House Study Bill 698 - Introduced

HOUSE FILE

BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON KAUFMANN)

A BILL FOR

- An Act relating to conversion therapy provided to a minor, and
 making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. <u>NEW SECTION</u>. 135.192 Conversion therapy — 2 prohibitions — penalties.

3 1. For the purposes of this section, unless the context 4 otherwise requires:

5 a. (1) "Conversion therapy" means any practice or treatment 6 that seeks to change the sexual orientation or gender identity 7 of an individual, including mental health therapy that seeks 8 to change, eliminate, or reduce behaviors, expressions, 9 attractions, or feelings related to an individual's sexual 10 orientation or gender identity.

11 (2) "Conversion therapy" does not mean a practice or 12 treatment that does not seek to change the sexual orientation 13 or gender identity of an individual, including mental health 14 therapy that meets any of the following conditions:

15 (a) Is neutral with respect to sexual orientation and gender 16 identity.

17 (b) Provides assistance to an individual undergoing gender18 transition.

19 (c) Provides acceptance, support, and understanding of an 20 individual.

21 (d) Facilitates an individual's ability to cope, social22 support, and identity exploration and development.

(e) Addresses unlawful, unsafe, premarital, or extramarital
24 sexual activities in a manner that is neutral with respect to
25 sexual orientation.

26 (f) Discusses with an individual the individual's moral or 27 religious beliefs or practices.

b. Health care professional means an individual who is licensed under, or an individual who provides mental health therapy as part of the individual's training for a profession that is licensed under, chapter 148, chapter 152 or chapter 152E, chapter 154B, chapter 154C, or chapter 154D, and who is a qualified to practice mental health therapy.

34 *c. "Minor"* means an individual who is under the age of 35 eighteen.

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d. "Mental health therapy" means any of the following:
 (1) Conducting a professional evaluation of an individual's
 condition of mental health, mental illness, or emotional
 disorder consistent with standards generally recognized by
 health care professionals.

6 (2) Establishing a diagnosis in accordance with established
7 written standards generally recognized by health care
8 professionals.

9 (3) Prescribing a plan for the prevention or treatment of a 10 condition of mental illness or emotional disorder.

11 (4) Engaging in the conduct of professional intervention 12 including psychotherapy by the application of established 13 methods and procedures generally recognized by health care 14 professionals who practice mental health therapy.

15 2. a. A health care professional shall not provide16 conversion therapy to a minor.

17 b. This subsection shall not be interpreted to apply to any 18 of the following:

19 (1) A clergy member or religious counselor who is acting20 substantially in a pastoral or religious capacity and not in21 the capacity of a health care professional.

(2) A parent or grandparent of a minor who is also a health 23 care professional but who is acting substantially in the 24 capacity of a parent or grandparent and not in the capacity of 25 a health care professional.

3. A health care professional who provides conversion therapy to a minor in violation of this section shall be subject to disciplinary action by the licensing entity with professional jurisdiction over the health care professional. EXPLANATION

31 The inclusion of this explanation does not constitute agreement with 32 the explanation's substance by the members of the general assembly.

33 This bill prohibits a health care professional from 34 providing conversion therapy to a minor. The bill defines 35 "conversion therapy", "health care professional", "minor",

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1 and "mental health therapy" for the purposes of the bill. 2 The bill provides that the prohibition against providing 3 conversion therapy to a minor shall not be interpreted 4 to apply to a clergy member or religious counselor who is 5 acting substantially in a pastoral or religious capacity and 6 not in the capacity of a health care professional or to a 7 parent or grandparent of a minor who is also a health care 8 professional but who is acting substantially in the capacity 9 of a parent or grandparent and not in the capacity of a health 10 care professional. A health care professional who provides 11 conversion therapy to a minor in violation of the bill shall 12 be subject to disciplinary action by the licensing entity with 13 professional jurisdiction over the health care professional.

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