SENATE . . . . . No. 2647

Senate, July 31, 2018– Text of the Senate amendment (Bills in the Third Reading) to the House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 4664)

The Commonwealth of Massachusetts

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

SECTION 1. Chapter 112 of the General Laws is hereby amended by adding following new section:-

Section 275. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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

"Health care provider", any health care professional licensed under this chapter, including but not limited to, any physician, psychologist, social worker, nurse, or allied mental health and human services professional, including marriage and family therapist, rehabilitation counselor, mental health counselor, or educational psychologist.

"Sexual orientation", having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality.

"Sexual orientation and gender identity change efforts", any practice by a health care provider that attempts or purports to impose change of an individual's sexual orientation or gender identity, including but not limited to efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. "Sexual orientation and gender identity change efforts" shall not include practices that:

(1) (i) provide acceptance, support, and understanding of an individual's sexual orientation, gender identity, or gender expression; (ii) facilitate an individual's coping, social support, and identity exploration and development; or (iii) are sexual orientation-neutral or gender identity-neutral including interventions to prevent or address unlawful conduct or unsafe sexual practices; and

(2) do not attempt or purport to impose change of an individual's sexual orientation or gender identity.

(b) A health care provider shall not advertise for or engage in sexual orientation and gender identity change efforts with a patient less than 18 years of age.

(c) Any health care provider who violates this section shall be such subject to discipline by the appropriate licensing board, which may include suspension or revocation of license.

(d) Any health care provider who violates this section shall be considered to have violated section 2 of chapter 93A. Any such claim brought under this section shall be subject to sections 5A and 7 of chapter 260.