

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.
3 132 entitled “An act relating to the prohibition of conversion therapy on
4 minors” respectfully reports that it has considered the same and recommends
5 that the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 * * * Findings * * *

8 Sec. 1. FINDINGS

9 In recognition that being lesbian, gay, bisexual, or transgender is part of the
10 natural spectrum of human identity and is not a disease, disorder, illness,
11 deficiency, or shortcoming, the General Assembly finds:

12 (1) Vermont has a compelling interest in protecting the physical and
13 psychological well-being of children, including lesbian, gay, bisexual, and
14 transgender youth, and in protecting its children against exposure to serious
15 harms.

16 (2) A 2015 report published by the U.S. Substance Abuse and Mental
17 Health Service’s Administration states “conversion therapy . . . is a practice
18 that is not supported by credible evidence and has been disavowed by
19 behavioral health experts and associations . . . [m]ost importantly, it may put
20 young people at risk of serious harm.”

1 (3) The American Academy of Pediatrics, the American Counseling
2 Association, the American Psychiatric Association, the American
3 Psychological Association, the National Association of School Psychologists,
4 and the National Association of Social Workers, together representing more
5 than 477,000 health and mental health professionals, have all taken the position
6 that homosexuality is not a mental disorder and thus there is no need for a
7 “cure.”

8 * * * Conversion Therapy * * *

9 Sec. 2. 18 V.S.A. chapter 196 is added to read:

10 CHAPTER 196. CONVERSION THERAPY

11 § 8351. DEFINITIONS

12 As used in this chapter:

13 (1) “Conversion therapy” means any practice by a mental health care
14 provider that seeks to change an individual’s sexual orientation or gender
15 identity, including efforts to change behaviors or gender expressions or to
16 change sexual or romantic attractions or feelings toward individuals of the
17 same sex or gender. “Conversion therapy” does not include psychotherapies
18 that:

19 (A) provide support to an individual undergoing gender transition; or

20 (B) provide acceptance, support, and understanding of clients or the
21 facilitation of clients’ coping, social support, and identity exploration and

1 development, including sexual-orientation-neutral or gender-identity-neutral
2 interventions to prevent or address unlawful conduct or unsafe sexual practices
3 without seeking to change an individual’s sexual orientation or gender identity.

4 (2) “Mental health care provider” means a person licensed to practice
5 medicine pursuant to 26 V.S.A. chapter 23, 33, or 81 who specializes in the
6 practice of psychiatry; a psychologist, a psychologist-doctorate, or a
7 psychologist-master as defined in 26 V.S.A. § 3001; a clinical social worker as
8 defined in 26 V.S.A. § 3201; a clinical mental health counselor as defined in
9 26 V.S.A. § 3261; a licensed marriage and family therapist as defined in
10 26 V.S.A. § 4031; a psychoanalyst as defined in 26 V.S.A. § 4051; any other
11 allied mental health professional; or a student, intern, or trainee of any such
12 profession.

13 § 8352. TREATMENT OF MINORS

14 A mental health care provider shall not use conversion therapy with a client
15 younger than 18 years of age.

16 § 8353. UNPROFESSIONAL CONDUCT

17 Any conversion therapy used on a client younger than 18 years of age by a
18 mental health care provider shall constitute unprofessional conduct as provided
19 in the relevant provisions of Title 26 and shall subject the mental health care
20 provider to discipline pursuant to the applicable provisions of that title and
21 of 3 V.S.A. chapter 5.

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* * * Physicians * * *

Sec. 3. 26 V.S.A. § 1354(a) is amended to read:

(a) The ~~board~~ Board shall find that any one of the following, or any combination of the following, whether or not the conduct at issue was committed within or outside the ~~state~~ State, constitutes unprofessional conduct:

* * *

(39) use of the services of a physician assistant by a physician in a manner which is inconsistent with the provisions of chapter 31 of this title; or

(40) use of conversion therapy as defined in 18 V.S.A. § 8351 on a client younger than 18 years of age.

