

SENATE No. 2191

SENATE, March 28, 2019 – Text of the Senate amendment to the House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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

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

4 “Gender identity”, shall have the same meaning as under clause Fifty-ninth of section 7
5 of chapter 4.

6 “Health care provider”, a health care professional licensed under this chapter including,
7 but not limited to, a physician, psychologist, social worker, nurse or allied mental health and
8 human services professional, including marriage and family therapist, rehabilitation counselor,
9 mental health counselor or educational psychologist.

10 “Sexual orientation”, having an orientation for or being identified as having an
11 orientation for heterosexuality, bisexuality or homosexuality.

12 “Sexual orientation and gender identity change efforts”, any practice by a health care
13 provider that attempts or purports to impose change of an individual’s sexual orientation or
14 gender identity including, but not limited to, efforts to change behaviors or gender expressions or

15 to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same
16 sex; provided, however, that “sexual orientation and gender identity change efforts” shall not
17 include practices that: (i) (A) provide acceptance, support and understanding of an individual’s
18 sexual orientation, gender identity or gender expression; (B) facilitate an individual’s coping,
19 social support and identity exploration and development; or (C) are sexual orientation-neutral or
20 gender identity-neutral, including interventions to prevent or address unlawful conduct or unsafe
21 sexual practices; and (ii) do not attempt or purport to impose change of an individual’s sexual
22 orientation or gender identity.

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

25 (c) A health care provider who violates this section shall be subject to discipline by the
26 appropriate licensing board. Such discipline may include suspension or revocation of license.

27 (d) A violation of this section by a health care provider shall be a violation of section 2 of
28 chapter 93A. Such a claim brought under this section shall be subject to sections 5A and 7 of
29 chapter 260.