

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 52

BY MCCROSTIE

AN ACT

1 RELATING TO THE YOUTH MENTAL HEALTH PROTECTION ACT; AMENDING CHAPTER 24,
2 TITLE 16, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 16-2435 THROUGH
3 16-2439, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE
4 FINDINGS, TO DEFINE "CONVERSION THERAPY," TO PROVIDE FOR VIOLATIONS AND
5 ENFORCEMENT FOR CERTAIN PERSONS WHO PERFORM CONVERSION THERAPY, AND TO
6 PROHIBIT STATE FUNDING FOR CONVERSION THERAPY; AND PROVIDING SEVER-
7 ABILITY.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 24, Title 16, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 16-2435, Idaho Code, and to read as follows:

13 16-2435. SHORT TITLE. Sections 16-2435 through 16-2439, Idaho Code,
14 shall be known and may be cited as the "Youth Mental Health Protection Act."

15 SECTION 2. That Chapter 24, Title 16, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 16-2436, Idaho Code, and to read as follows:

18 16-2436. LEGISLATIVE FINDINGS. The legislature finds and declares
19 that:

20 (1) Contemporary science recognizes that being lesbian, gay, bisexual
21 or transgender is part of the natural spectrum of human identity and is not a
22 disease, disorder, or illness; and

23 (2) Idaho has a compelling interest in protecting the physical and
24 psychological well-being of minors, including lesbian, gay, bisexual, and
25 transgender youth, and in protecting its minors against exposure to serious
26 harms caused by conversion therapy.

27 SECTION 3. That Chapter 24, Title 16, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 16-2437, Idaho Code, and to read as follows:

30 16-2437. "CONVERSION THERAPY" DEFINED. As used in this act, "conver-
31 sion therapy" means any practices or treatments that seek to change an indi-
32 vidual's sexual orientation or gender identity, including efforts to change
33 behaviors or gender expressions or to eliminate or reduce sexual or roman-
34 tic attractions or feelings toward individuals of the same gender. Conver-
35 sion therapy does not include counseling that provides assistance to a per-
36 son undergoing gender transition, or counseling that provides acceptance,
37 support, and understanding of a person or facilitates a person's coping, so-
38 cial support, and identity exploration and development, including sexual-
39 orientation-neutral interventions to prevent or address unlawful conduct or

1 unsafe sexual practices, as long as such counseling does not seek to change
2 an individual's sexual orientation or gender identity.

3 SECTION 4. That Chapter 24, Title 16, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 16-2438, Idaho Code, and to read as follows:

6 16-2438. VIOLATIONS AND ENFORCEMENT. (1) A person who is licensed to
7 provide professional counseling under title 54, Idaho Code, including, but
8 not limited to, a psychiatrist, licensed professional counselor, licensed
9 practicing psychologist, certified social worker, licensed clinical social
10 worker, licensed social worker, licensed marriage and family therapist,
11 certified psychoanalyst, or a person who performs counseling as part of the
12 person's professional training for any of these professions, shall not en-
13 gage in conversion therapy with a person under eighteen (18) years of age.

14 (2) Any conversion therapy practiced by a licensed professional, as de-
15 scribed in subsection (1) of this section, on a patient under eighteen (18)
16 years of age shall be considered unprofessional conduct and shall subject
17 the licensed professional to discipline by the relevant licensing entity.

18 (3) The Idaho department of health and welfare shall have concurrent
19 authority to initiate proceedings for violations of this section. The de-
20 partment shall promulgate rules in accordance with the provisions of this
21 section.

22 SECTION 5. That Chapter 24, Title 16, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 16-2439, Idaho Code, and to read as follows:

25 16-2439. PROHIBITION ON STATE FUNDING FOR CONVERSION THERAPY. No
26 state funds, nor any funds belonging to a municipality, agency, or political
27 subdivision of this state, shall be expended for the purpose of conducting
28 conversion therapy, referring a person for conversion therapy, health bene-
29 fits coverage for conversion therapy, or a grant or contract with any entity
30 that conducts conversion therapy or refers individuals for conversion ther-
31 apy.

32 SECTION 6. SEVERABILITY. The provisions of this act are hereby declared
33 to be severable and if any provision of this act or the application of such
34 provision to any person or circumstance is declared invalid for any reason,
35 such declaration shall not affect the validity of the remaining portions of
36 this act.