

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0072.01 Kristen Forrestal x4217

HOUSE BILL 19-1129

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Fenberg, Moreno, Ginal

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING A MENTAL HEALTH CARE PROVIDER FROM**
102 **ENGAGING IN CONVERSION THERAPY WITH A PATIENT UNDER**
103 **EIGHTEEN YEARS OF AGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a licensed physician specializing in psychiatry or a licensed, certified, or registered mental health care provider from engaging in conversion therapy with a patient under 18 years of age. A licensee who engages in these practices is subject to disciplinary action by the appropriate licensing board. The bill also makes the advertising or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 19, 2019

HOUSE
Amended 2nd Reading
February 15, 2019

practice of conversion therapy by a physician or mental health care provider a deceptive trade practice under the "Colorado Consumer Protection Act". "Conversion therapy" means efforts to change an individual's sexual orientation, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-36-102.5, **amend**
3 the introductory portion; and **add** (5.5) as follows:

4 **12-36-102.5. Definitions.** As used in this ~~article~~ ARTICLE 36,
5 unless the context otherwise requires:

6 (5.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR
7 TREATMENT BY A LICENSED PHYSICIAN SPECIALIZING IN THE PRACTICE OF
8 PSYCHIATRY THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S
9 SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO
10 CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR
11 REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD
12 INDIVIDUALS OF THE SAME SEX.

13 (b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR
14 TREATMENTS THAT PROVIDE:

15 (I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE
16 FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND
17 IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL
18 ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS
19 UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE
20 COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR
21 GENDER IDENTITY; OR

22 (II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

1 **SECTION 2.** In Colorado Revised Statutes, 12-36-117, **add**
2 (1)(nn) as follows:

3 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
4 conduct" as used in this article 36 means:

5 (nn) ENGAGING IN CONVERSION THERAPY WITH A PATIENT WHO IS
6 UNDER EIGHTEEN YEARS OF AGE.

7 **SECTION 3.** In Colorado Revised Statutes, 12-43-201, **amend**
8 (1.5); and **add** (1.4) as follows:

9 **12-43-201. Definitions.** As used in this article 43, unless the
10 context otherwise requires:

11 (1.4) "CERTIFIED ADDICTION COUNSELOR" MEANS A PERSON WHO
12 IS AN ADDICTION COUNSELOR CERTIFIED PURSUANT TO THIS ARTICLE 43.

13 (1.5) (a) ~~"Certified addiction counselor" means a person who is an~~
14 ~~addiction counselor certified pursuant to this article~~ "CONVERSION
15 THERAPY" MEANS ANY PRACTICE OR TREATMENT BY A LICENSEE,
16 REGISTRANT, OR CERTIFICATE HOLDER THAT ATTEMPTS OR PURPORTS TO
17 CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY,
18 INCLUDING EFFORTS TO CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR
19 TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTION OR
20 FEELINGS TOWARD INDIVIDUALS OF THE SAME SEX.

21 (b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR
22 TREATMENTS THAT PROVIDE:

23 (I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE
24 FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND
25 IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL
26 ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS
27 UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE

1 COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR
2 GENDER IDENTITY; OR

3 (II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

4 **SECTION 4.** In Colorado Revised Statutes, 12-43-222, **amend**
5 (1) introductory portion; and **add** (1)(t)(V) as follows:

6 **12-43-222. Prohibited activities - related provisions.** (1) A
7 person licensed, registered, or certified under this article 43 violates this
8 article 43 if ~~he or she~~ THE PERSON:

9 (t) Has engaged in any of the following activities and practices:

10 (V) CONVERSION THERAPY WITH A CLIENT WHO IS UNDER
11 EIGHTEEN YEARS OF AGE.

