

CHAPTER 378

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 19-1129

BY REPRESENTATIVE(S) Michaelson Jenet and Esgar, Duran, Herod, Valdez A., Galindo, Jaquez Lewis, Titone, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Froelich, Gonzales-Gutierrez, Gray, Hansen, Hooton, Jackson, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Weissman, Becker, Garnett, Valdez D.;
also SENATOR(S) Fenberg, Moreno, Ginal, Bridges, Court, Danielson, Donovan, Fields, Foote, Gonzales, Pettersen, Rodriguez, Story, Winter, Zenzinger.

AN ACT**CONCERNING PROHIBITING A MENTAL HEALTH CARE PROVIDER FROM ENGAGING IN CONVERSION THERAPY WITH A PATIENT UNDER EIGHTEEN YEARS OF AGE.**

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

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

12-36-102.5. Definitions. As used in this ~~article~~ ARTICLE 36, unless the context otherwise requires:

(5.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSED PHYSICIAN SPECIALIZING IN THE PRACTICE OF PSYCHIATRY THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, 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.

(b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR TREATMENTS THAT PROVIDE:

(I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY; OR

(II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

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

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

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

SECTION 3. In Colorado Revised Statutes, 12-43-201, **amend** (1.5); and **add** (1.4) as follows:

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

(1.4) "CERTIFIED ADDICTION COUNSELOR" MEANS A PERSON WHO IS AN ADDICTION COUNSELOR CERTIFIED PURSUANT TO THIS ARTICLE 43.

(1.5) (a) ~~"Certified addiction counselor" means a person who is an addiction counselor certified pursuant to this article~~ "CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, 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.

(b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR TREATMENTS THAT PROVIDE:

(I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY; OR

(II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

SECTION 4. In Colorado Revised Statutes, 12-43-222, **amend** (1) introductory portion; and **add** (1)(t)(V) as follows:

12-43-222. Prohibited activities - related provisions. (1) A person licensed, registered, or certified under this article 43 violates this article 43 if ~~he or she~~ THE PERSON:

(t) Has engaged in any of the following activities and practices:

(V) CONVERSION THERAPY WITH A CLIENT WHO IS UNDER EIGHTEEN YEARS OF AGE.

SECTION 5. In Colorado Revised Statutes, 12-240-104, **add as relocated by House Bill 19-1172 (5.5)** as follows:

12-240-104. Definitions. As used in this article 240, unless the context otherwise requires:

(5.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSED PHYSICIAN SPECIALIZING IN THE PRACTICE OF PSYCHIATRY THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, 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.

(b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR TREATMENTS THAT PROVIDE:

(I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY; OR

(II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

SECTION 6. In Colorado Revised Statutes, 12-240-121, **add as relocated by House Bill 19-1172 (1)(ee)** as follows:

12-240-121. Unprofessional conduct - definitions. (1) "Unprofessional conduct" as used in this article 240 means:

(ee) ENGAGING IN CONVERSION THERAPY WITH A PATIENT WHO IS UNDER EIGHTEEN YEARS OF AGE.

SECTION 7. In Colorado Revised Statutes, 12-245-202, **add as relocated by House Bill 19-1172 (3.5)** as follows:

12-245-202. Definitions. As used in this article 245, unless the context otherwise requires:

(3.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY, 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.

(b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR TREATMENTS

THAT PROVIDE:

(I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY; OR

(II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

SECTION 8. In Colorado Revised Statutes, 12-245-224, **add as relocated by House Bill 19-1172** (1)(t)(V) as follows:

12-245-224. Prohibited activities - related provisions. (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(t) Has engaged in any of the following activities and practices:

(V) CONVERSION THERAPY WITH A CLIENT WHO IS UNDER EIGHTEEN YEARS OF AGE.

SECTION 9. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Sections 5, 6, 7, and 8 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 5, 6, 7, and 8 take effect October 1, 2019.

Approved: May 31, 2019