

HOUSE No. 97

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to abusive practices to change sexual orientation and gender identity in minors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>

<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 97

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 97) of Kay Khan and others relative to the protection of the mental and physical health of minors from sexual orientation and/or gender identity change efforts. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3907 OF 2013-2014.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act relative to abusive practices to change sexual orientation and gender identity in minors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2012 Official
2 addition, is hereby amended by adding following new section:-

3 Section 264. (a) Definitions.

4 For the purposes of this section, “licensed professional” means any licensed medical,
5 mental health, or human service professional licensed under Chapter 112, including any
6 psychologist, psychiatrist, social worker, psychiatric nurse, allied mental health and human
7 services professional, licensed marriage and family therapist, licensed rehabilitation counselor,
8 licensed mental health counselor, licensed educational psychologist, or any of their respective

9 interns or trainees, or any other person designated or licensed as a mental health or human
10 service professional under Massachusetts law or regulation.

11 The term “sexual orientation” shall mean having an orientation for or being identified as
12 having an orientation for heterosexuality, bisexuality, or homosexuality.

13 The term "Gender identity" shall mean a person's gender-related identity, appearance or
14 behavior, whether or not that gender-related identity, appearance or behavior is different from
15 that traditionally associated with the person's physiology or assigned sex at birth. Gender-related
16 identity may be shown by providing evidence including, but not limited to, medical history, care
17 or treatment of the gender-related identity, consistent and uniform assertion of the gender-related
18 identity or any other evidence that the gender-related identity is sincerely held as part of a
19 person's core identity; provided, however, that gender-related identity shall not be asserted for
20 any improper purpose.

21 “Sexual orientation and gender identity change efforts” means any practice by a licensed
22 professional that seeks or purports to impose change of an individual’s sexual orientation or
23 gender identity. Such term--

24 (1) Includes practices

25 (A) to change an individual’s sexual orientation or gender identity.

26 (2) Does not include practices

27 (A) to provide acceptance, support, and understanding of an individual’s sexual
28 orientation, gender identity, or gender expression and the facilitation of an individual’s coping,

29 social support, and identity exploration and development, including interventions to prevent or
30 address unlawful conduct or unsafe sexual practices.

31 (b) Under no circumstances shall a licensed professional advertise for or engage in sexual
32 orientation and gender identity change efforts with a patient less than 18 years of age. Any
33 licensed professional violating this prohibition shall be such subject to discipline by the board,
34 which may include suspension or revocation of license.

35 (c) Whoever violates this section shall be considered to have violated section 2 of chapter
36 93A.

37 SECTION 2. (a) Subsection (a) of Section 51A of chapter 119 of the General Laws, as
38 appearing in the 2010 Official addition, is hereby amended by inserting after the words “chapter
39 233” the following words:-

40 or (vi) being subjected to sexual orientation and gender identity change efforts as defined
41 by section 169 of chapter 112

42 (b) Section 51A of chapter 119 is further amended in subsection (i) after the word
43 “family.” by adding the following words:-

44 Any report including licensed professionals engaging in sexual orientation and gender
45 identity change efforts as defined under section 169 of chapter 112 shall be filed within 30 days
46 to the appropriate licensing board for review and possible suspension or revocation of license.