

**Senate File 2249 - Introduced**

SENATE FILE 2249

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and DONAHUE

**A BILL FOR**

1 An Act prohibiting conversion therapy for certain clients, and  
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.194 Definitions.

2 As used in this subchapter, unless otherwise defined:

3 1. "*Client*" means a person requesting or receiving service  
4 from a mental health professional within the context of  
5 a relationship that a reasonable person would construe as  
6 a professional relationship. "*Client*" includes a child,  
7 adolescent, adult, couple, family, group, organization,  
8 community, or other entity.

9 2. a. "*Conversion therapy*" means any counseling, practice,  
10 or treatment by a mental health professional that seeks to  
11 change an individual's sexual orientation or gender identity,  
12 including efforts to change behaviors or gender expressions,  
13 or to eliminate or reduce sexual or romantic attractions or  
14 feelings toward individuals of the same gender.

15 b. "*Conversion therapy*" does not include any of the  
16 following, as long as the counseling, practice, or treatment  
17 does not seek to change an individual's sexual orientation or  
18 gender identity:

19 (1) Counseling, practice, or treatment that provides  
20 assistance to an individual undergoing gender transition.

21 (2) Counseling, practice, or treatment that provides  
22 acceptance, support, and understanding of an individual, or  
23 that facilitates an individual's coping, social support,  
24 and identity exploration and development, including  
25 sexual-orientation-neutral interventions to prevent or address  
26 unlawful conduct or unsafe sexual practices.

27 3. "*Mental health professional*" means the same as defined  
28 in section 228.1.

29 4. "*Protected person*" means the same as defined in section  
30 633.3.

31 Sec. 2. NEW SECTION. 135.195 Prohibition — licensee  
32 discipline — relief for violations.

33 1. A mental health professional shall not engage in  
34 conversion therapy with a client younger than eighteen years of  
35 age, or with a client who is a protected person.

1 2. A mental health professional who engages in conversion  
2 therapy with a client younger than eighteen years of age,  
3 or with a client who is a protected person, is subject  
4 to disciplinary action for unprofessional conduct by the  
5 appropriate licensing board or entity.

6 3. a. A person may assert an actual or threatened violation  
7 of this section as a claim or defense in a judicial or  
8 administrative proceeding and may obtain compensatory damages,  
9 injunctive relief, declaratory relief, or any other appropriate  
10 relief.

11 b. An action brought for a violation of this section shall  
12 be brought within two years after the cause of action accrues.  
13 However, a person younger than eighteen years of age may bring  
14 an action through a parent or legal guardian, and may bring an  
15 action in the person's own name upon reaching majority and for  
16 twenty years after reaching majority.

17 c. Notwithstanding any other law to the contrary, an  
18 action under this section may be commenced, and relief may be  
19 granted, in a judicial proceeding without regard to whether the  
20 person commencing the action has sought or exhausted available  
21 administrative remedies. In an action or proceeding to  
22 enforce this section, a prevailing party may recover reasonable  
23 attorney fees.

24 d. The attorney general may bring an action to enforce this  
25 section.

26 e. Nothing in this section shall be construed to deny,  
27 impair, or otherwise affect any right or authority of the  
28 attorney general, the state, or any agency, officer, or  
29 employee of the state to institute or intervene in any  
30 proceeding.

31 Sec. 3. NEW SECTION. 249A.19 Reimbursement — conversion  
32 therapy.

33 The department shall adopt rules pursuant to chapter 17A  
34 to prohibit reimbursement under the Medicaid program for  
35 conversion therapy as prohibited under section 135.195.



1 or threatened violation of the bill as a claim or defense  
2 in a judicial or administrative proceeding and may obtain  
3 compensatory damages, injunctive relief, declaratory relief,  
4 or any other appropriate relief. An action brought for a  
5 violation of the bill shall be brought within two years after  
6 the cause of action accrues. However, a person younger than  
7 18 years of age may bring an action through a parent or legal  
8 guardian, and may bring an action in the person's own name upon  
9 reaching majority and for 20 years after reaching majority.  
10 An action may be commenced, and relief may be granted, in  
11 a judicial proceeding without regard to whether the person  
12 commencing the action has sought or exhausted available  
13 administrative remedies. In an action or proceeding to enforce  
14 the bill, a prevailing party may recover reasonable attorney  
15 fees. The attorney general may bring an action to enforce  
16 the bill and the bill shall not be construed to deny, impair,  
17 or otherwise affect any right or authority of the attorney  
18 general, the state, or any agency, officer, or employee of the  
19 state to institute or intervene in any proceeding.

20 The bill also requires the department of health and  
21 human services to adopt administrative rules to prohibit  
22 reimbursement under the Medicaid program for conversion therapy  
23 as prohibited under the bill.

24 The bill prohibits a person, while conducting any trade  
25 or commerce, to use or employ any fraud, false pretense,  
26 false promise, false guarantee, misrepresentation, false or  
27 misleading statements, or deceptive practice by advertising  
28 or otherwise offering conversion therapy services that  
29 could reasonably be interpreted or inferred as representing  
30 homosexuality as a mental disease, disorder, or illness, or  
31 as guaranteeing to change an individual's sexual orientation  
32 or gender identity. A person who violates this provision of  
33 the bill commits a fraudulent practice in the third degree.  
34 A fraudulent practice in the third degree is an aggravated  
35 misdemeanor which is punishable by confinement for no more than

S.F. 2249

1 two years and a fine of at least \$855 but not more than \$8,540.