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# A BILL FOR AN ACT

RELATING TO MINORS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that being lesbian, gay,  
2 bisexual, or transgender is not a disease, disorder, illness,  
3 deficiency, or shortcoming. Major professional associations of  
4 mental health practitioners and researchers in the United States  
5 have recognized these facts for nearly forty years.

6           The American Psychological Association convened a task  
7 force on appropriate therapeutic responses to sexual  
8 orientation. The task force conducted a systematic review of  
9 peer-reviewed journal literature on sexual orientation change  
10 efforts. The task force concluded that sexual orientation  
11 change efforts can pose critical health risks to lesbian, gay,  
12 and bisexual individuals, including confusion, depression,  
13 guilt, helplessness, shame, social withdrawal, suicide,  
14 substance abuse, and other negative feelings and behaviors.

15           The legislature further finds that other studies confirm  
16 the serious health risks that minors face when they experience  
17 family rejection based on their sexual orientation. In one



1 study, lesbian, gay, and bisexual young adults who reported high  
2 levels of family rejection during adolescence were 8.4 times  
3 more likely to report having attempted suicide, 5.9 times more  
4 likely to report high levels of depression, 3.4 times more  
5 likely to use illegal drugs, and 3.4 times more likely to report  
6 having engaged in unprotected sexual intercourse compared with  
7 peers from families that reported no or low levels of family  
8 rejection. The legislature therefore concludes that all minors,  
9 especially lesbian, gay, bisexual, and transgender minors who  
10 experience family rejection, should be protected against sexual  
11 orientation change efforts by teachers and counseling  
12 professionals.

13 The purpose of this Act is to protect the physical and  
14 psychological well-being of minors, including lesbian, gay,  
15 bisexual, and transgender youth, against exposure to serious  
16 harms caused by sexual orientation change efforts.

17 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:



1           "§302A-        Sexual orientation change efforts prohibited.

2    (a) No teacher shall engage in sexual orientation change  
3    efforts on a student under eighteen years of age.

4            (b) Any teacher who engages in sexual orientation change  
5    efforts on a student under eighteen years of age shall be  
6    subject to disciplinary action by the department.

7            (c) For the purposes of this section, "sexual orientation  
8    change efforts" means the practice of attempting to change a  
9    person's sexual orientation, including but not limited to  
10   efforts to change behaviors, gender identity, or gender  
11   expressions; or to reduce or eliminate sexual or romantic  
12   attractions or feelings toward a person of the same gender.

13           "Sexual orientation change efforts" shall not include  
14   counseling for a person seeking to transition from one gender to  
15   another or counseling that:

16           (1) Provides acceptance, support, and understanding of a  
17           person or facilitates a person's coping, social  
18           support, and identity exploration and development,  
19           including sexual orientation-neutral interventions to  
20           prevent or address unlawful conduct or unsafe sexual  
21           practices; and



1           (2) Does not seek to change sexual orientation."

2           SECTION 3. Chapter 436B, Hawaii Revised Statutes, is  
3 amended by adding a new section to be appropriately designated  
4 and to read as follows:

5           "§436B- Sexual orientation change efforts prohibited;  
6 advertising prohibited. (a) No person who is licensed to  
7 provide professional counseling, including but not limited to a  
8 physician specializing in the practice of psychiatry, physician  
9 assistant, psychologist, social worker, mental health counselor,  
10 marriage and family therapist, or a person who performs  
11 counseling as part of the person's professional training for any  
12 of these professions, shall:

13           (1) Engage in sexual orientation change efforts, as  
14           defined in section 302A- , on a person under  
15           eighteen years of age; or

16           (2) Advertise the offering of sexual orientation change  
17           efforts, as defined in section 302A- , on a person  
18           under eighteen years of age.

19           (b) Any person who is licensed to provide professional  
20 counseling who attempts to engage in sexual orientation change  
21 efforts or advertises the offering of sexual advertising change



1 efforts on a person under eighteen years of age shall be subject  
2 to disciplinary action by the appropriate professional licensing  
3 authority.

4 (c) In addition to the penalties under subsection (b),  
5 advertising the offering of sexual advertising change efforts on  
6 a person under eighteen years of age shall constitute an unfair  
7 or deceptive act or practice under section 480-2."

8 SECTION 4. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 5. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

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# H.B. NO. 2148

**Report Title:**

Conversion Therapy; Sexual Orientation; Minors; Teachers;  
Professional Counseling

**Description:**

Prohibits teachers and persons who are licensed to provide professional counseling from engaging in or advertising sexual orientation change efforts on students and persons under eighteen years of age.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

