

# SENATE BILL REPORT

## SB 5722

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As Amended by House, February 28, 2018

**Title:** An act relating to restricting the practice of conversion therapy.

**Brief Description:** Restricting the practice of conversion therapy.

**Sponsors:** Senators Liias, Walsh, Ranker, Pedersen, Rivers, Keiser, Fain, Frockt, Hunt and Kuderer.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/11/18, 1/16/18 [DP, DNP].

**Floor Activity:**

Passed Senate: 1/19/18, 32-16.

Passed House: 2/28/18, 66-32.

**Brief Summary of Bill**

- Makes it unprofessional conduct for a licensed health care provider to perform conversion therapy on a patient under the age of 18.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass.

Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway, Fain, Keiser, Mullet and Van De Wege.

**Minority Report:** Do not pass.

Signed by Senators Rivers, Ranking Member; Bailey and Becker.

**Staff:** Evan Klein (786-7483)

**Background:** Uniform Disciplinary Act. The Uniform Disciplinary Act (UDA) governs disciplinary actions for all credentialed health care providers. The UDA establishes sanctions for acts of unprofessional conduct and provides disciplinary procedures. Acts of unprofessional conduct may include malpractice, misuse of drugs or alcohol, betrayal of a practitioner-patient privilege, and misrepresentation or fraud related to the profession.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Disciplinary responsibilities are divided between the Secretary of Health and 16 disciplining authorities according to the individual health care provider's profession and relevant step in the disciplinary process. If a disciplining authority finds a provider has committed an act of unprofessional conduct, it may impose sanctions such as: license revocation or suspension, practice restrictions, mandatory remedial education or treatment, practice monitoring, censure or reprimand, probation conditions, or payment of a fine.

**Summary of Bill:** It is unprofessional conduct for a licensed health care provider to perform conversion therapy on a patient under the age of 18.

Conversion therapy means a regime that seeks 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 sex.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The LGBTQ community face greater risks of depression and suicide. One third of LGBTQ individuals have attempted suicide in the last year. Practices like conversion therapy continue to marginalize these youth. There are deadly impacts of this practice. Conversion therapy has no basis in evidence. These treatments are inaccurate, prejudicial, and have no chance of a positive outcome. Many health organizations condemn these practices. Conversion therapy certainly meets the standard for unprofessional conduct. These practices induce nausea, vomiting, and other responses in youth, while showing them erotic images. Young people should not be subjected to these monstrous practices. This bill provides an avenue to regulate conversion therapy practice outside of the criminal justice system. There are nine states that have banned the practice of conversion therapy. This bill is also about telling kids that they are all worthy. This type of therapy reinforces the notion that there is something wrong with you.

CON: Every person has a different story. Teenagers are fragile and are easily confused about who they are. When teenagers are sexually abused or sexually assaulted they become confused about their identity. Is it wise to prevent someone from seeking assistance in exploring their sexuality? Many transgender individuals later realize they are stuck in a body that no longer serves them. It is concerning that teenagers could receive an abortion under state law, but not seek therapy from a therapist. Why should the state dictate what type of therapy a person chooses for themselves? There are a lot of parents who are grief stricken over the issues associated with one of their children struggling with their identity. There is concern that this bill would shut down any options other than affirming therapy. Therapists are not there to fix a child, but are there to provide a safe environment to share their goals. Many therapists agree that therapists should not seek to cure sexual illness. The definition of conversion therapy in this bill is not based on any standard regime of treatment or standard definition, and is defined however the reader decides. With the ambiguity in this

definition, there are no protections for therapists against claims of wrongdoing. The state needs to discipline poor therapists, not a specific type of therapy. Everyone wants to get rid of child abuse, but the way this bill would be applied has some challenges. This is a solution chasing a problem. The only effect this bill has is that if this therapy takes an individual in a specific direction, the therapist has to tell the individual that they cannot help them. This bill takes us down the slippery slope of restricting freedom of religion.

OTHER: A health review was undertaken on this bill. There is a fair amount of evidence that prohibiting conversion therapy would decrease the risk of harm. Available literature shows that conversion therapy is tied to negative self-image, depression, and other issues, in youth who receive it.

**Persons Testifying:** PRO: Senator Marko Liias, Prime Sponsor; Melinda Holman citizen; Adonis Aurelio Bemish, citizen; Madeline Bishop, citizen; Lucy Homans, Washington State Psychological Association; David Ward, Legal Voice; Nicholas Oakley, Center for Children and Youth Justice; Carey Morris, ERW.

CON: Terry Trudel, citizen; Tikvah Meeks, citizen; Jennifer Friesen, citizen; Gretchen Stockman, citizen; Brian Tingley, Family Foundations; Joseph Backholm, Family Policy Institute; Bill Wells, citizen.

OTHER: Alexandra Montano, State Board of Health.

**Persons Signed In To Testify But Not Testifying:** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Excludes from the definition of conversion therapy, counseling or psychotherapies that provide acceptance, support, and understanding of clients or facilitation of client's coping, social support, and identity exploration and development that do not seek to change sexual orientation or gender identity.
- Adds that the bill may not be construed to apply to non-licensed counselors acting under the auspices of a religious denomination, church, or organization.