LEGISLATURE OF THE STATE OF IDAHO

Sixty-fifth Legislature First Regular Session - 2019

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 52

BY MCCROSTIE

AN ACT

RELATING TO THE YOUTH MENTAL HEALTH PROTECTION ACT; AMENDING CHAPTER 24, TITLE 16, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 16-2435 THROUGH 16-2439, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE FINDINGS, TO DEFINE "CONVERSION THERAPY," TO PROVIDE FOR VIOLATIONS AND ENFORCEMENT FOR CERTAIN PERSONS WHO PERFORM CONVERSION THERAPY, AND TO PROHIBIT STATE FUNDING FOR CONVERSION THERAPY; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 24, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-2435, Idaho Code, and to read as follows:

16-2435. SHORT TITLE. Sections 16-2435 through 16-2439, Idaho Code, shall be known and may be cited as the "Youth Mental Health Protection Act."

SECTION 2. That Chapter 24, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-2436, Idaho Code, and to read as follows:

16-2436. LEGISLATIVE FINDINGS. The legislature finds and declares that:

(1) Contemporary science recognizes that being lesbian, gay, bisexual or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness; and

(2) Idaho has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by conversion therapy.

SECTION 3. That Chapter 24, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-2437, Idaho Code, and to read as follows:

16-2437. "CONVERSION THERAPY" DEFINED. As used in this act, "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or

unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

SECTION 4. That Chapter 24, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-2438, Idaho Code, and to read as follows:

16-2438. VIOLATIONS AND ENFORCEMENT. (1) A person who is licensed to provide professional counseling under title 54, Idaho Code, including, but not limited to, a psychiatrist, licensed professional counselor, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under eighteen (18) years of age.

(2) Any conversion therapy practiced by a licensed professional, as described in subsection (1) of this section, on a patient under eighteen (18) years of age shall be considered unprofessional conduct and shall subject the licensed professional to discipline by the relevant licensing entity.

(3) The Idaho department of health and welfare shall have concurrent authority to initiate proceedings for violations of this section. The department shall promulgate rules in accordance with the provisions of this section.

SECTION 5. That Chapter 24, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-2439, Idaho Code, and to read as follows:

16-2439. PROHIBITION ON STATE FUNDING FOR CONVERSION THERAPY. No state funds, nor any funds belonging to a municipality, agency, or political subdivision of this state, shall be expended for the purpose of conducting conversion therapy, referring a person for conversion therapy, health benefits coverage for conversion therapy, or a grant or contract with any entity that conducts conversion therapy or refers individuals for conversion therapy.

SECTION 6. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.