A BILL FOR AN ACT

CONCERNING A PROHIBITION ON CONVERSION THERAPY BY A LICENSED 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 and 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...
or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex.

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

SECTION 1. In Colorado Revised Statutes, 12-36-102.5, add (7.5) as follows:

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

(7.5) "Conversion therapy" means any practices by a licensee specializing in the practice of psychiatry that seek 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. The term does not include psychotherapies that:

(a) Provide 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

(b) Provide 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 means:
(nn) ENGAGING IN CONVERSION THERAPY WITH A PATIENT UNDER EIGHTEEN YEARS OF AGE.

SECTION 3. In Colorado Revised Statutes, 12-43-201, add (11) as follows:

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

(11) "CONVERSION THERAPY" MEANS ANY PRACTICES BY A LICENSEE OR REGISTRANT THAT SEEK 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. THE TERM DOES NOT INCLUDE PSYCHOTHERAPIES THAT:

(a) PROVIDE 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

(b) PROVIDE ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

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

12-43-222. Prohibited activities - related provisions. (1) A person licensed, registered, or certified under this article violates this article if the person:
(w) Has sold or fraudulently obtained or furnished a license, registration, or certification to practice as a psychologist, social worker, marriage and family therapist, licensed professional counselor, psychotherapist, or addiction counselor or has aided or abetted in such activities; or

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

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

SECTION 5. Act subject to petition - effective date. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.