SB 224-FN - AS AMENDED BY THE SENATE

02/23/2017 0502s

2017 SESSION

17-0942
01/10

SENATE BILL ***224-FN***

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Bradley, Dist 3; Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Innis, Dist 24; Sen. Kahn, Dist 10; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Rep. Cushing, Rock. 21; Rep. Butler, Carr. 7

COMMITTEE: Health and Human Services

ANALYSIS

This bill prohibits persons licensed to provide counseling services to propose to engage or engage in conversion therapy with a person under 18 years of age.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L

PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means 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 shall 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.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, 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 18 years of age.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Non-Infringement. Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.

2 Effective Date. This act shall take effect January 1, 2018.

LBAO
17-0942
Amended 2/24/17

SB 224-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2017-0502s)

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

The Judicial Branch was first contacted on December 30, 2016 and again on January 18, 2017 for a fiscal note worksheet, which the Branch has not provided as of February 24, 2017.

METHODOLOGY:

This bill prohibits a person licensed to provide professional counseling services from engaging or proposing to engage in conversion therapy on a patient under 18 years of age. Such action shall be considered unprofessional conduct and subject to discipline as the relevant licensing authority deems appropriate. The Office of Professional Licensure and Certification (OPLC) states this bill would have an indeterminable impact on the licensing boards responsible for overseeing the various professions. It is not possible to predict the number of complaints or hearings that could result from this legislation, however a large number could result in the OPLC being charged more for services by the Department of Justice.

The Department of Health and Human Services indicates there is no fiscal impact on the Department.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification, Department of Health and Human Services, and Judicial Branch