

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 63

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO COUNSELORS AND THERAPISTS; AMENDING CHAPTER 34, TITLE 54,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3416, IDAHO CODE, TO
3 PROVIDE THAT NO PERSON PROVIDING COUNSELING OR THERAPY SERVICES WILL
4 BE REQUIRED TO COUNSEL OR SERVE A CLIENT REGARDING GOALS, OUTCOMES,
5 OR BEHAVIORS THAT CONFLICT WITH THE SINCERELY HELD PRINCIPLES OF THE
6 COUNSELOR OR THERAPIST; AND DECLARING AN EMERGENCY AND PROVIDING AN
7 EFFECTIVE DATE.
8

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

10 SECTION 1. That Chapter 34, Title 54, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 54-3416, Idaho Code, and to read as follows:

13 54-3416. SINCERELY HELD PRINCIPLES. (1) No person engaged in the prac-
14 tice of professional counseling or marriage and family therapy in the state
15 of Idaho shall be required to counsel or serve a client regarding goals,
16 outcomes, or behaviors that conflict with the sincerely held principles of
17 the counselor or therapist, provided that the professional counselor or mar-
18 riage and family therapist coordinates a referral of the client to another
19 counselor or therapist who will provide the counseling or therapy.

20 (2) The refusal to provide professional counseling or marriage and fam-
21 ily therapy services as described in subsection (1) of this section shall not
22 be the basis for:

23 (a) A civil cause of action;

24 (b) Criminal prosecution; or

25 (c) Disciplinary action pursuant to section 54-3407, Idaho Code.

26 (3) Subsections (1) and (2) of this section shall not apply to a coun-
27 selor or therapist when an individual seeking or undergoing counseling is in
28 imminent danger of harming himself or others until such time as the counselor
29 has fulfilled his duty to warn obligations under chapter 19, title 6, Idaho
30 Code, if applicable, and has transferred the patient to the care of another
31 counselor or therapist.

32 (4) Actions that are lawful under this section but that may be con-
33 sidered to violate any counseling association code of ethics shall not be
34 grounds for the board to discipline a professional counselor or marriage and
35 family therapist pursuant to section 54-3407, Idaho Code.

36 SECTION 2. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2023.