Amendment to HB 1077

Amend the title of the bill by replacing it with the following:

AN ACT amending the prohibition on conversion therapy.

Amend the bill by replacing all after the enacting clause with the following:

1 Conversion Therapy; Chapter Title Amended. Amend the chapter title preceding RSA 332-L to read as follows:

[PROHIBITING] CONVERSION THERAPY [ON MINORS]

2 Prohibiting Conversion Therapy; Definitions and Prohibitions. Amend RSA 332-L:1 and 2 to read as follows:

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 against an individual's will, 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 as defined in RSA 332-L:1.

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 as defined in RSA 332-L:1 shall be
considered to have engaged in unprofessional conduct and shall be subject to such discipline as the
relevant licensing authority deems appropriate.

III. *In any claim of unprofessional conduct under paragraph II, the licensed professional shall not be presumed to have engaged in unprofessional conduct if the therapy in question was client-directed or was not against the client's will, regardless of whether the client was an adult or minor.*

IV. *If the therapy in question is alleged to have consisted of speech only, the relevant licensing authority shall presume that the therapy was client-directed unless the client shows, by a preponderance of the evidence, that the therapy was conducted against the client's will.*

3 Effective Date. This act shall take effect 60 days after its passage.
This bill:

I. Removes the prohibition on engaging in conversion therapy with a minor less than 18 years of age.

II. Amends the definition of conversion therapy to provide that no licensed professional shall engage in conversion therapy against an individual client’s will.

III. Establishes a presumption that a licensed professional’s actions shall not constitute unprofessional conduct if the therapy in question was client-directed or was not against the client's will, regardless of whether the client was an adult or minor.

IV. Establishes a presumption that in cases where the therapy was speech only, the therapy shall be presumed to be client-directed, unless the client shows that the therapy was against the client's will.