State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-2999/1
CMH&MED:eev:jm

2013 SENATE BILL 481

January 9, 2014 – Introduced by Senators RISSER, CARPENTER and T. CULLEN, cosponsored by Representatives SARGENT, POPE, BERCEAU and OHNSTAD. Referred to Committee on Health and Human Services.

AN ACT ***to create*** 948.045 of the statutes; **relating to:** prohibiting sexual orientation change efforts on minors and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a mental health provider, as defined in the bill, from engaging in any practice that seeks to change a child's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The prohibition created in the bill does not apply to counseling for an individual seeking to transition from one gender to another or to psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation. A mental health provider who violates the prohibition is guilty of a Class A misdemeanor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 948.045 of the statutes is created to read:

948.045 Sexual orientation change efforts. (1) DEFINITIONS. In this section, "mental health provider" means a physician; a psychologist licensed under ch. 455; a social worker licensed or certified under s. 457.08; a marriage and family therapist licensed under s. 457.10; a professional counselor licensed under s. 457.12; and any other person who performs counseling as part of his or her professional training for any of the professions specified in this subsection.

(2) PROHIBITION. (a) A mental health provider that engages in a practice that seeks to change a child's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex, is guilty of a Class A misdemeanor.

(b) Paragraph (a) does not apply to any of the following:

1. Counseling for an individual seeking to transition from one gender to another.

2. Psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development, including sexual orientation–neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, and that does not seek to change sexual orientation.

(END)