

SENATE No. 2641

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

SENATE, July 31, 2018

The committee on Rules to whom was referred the House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 4664) (also based on Senate, No. 62); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2641.

For the committee,
Mark C. Montigny

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1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by adding following new section:-

3 Section 275. (a) As used in this section, the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:-

5 "Gender identity", a person's gender-related identity, appearance or behavior, whether or
6 not that gender-related identity, appearance or behavior is different from that traditionally
7 associated with the person's physiology or assigned sex at birth. Gender-related identity may be
8 shown by providing evidence including, but not limited to, medical history, care or treatment of
9 the gender-related identity, consistent and uniform assertion of the gender-related identity or any
10 other evidence that the gender-related identity is sincerely held as part of a person's core identity;
11 provided, however, that gender-related identity shall not be asserted for an improper purpose.

12 "Health care provider", a health care professional licensed under this chapter, including,
13 but not limited to, a physician, psychologist, social worker, nurse or allied mental health and
14 human services professional, including a marriage and family therapist, rehabilitation counselor,
15 mental health counselor or educational psychologist.

16 “Sexual orientation”, having an orientation for or being identified as having an orientation
17 for heterosexuality, bisexuality, or homosexuality.

18 “Sexual orientation and gender identity change efforts”, a practice by a health care provider
19 that attempts or purports to impose change of an individual’s sexual orientation or gender identity
20 including, but not limited to, efforts to change behaviors or gender expressions, or to eliminate or
21 reduce sexual or romantic attractions or feelings toward individuals of the same sex; provided,
22 however, that “sexual orientation and gender identity change efforts” shall not include practices
23 that: (1)(i) provide acceptance, support and understanding of an individual’s sexual orientation,
24 gender identity or gender expression; (ii) facilitate an individual’s coping, social support and
25 identity exploration and development; or (iii) are sexual orientation-neutral or gender identity-
26 neutral, including interventions to prevent or address unlawful conduct or unsafe sexual practices;
27 and (2) do not attempt or purport to impose change of an individual’s sexual orientation or gender
28 identity.

29 (b) A health care provider shall not advertise for or engage in sexual orientation and gender
30 identity change efforts with a patient less than 18 years of age.

31 (c) A health care provider who violates this section shall be subject to discipline by the
32 appropriate licensing board and such discipline may include suspension or revocation of license.

33 (d) A violation of this section shall be considered a violation of section 2 of chapter 93A.
34 Any claim brought under said section 2 of said chapter 93A for a violation of this section shall be
35 subject to sections 5A and 7 of chapter 260.

36 SECTION 2. Section 51A of chapter 119 of the General Laws, as so appearing, is hereby
37 amended by striking out, in line 10, the words “or (v)” and inserting in place thereof the following

38 words:- (v) being subjected to sexual orientation and gender identity change efforts, as defined in
39 subsection (a) of section 275 of chapter 112; or (vi).

40 SECTION 3. Subsection (i) of said section 51A of said chapter 119, as so appearing, is
41 hereby amended by adding the following sentence:- Not later than 30 days after receiving a report
42 that includes allegations that a health care provider engaged in sexual orientation and gender
43 identity change efforts, as defined in subsection (a) of section 275 of chapter 112, the department
44 shall file the report with the health care provider's licensing board for review and possible
45 suspension or revocation of license.