

IN THE SENATE

SENATE BILL NO. 1352

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO COUNSELORS AND THERAPISTS; AMENDING CHAPTER 34, TITLE 54, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 54-3416, IDAHO CODE, TO PRO-
3 VIDE THAT NO PERSON PROVIDING COUNSELING OR THERAPY SERVICES SHALL BE
4 REQUIRED TO COUNSEL OR SERVE A CLIENT IN SUPPORT OF GOALS, OUTCOMES,
5 OR BEHAVIORS THAT CONFLICT WITH THE SINCERELY HELD RELIGIOUS, MORAL,
6 OR ETHICAL PRINCIPLES OF THE COUNSELOR OR THERAPIST; AND DECLARING AN
7 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Chapter 34, Title 54, 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 54-3416, Idaho Code, and to read as follows:

13 54-3416. SINCERELY HELD PRINCIPLES. (1) No person engaged in the prac-
14 tice of professional counseling or marriage and family therapy in the state
15 of Idaho shall be required to provide counseling to or facilitate the coun-
16 seling of a client in support of goals, outcomes, or behaviors that conflict
17 with the sincerely held religious, moral, or ethical principles of the coun-
18 selor or therapist.

19 (2) The declination to provide or facilitate counseling or therapy as
20 described in subsection (1) of this section shall not be the basis for:

21 (a) A civil cause of action;

22 (b) Criminal prosecution; or

23 (c) Disciplinary action pursuant to section 54-3407, Idaho Code.

24 (3) The right to decline to provide or facilitate counseling or ther-
25 apy as described in subsection (1) of this section is limited to conscience-
26 based objections to particular goals, outcomes, or behaviors that may be the
27 objectives of particular types of counseling or therapy. This section may
28 not be construed to waive or modify any duty a counselor or therapist may have
29 to provide or facilitate other types of counseling or therapy that support
30 goals, outcomes, or behaviors that do not violate the counselor's or thera-
31 pist's conscience.

32 (4) Actions that are lawful under this section but that may be con-
33 sidered to violate any counseling association code of ethics shall not be
34 grounds for the board to discipline a professional counselor or marriage and
35 family therapist pursuant to section 54-3407, Idaho Code.

36 (5) A civil action may be brought by a counselor or therapist for a vi-
37 olation of any provision of this section. A counselor or therapist shall be
38 entitled, upon the finding of a violation, to declaratory or injunctive re-
39 lief, and to recover the costs of the action and reasonable attorney's fees.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.