

HOUSE No. 4014

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 7, 2017.

The committee on Health Care Financing, to whom was referred the Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 1190), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4014) [Cost: Greater than \$100,000.00] [Representative Hunt of Sandwich dissents].

For the committee,

PETER V. KOCOT.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to abusive practices to change sexual orientation and gender identity in minors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2014 Official
2 addition, is hereby amended by adding following new section:-

3 Section 266. (a) Definitions.

4 For the purposes of this section, “licensed professional” means any licensed medical,
5 mental health, or human service professional licensed under Chapter 112, including any
6 psychologist, psychiatrist, social worker, psychiatric nurse, allied mental health and human
7 services professional, licensed marriage and family therapist, licensed rehabilitation counselor,
8 licensed mental health counselor, licensed educational psychologist, or any of their respective
9 interns or trainees, or any other person designated or licensed as a mental health or human
10 service professional under Massachusetts law or regulation.

11 The term “sexual orientation” shall mean having an orientation for or being identified as
12 having an orientation for heterosexuality, bisexuality, or homosexuality.

13 The term "Gender identity" shall mean a person's gender-related identity, appearance or
14 behavior, whether or not that gender-related identity, appearance or behavior is different from
15 that traditionally associated with the person's physiology or assigned sex at birth. Gender-related
16 identity may be shown by providing evidence including, but not limited to, medical history, care
17 or treatment of the gender-related identity, consistent and uniform assertion of the gender-related
18 identity or any other evidence that the gender-related identity is sincerely held as part of a
19 person's core identity; provided, however, that gender-related identity shall not be asserted for
20 any improper purpose.

21 "Sexual orientation and gender identity change efforts" means any practice by a licensed
22 professional that attempts or purports to impose change of an individual's sexual orientation or
23 gender identity, including but not limited to efforts to change behaviors or gender expressions, or
24 to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same
25 sex. The term "sexual orientation and gender identity change efforts" does not include practices:

26 (A)(1) to provide acceptance, support, and understanding of an individual's sexual
27 orientation, gender identity, or gender expression; (2) facilitate an individual's coping, social
28 support, and identity exploration and development; or (3) that are sexual orientation-neutral or
29 gender identity-neutral including interventions to prevent or address unlawful conduct or unsafe
30 sexual practices; and

31 (B) Do not attempt or purport to impose change of an individual's sexual orientation or
32 gender identity.

33 (b) Under no circumstances shall a licensed professional advertise for or engage in sexual
34 orientation and gender identity change efforts with a patient less than 18 years of age. Any

35 licensed professional violating this prohibition shall be such subject to discipline by the
36 appropriate licensing board, which may include suspension or revocation of license.

37 (c) Whoever violates this section shall be considered to have violated section 2 of chapter
38 93A. Any such claim brought under this section shall be subject to sections 5A and 7 of chapter
39 260.

40 SECTION 2. (a) Subsection (a) of Section 51A of chapter 119 of the General Laws, as
41 appearing in the 2010 Official addition, is hereby amended by inserting after the words “chapter
42 233” the following words:-

43 or (vi) being subjected to sexual orientation and gender identity change efforts as defined
44 by section 169 of chapter 112

45 (b) Section 51A of chapter 119 is further amended in subsection (i) after the word
46 “family.” by adding the following words:-

47 Any report including licensed professionals engaging in sexual orientation and gender
48 identity change efforts as defined under section 169 of chapter 112 shall be filed within 30 days
49 to the appropriate licensing board for review and possible suspension or revocation of license.

50 SECTION 3. There shall be a working group, convened by the Joint Committee on
51 Health Care Finance, to discuss and review equitable parameters of reverting payments by health
52 insurance carriers for which providers of behavioral health services had been compensated after
53 authorization. The working group shall be comprised of members of said committee, with three
54 committee members of the House, appointed by the House chairman and three committee
55 members of the Senate, appointed by the Senate chairman, behavioral health providers and

56 clinicians, appropriate health insurers, consumers and state agency stakeholders, appointed by
57 the joint committee chairs. Said working group shall review existing reimbursement practices,
58 reimbursement policies in other states and the impacts of so-called "clawbacks" of
59 reimbursement to consumers and clinicians. Said working group shall report its findings to the
60 Committee no later than March 1, 2018."