* * * Osteopathy * * *

Sec. 4. 26 V.S.A. § 1842(b) is amended to read:

(b) Unprofessional conduct means the following conduct and conduct set forth in 3 V.S.A. § 129a-:

* * *

(13) Use of conversion therapy as defined in 18 V.S.A. § 8351 on a client younger than 18 years of age.

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* * * Psychologists * * *

Sec. 5. 26 V.S.A. § 3016 is amended to read:

§ 3016. UNPROFESSIONAL CONDUCT

Unprofessional conduct means the conduct listed in this section and in
3 V.S.A. § 129a:

* * *

(11) Use of conversion therapy as defined in 18 V.S.A. § 8351 on a
client younger than 18 years of age.

* * * Clinical Social Workers * * *

Sec. 6. 26 V.S.A. § 3210(a) is amended to read:

(a) The following conduct and the conduct set forth in 3 V.S.A. § 129a by a
licensed social worker constitutes unprofessional conduct. When that conduct
is by an applicant or a person who later becomes an applicant, it may constitute
grounds for denial of a license:

* * *

(12) failing to clarify the clinical social worker’s role with the parties
involved and to take appropriate action to minimize any conflicts of interest,
when the clinical social worker anticipates a conflict of interest among the
individuals receiving services or anticipates having to perform in conflicting
roles such as testifying in a child custody dispute or divorce proceedings
involving clients; or

1 (13) using conversion therapy as defined in 18 V.S.A. § 8351 on a client
2 younger than 18 years of age.

3 Sec. 7. 26 V.S.A. § 3210(a) is amended to read:

4 (a) The following conduct and the conduct set forth in 3 V.S.A. § 129a by a
5 person licensed under this chapter constitutes unprofessional conduct. When
6 that conduct is by an applicant or a person who later becomes an applicant, it
7 may constitute grounds for denial or discipline of a license:

8 * * *

9 (12) failing to clarify the licensee’s role with the parties involved and to
10 take appropriate action to minimize any conflicts of interest, when the clinical
11 social worker anticipates a conflict of interest among the individuals receiving
12 services or anticipates having to perform in conflicting roles such as testifying
13 in a child custody dispute or divorce proceedings involving clients; or

14 (13) using conversion therapy as defined in 18 V.S.A. § 8351 on a client
15 younger than 18 years of age.

16 * * * Clinical Mental Health Counselors * * *

17 Sec. 8. 26 V.S.A. § 3271(a) is amended to read:

18 (a) Unprofessional conduct means the following conduct and conduct set
19 forth in 3 V.S.A. § 129a-;

20 * * *

1 (7) independently practicing outside or beyond a clinical mental health
2 counselor’s area of training, experience or competence without appropriate
3 supervision; or

4 (8) using conversion therapy as defined in 18 V.S.A. § 8351 on a client
5 younger than 18 years of age.

6 * * * Marriage and Family Therapists * * *

7 Sec. 9. 26 V.S.A. § 4042(a) is amended to read:

8 (a) Unprofessional conduct means the following conduct and the conduct
9 set forth in 3 V.S.A. § 129a:

10 * * *

11 (7) Using conversion therapy as defined in 18 V.S.A. § 8351 on a client
12 younger than 18 years of age.

13 * * * Psychoanalysts * * *

14 Sec. 10. 26 V.S.A. § 4062(a) is amended to read:

15 (a) Unprofessional conduct means the following conduct and the conduct
16 set forth in 3 V.S.A. § 129a:

17 * * *

18 (7) Using conversion therapy as defined in 18 V.S.A. § 8351 on a client
19 younger than 18 years of age.

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* * * Naturopathic Physicians * * *

Sec. 11. 26 V.S.A. § 4132(a) is amended to read:

(a) The following conduct and conduct set forth in 3 V.S.A. § 129a by a person licensed under this chapter or an applicant for licensure constitutes unprofessional conduct:

* * *

(11) Using conversion therapy as defined in 18 V.S.A. § 8351 on a client younger than 18 years of age.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on July 1, 2016, except Sec. 7 shall take effect on July 1, 2017.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE