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To amend title XIX of the Social Security Act to prohibit payments under the Medicaid program for conversion therapy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2019

Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. TED LIEU of California, Ms. GABBARD, Mr. TAKANO, Ms. BONAMICI, Ms. NORTON, Mr. LOWENTHAL, Mr. CRIST, Mr. ESPAILLAT, Mr. ENGEL, Mr. CARSON of Indiana, Mr. GRIJALVA, Mr. COHEN, Mr. KILMER, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. MUCARSEL-POWELL, Mr. GOMEZ, Ms. MCCOLLUM, Mr. SMITH of Washington, Mr. MCGOVERN, Mr. GARAMENDI, Mr. KENNEDY, Ms. VELÁZQUEZ, Ms. MATSUI, Mr. QUIGLEY, Mr. RYAN, Mr. CICILLINE, Mrs. NAPOLITANO, Mr. FOSTER, Mr. PAPPAS, Mr. BLUMENAUER, Mr. SWALWELL of California, Mr. TONKO, Mr. MEEKS, Mr. VARGAS, Mr. HIGGINS of New York, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. POCAN, Ms. JAYAPAL, Mr. HASTINGS, Mr. MOULTON, Ms. TITUS, Mrs. TORRES of California, Mr. HIMES, Mr. RUSH, Ms. BROWNLEY of California, Mr. KILDEE, Mrs. CRAIG, Ms. JACKSON LEE, Ms. WASSERMAN SCHULTZ, Mr. PETERS, Ms. OMAR, Ms. WEXTON, Mr. DEFAZIO, Mr. NADLER, Ms. DELAURO, Ms. WILD, Mr. HECK, Mrs. WATSON COLEMAN, Ms. LEE of California, Mr. PANETTA, Ms. KELLY of Illinois, and Mr. BROWN of Maryland) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend title XIX of the Social Security Act to prohibit payments under the Medicaid program for conversion therapy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prohibition of Medicaid Funding for Conversion Therapy Act''.

SEC. 2. PROHIBITION ON MEDICAID PAYMENTS FOR CONVERSION THERAPY.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) in paragraph (85), by striking ''and'' at the end;

(B) in paragraph (86), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (86) the following new paragraph:

''(87) provide that, beginning with the first day of the first quarter that begins on or after the date of enactment of this paragraph, no payment may be made under the plan with respect to conversion therapy (as defined in subsection (qq)) furnished to an individual enrolled under the plan (or a waiver of such plan).''; and

(2) by adding at the end the following new subsection:

''(qq) CONVERSION THERAPY; GENDER IDENTITY; PERSON; SEXUAL ORIENTATION.—For purposes of subsection (a)(87) and this subsection:

''(1) CONVERSION THERAPY.—The term 'conversion therapy'—

''(A) means any practice or treatment by any person that seeks to change another 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, if such person receives monetary compensation in exchange for any such practice or treatment; and

''(B) does not include any practice or treatment, which does not seek to change sexual orientation or gender identity, that—

''(i) provides assistance to an individual undergoing a gender transition; or

''(ii) provides acceptance, support, and understanding of a client or facilitation of a client's coping, social support, and identity exploration and development, including sexual orientation-neutral inter-

ventions to prevent or address unlawful conduct or unsafe sexual practices.

''(2) GENDER IDENTITY.—The term 'gender identity' means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

''(3) PERSON.—The term 'person' means any individual, partnership, corporation, cooperative, association, or any other entity.

''(4) SEXUAL ORIENTATION.—The term 'sexual orientation' means homosexuality, heterosexuality, or bisexuality.''.

(b) CONFORMING AMENDMENT.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (8) the following new paragraph:

''(9) with respect to any amount expended for conversion therapy (as defined in section 1902(qq)) on or after the date described in section 1902(a)(87); or''.

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