

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 483

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CHILDREN'S MENTAL HEALTH SERVICES; AMENDING CHAPTER 24, TITLE
2 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-2435, IDAHO CODE,
3 TO DEFINE TERMS, TO PROHIBIT CONVERSION THERAPY IN CERTAIN INSTANCES,
4 TO PROVIDE THAT A VIOLATION SHALL BE CONSIDERED UNPROFESSIONAL CONDUCT,
5 AND TO PROVIDE EXCEPTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN
6 EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 24, Title 16, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 16-2435, Idaho Code, and to read as follows:

12 16-2435. PROHIBITION ON PROVIDING CONVERSION THERAPY TO A MINOR. (1)
13 As used in this section:

14 (a) "Conversion therapy" means any practice or treatment that seeks to
15 change the sexual orientation or gender identity of a patient or client,
16 including mental health therapy that seeks to change, eliminate, or
17 reduce behaviors, expressions, attractions, or feelings related to a
18 patient's or client's sexual orientation or gender identity. "Conver-
19 sion therapy" does not mean a practice or treatment that does not seek to
20 change a patient's or client's sexual orientation or gender identity,
21 including mental health therapy that:

22 (i) Is neutral with respect to sexual orientation and gender
23 identity;

24 (ii) Provides assistance to a patient or client undergoing gender
25 transition;

26 (iii) Provides acceptance, support, and understanding of a pa-
27 tient or client;

28 (iv) Facilitates a patient's or client's coping ability, social
29 support, and identity exploration and development;

30 (v) Addresses unlawful, unsafe, premarital, or extramarital sex-
31 ual activities in a manner that is neutral with respect to sexual
32 orientation; or

33 (vi) Discusses with a patient or client the patient's or client's
34 moral or religious beliefs or practices.

35 (b) "Gender identity" means the gender-related identity, appearance,
36 mannerisms, or other gender-related characteristics of an individual
37 without regard to the individual's designated sex at birth. A person's
38 gender identity can be shown by providing evidence, including medical
39 history, care, or treatment of the gender identity; consistent and uni-
40 form assertion of the gender identity; or other evidence that the gender
41 identity is sincerely held, part of a person's core identity, and not
42 being asserted for an improper purpose.

1 (c) "Mental health professional" is as defined in section 6-1901, Idaho
2 Code.

3 (d) "Sexual orientation" means an individual's actual or perceived
4 orientation as heterosexual, homosexual, or bisexual.

5 (2) A mental health professional may not provide conversion therapy to
6 a patient or client who is younger than eighteen (18) years of age.

7 (3) A violation of subsection (2) of this section shall be considered
8 unprofessional conduct subject to disciplinary proceedings under title 54,
9 Idaho Code.

10 (4) The provisions of subsection (2) of this section shall not apply to:
11 (a) A clergy member or religious counselor who is acting substantially
12 in a pastoral or religious capacity and not in the capacity of a health
13 care professional; or

14 (b) A parent or grandparent who is a health care professional and who is
15 acting substantially in the capacity of a parent or grandparent and not
16 in the capacity of a health care professional.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2022.