

Acts (2019)

Chapter 8

AN ACT RELATIVE TO ABUSIVE PRACTICES TO CHANGE SEXUAL ORIENTATION AND GENDER IDENTITY IN MINORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent forthwith abusive practices to change sexual orientation and gender identity in minors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Chapter 112 of the General Laws is hereby amended by adding the following 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”, shall have the same meaning as under clause Fifty-ninth of section 7 of chapter 4.

“Health care provider”, a health care professional licensed under this chapter including, but not limited to, a 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; provided, however, that “sexual orientation and gender identity change efforts” shall not include practices that: (i) (A) provide acceptance, support and understanding of an individual’s sexual orientation, gender identity or gender expression; (B) facilitate an individual’s coping, social support and identity exploration and development; or (C) are sexual orientation-neutral or gender identity-neutral, including interventions to prevent or address unlawful conduct or unsafe sexual practices; and (ii) 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 who is less than 18 years of age.

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

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

Approved, April 8, 2019.