade practice. Workload may increase in the Department of Law to the extent that the Attorney General investigates and brings actions against providers that use or advertise for conversion therapy. Enforcement of deceptive trade practices is permissive, and the Attorney General will prioritize any efforts within existing resources.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

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| Judicial | Information Technology | Law |
| Regulatory Agencies | Personnel | |