
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 the American
2 Psychological Association convened a task force on appropriate
3 therapeutic responses to sexual orientation. The task force
4 conducted a systematic review of peer-reviewed journal
5 literature on sexual orientation change efforts. The task force
6 concluded that sexual orientation change efforts are unlikely to
7 be successful and involve risk of harm to lesbian, gay, and
8 bisexual individuals, including depression, suicidality, loss of
9 sexual feeling, anxiety, shame, negative self-image, and other
10 negative feelings and behaviors. The legislature further finds
11 that children and adolescents who participate in these types of
12 sexual orientation change efforts, which often use fear-based
13 techniques, are given inaccurate scientific information
14 regarding sexual orientation and gender identity and are also at
15 risk of increased self-stigma and psychological distress.

16 The legislature additionally finds that sexual orientation
17 change efforts are opposed by the country's leading medical and



1 mental health professional organizations, including the American
2 Psychological Association, American Medical Association,
3 American Academy of Pediatrics, American Psychiatric
4 Association, National Association of Social Workers, American
5 College of Obstetricians and Gynecologists, and American Academy
6 of Child and Adolescent Psychiatry.

7 The purpose of this Act is to protect the physical and
8 psychological well-being of minors, including lesbian, gay,
9 bisexual, and transgender youth, against exposure to serious
10 harms caused by sexual orientation change efforts by regulating
11 the conduct of specific state-licensed persons who provide
12 professional counseling to minors under the age of eighteen and
13 prohibiting these professionals from engaging in, attempting to
14 engage in, or advertising the offering of sexual orientation
15 change efforts on persons under eighteen years of age.

16 SECTION 2. The Hawaii Revised Statutes is amended by
17 adding a new chapter to title 25 to be appropriately designated
18 and to read as follows:

19 "CHAPTER
20 **SEXUAL ORIENTATION CHANGE EFFORTS**

1 § -1 Sexual orientation change efforts prohibited;
2 advertising prohibited. (a) No person who is licensed to
3 provide professional counseling shall:

4 (1) Engage in or attempt to engage in sexual orientation
5 change efforts on a person under eighteen years of
6 age; or

7 (2) Advertise the offering of sexual orientation change
8 efforts on a person under eighteen years of age.

9 (b) Any person who is licensed to provide professional
10 counseling who engages in or attempts to engage in the offering
11 of sexual orientation change efforts on a person under eighteen
12 years of age shall be subject to disciplinary action by the
13 appropriate professional licensing authority.

14 (c) For purposes of this section:

15 "Person who is licensed to provide professional counseling"
16 means a person who performs counseling as part of the person's
17 professional training, including a physician, especially one
18 practicing psychiatry, licensed pursuant to chapter 453;
19 psychologist licensed pursuant to chapter 465; nurse licensed
20 pursuant to chapter 457; social worker licensed pursuant to
21 chapter 467E; licensed mental health counselor licensed pursuant



1 to chapter 453D; or licensed marriage and family therapist
2 licensed pursuant to chapter 451J.

3 "Sexual orientation change efforts" means the practice of
4 attempting to change a person's sexual orientation, including
5 but not limited to efforts to change gender identity or gender
6 expressions and behaviors; or to reduce or eliminate sexual or
7 romantic attractions or feelings toward a person of the same
8 gender.

9 "Sexual orientation change efforts" shall not include
10 counseling for a person seeking to transition from one gender to
11 another or counseling that:

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

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

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Sexual Orientation Change Efforts; Conversion Therapy;
Prohibition; Minors; Licensed Professionals

Description:

Prohibits specific state-licensed persons who are licensed to provide professional counseling from engaging in, attempting to engage in, or advertising sexual orientation change efforts on persons under eighteen years of age. (SD1)

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