

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 52

BY MCCROSTIE

AN ACT

1 RELATING TO CHILDREN'S MENTAL HEALTH SERVICES; AMENDING CHAPTER 24, TITLE
2 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-2435, IDAHO CODE,
3 TO DEFINE TERMS, TO PROHIBIT CONVERSION THERAPY IN CERTAIN INSTANCES,
4 TO PROVIDE THAT A VIOLATION SHALL BE CONSIDERED UNPROFESSIONAL CONDUCT,
5 AND TO PROVIDE EXCEPTIONS.
6

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

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

11 16-2435. PROHIBITION ON PROVIDING CONVERSION THERAPY TO A MINOR. (1)
12 As used in this section:

13 (a) "Conversion therapy" means any practice or treatment that seeks to
14 change the sexual orientation or gender identity of a patient or client,
15 including mental health therapy that seeks to change, eliminate, or
16 reduce behaviors, expressions, attractions, or feelings related to a
17 patient's or client's sexual orientation or gender identity. "Conver-
18 sion therapy" does not mean a practice or treatment that does not seek to
19 change a patient's or client's sexual orientation or gender identity,
20 including mental health therapy that:

21 (i) Is neutral with respect to sexual orientation and gender
22 identity;

23 (ii) Provides assistance to a patient or client undergoing gender
24 transition;

25 (iii) Provides acceptance, support, and understanding of a pa-
26 tient or client;

27 (iv) Facilitates a patient or client's coping ability, social
28 support, and identity exploration and development;

29 (v) Addresses unlawful, unsafe, premarital, or extramarital sex-
30 ual activities in a manner that is neutral with respect to sexual
31 orientation; or

32 (vi) Discusses with a patient or client the patient's or client's
33 moral or religious beliefs or practices.

34 (b) "Gender identity" means the gender-related identity, appearance,
35 mannerisms, or other gender-related characteristics of an individual
36 without regard to the individual's designated sex at birth. A person's
37 gender identity can be shown by providing evidence, including medical
38 history, care, or treatment of the gender identity, consistent and uni-
39 form assertion of the gender identity, or other evidence that the gender
40 identity is sincerely held, part of a person's core identity, and not
41 being asserted for an improper purpose.

1 (c) "Mental health professional" is as defined in section 6-1901, Idaho
2 Code.

3 (d) "Sexual orientation" means an individual's actual or perceived
4 orientation as heterosexual, homosexual, or bisexual.

5 (2) A mental health professional may not provide conversion therapy to
6 a patient or client who is younger than eighteen (18) years of age.

7 (3) A violation of subsection (2) of this section shall be considered
8 unprofessional conduct subject to disciplinary proceedings under title 54,
9 Idaho Code.

10 (4) The provisions of subsection (2) of this section shall not apply to:

11 (a) A clergy member or religious counselor who is acting substantially
12 in a pastoral or religious capacity and not in the capacity of a health
13 care professional; or

14 (b) A parent or grandparent who is a health care professional and who is
15 acting substantially in the capacity of a parent or grandparent and not
16 in the capacity of a health care professional.