12 **SECTION 5.** In Colorado Revised Statutes, 6-1-105, **add**
13 (1)(kkk) as follows:

14 **6-1-105. Deceptive trade practices.** (1) A person engages in a
15 deceptive trade practice when, in the course of the person's business,
16 vocation, or occupation, the person:

17 (kkk) ADVERTISES FOR THE PROVISION OF, OR FOR MONETARY
18 COMPENSATION ENGAGES IN, CONVERSION THERAPY AS DEFINED IN
19 SECTIONS 12-36-102.5 (5.5) AND 12-43-201 (1.5).

20 **SECTION 6.** In Colorado Revised Statutes, 12-240-104, **add**
21 **as relocated by House Bill 19-1172** (5.5) as follows:

22 **12-240-104. Definitions.** As used in this article 240, unless the
23 context otherwise requires:

24 (5.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR
25 TREATMENT BY A LICENSED PHYSICIAN SPECIALIZING IN THE PRACTICE OF
26 PSYCHIATRY THAT ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S
27 SEXUAL ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO

1 CHANGE BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR
2 REDUCE SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD
3 INDIVIDUALS OF THE SAME SEX.

4 (b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR
5 TREATMENTS THAT PROVIDE:

6 (I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE
7 FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND
8 IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL
9 ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS
10 UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE
11 COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR
12 GENDER IDENTITY; OR

13 (II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

14 **SECTION 7.** In Colorado Revised Statutes, 12-240-121, **add as**
15 **relocated by House Bill 19-1172 (1)(ee)** as follows:

16 **12-240-121. Unprofessional conduct - definitions.**

17 (1) "Unprofessional conduct" as used in this article 240 means:

18 (ee) ENGAGING IN CONVERSION THERAPY WITH A PATIENT WHO IS
19 UNDER EIGHTEEN YEARS OF AGE.

20 **SECTION 8.** In Colorado Revised Statutes, 12-245-202, **add as**
21 **relocated by House Bill 19-1172 (3.5)** as follows:

22 **12-245-202. Definitions.** As used in this article 245, unless the
23 context otherwise requires:

24 (3.5) (a) "CONVERSION THERAPY" MEANS ANY PRACTICE OR
25 TREATMENT BY A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER THAT
26 ATTEMPTS OR PURPORTS TO CHANGE AN INDIVIDUAL'S SEXUAL
27 ORIENTATION OR GENDER IDENTITY, INCLUDING EFFORTS TO CHANGE

1 BEHAVIORS OR GENDER EXPRESSIONS OR TO ELIMINATE OR REDUCE
2 SEXUAL OR ROMANTIC ATTRACTION OR FEELINGS TOWARD INDIVIDUALS
3 OF THE SAME SEX.

4 (b) "CONVERSION THERAPY" DOES NOT INCLUDE PRACTICES OR
5 TREATMENTS THAT PROVIDE:

6 (I) ACCEPTANCE, SUPPORT, AND UNDERSTANDING FOR THE
7 FACILITATION OF AN INDIVIDUAL'S COPING, SOCIAL SUPPORT, AND
8 IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL
9 ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS
10 UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES, AS LONG AS THE
11 COUNSELING DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR
12 GENDER IDENTITY; OR

13 (II) ASSISTANCE TO A PERSON UNDERGOING GENDER TRANSITION.

14 **SECTION 9.** In Colorado Revised Statutes, 12-245-224, **add as**
15 **relocated by House Bill 19-1172 (1)(t)(V)** as follows:

16 **12-245-224. Prohibited activities - related provisions.** (1) A
17 person licensed, registered, or certified under this article 245 violates this
18 article 245 if the person:

19 (t) Has engaged in any of the following activities and practices:

20 (V) CONVERSION THERAPY WITH A CLIENT WHO IS UNDER
21 EIGHTEEN YEARS OF AGE.

22 **SECTION 10. Act subject to petition - effective date.**

23 (1) Except as otherwise provided in subsection (2) of this section, this act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.

6 (2) Sections 6, 7, 8, and 9 of this act take effect only if House Bill
7 19-1172 becomes law, in which case sections 6, 7, 8, and 9 take effect
8 October 1, 2019.