

HOUSE No. 140

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:
An Act relative to abusive practices to change sexual orientation and gender identity in minors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>

HOUSE No. 140

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 140) of Kay Khan and others relative to abusive practices to change sexual orientation and gender identity in minors. Children, Families and Persons with Disabilities.

HD2848

The Commonwealth of Massachusetts

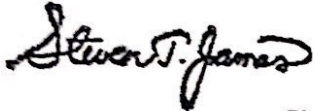
**HOUSE OF
REPRESENTATIVES,**

January 22, 2019.

Referred to the committee
on

**CHILDREN, FAMILIES
AND PERSONS WITH
DISABILITIES.**

Sent to the Senate for
concurrence.

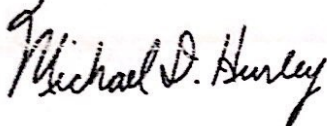


Clerk.

SENATE,

January 22, 2019.

The Senate concurs



COVER

<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>

<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>James T. Welch</i>	<i>Hampden</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>

3/18/19
11.09

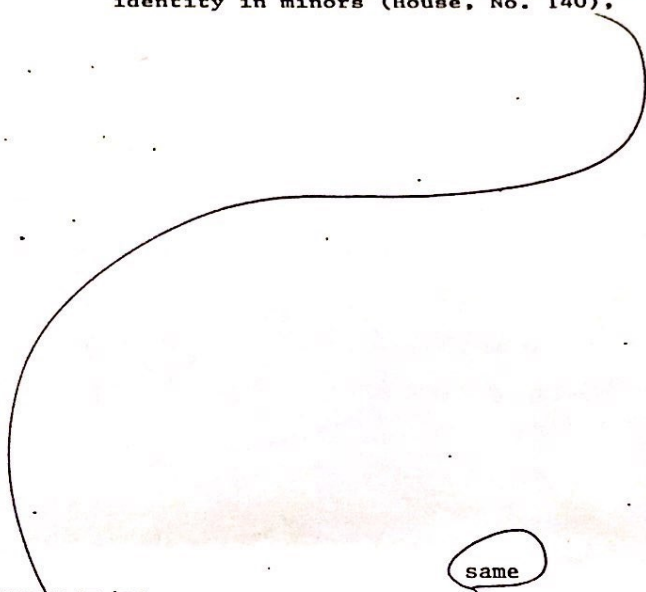
The Commonwealth of Massachusetts

House of Representatives, March 11, 2019

The committee on Health Care Financing

to whom was referred the ~~petition~~ (accompanied by ~~_____~~ House No. _____)

Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140).



same

REPORT recommending that the ~~bill~~ ^{same} ~~resolve~~ accompanying said petition ought to pass. [Cost: Greater than \$100,000.00]


For the Committee.
Jennifer E. Benson

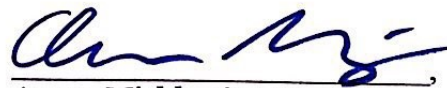
The Commonwealth of Massachusetts

House of Representatives, March 13, 2019

*The committee on **WAYS AND MEANS**, to whom was referred the*

*Bill relative to abusive practices to change sexual orientation and gender identity
in minors (House, No. 140),*

REPORT *recommending that the same ought to pass.*



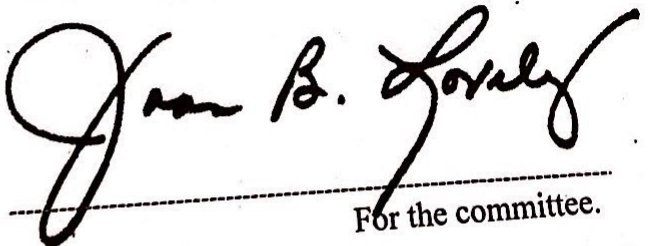
Aaron Michlewitz, *Chairman*
For the Committee

The Commonwealth of Massachusetts

Senate, MAR 25 2019

The committee on Rules, to whom was referred the House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140)

Reports that the matter be placed in the Orders of the Day with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2187 (also based on Senate, No. 70)


For the committee.



EMERGENCY PREAMBLE

(Adopted, House April 4, 2019 (3-0)
(Adopted, Senate April 4, 2019 (3-0)

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

This Act originated in the House Steven T. James, Clerk.

House of Representatives, April 4, 2019.

Rightly and Truly Prepared for Final Passage.

Contains an Emergency Preamble.

Steven T. James, House Clerk.

In Senate, April 4, 2019.

Rightly and Truly Prepared for Final Passage.

Contains an Emergency Preamble.

Stacey Jemay, ^{Acting} Senate Clerk.

Laid before the Governor April 4, 2019.

SECRETARY OF STATE
REGULATIONS DIVISION

2019 APR -8 PM 4:09

Mr. Speliotis of Danvers moves that the House concur with the Senate in its amendment with a further amendment by inserting before the enacting clause the following emergency preamble:-

“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.”.

Amendment ID: S2187-1-R1

Redraft Amendment 1

Technical Amendment

Mr. Cyr, Ms. Rausch and Mr. Montigny move that the proposed new text be amended by striking out the definition of "Health care provider" and inserting in place thereof the following 2 definitions:-

"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.

REJECTED

Amendment ID: S2187-4

Amendment 4

Gender Expression

Mr. Tarr moves that the proposed new text be amended by inserting in line 16 after the word "expression" the following: "-", or analysis or consideration there of"

SENATE No. 2187

The Commonwealth of Massachusetts

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

SENATE, Monday, March 25, 2019

The committee on Rules to whom was referred the House Bill relative to abusive practices to change sexual orientation and gender identity in minors (House, No. 140),- reports, that the matter be placed in the Orders of the Day with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2187 (also based on Senate, No. 70).

For the committee,
Joan B. Lovely

Senate, March 28, 2019.

FLOOR AMENDMENT
Rep. Delia's

Passed to be engrossed, in concurrence, with an amendment by striking out all after the enacting clause [at "A"] and inserting in place thereof the text of Senate document numbered 2194.

Michael D. Hej, Clerk

HR April 4, 2019.

The House concurred with the Senate in its amendment with a further amendment by inserting before the acting clause of the bill [at "B"] the following emergency preamble:

"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."

Sent to the Senate for concurrence in the further amendment.

Steven T. James, Clerk.

Senate, April 4, 2019

Senate concurs in the further House amendment.

Hacey LeMay, Asst Clerk

Senate Committee on BTR
Correctly drawn

Savietto L. Chandlo
For the Committee

Senate, No. 2187

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

Senate, March 25, 2019

Recommended NT (Rules) for H.140
Order relative to subject matter adopted
[OD for Thursday, March 28, 2019]

March 28, 2019

Amendment #1 (Cyr) adopted
Amendment #4 (Tarr) rejected – see RC #16
(6 yeas – 32 nays)
Substituted as a new text for H.140
[for text of Senate amendment, printed as amended, see S.219/]

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 ^{the} 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.

HOUSE No. 140

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 140) of Kay Khan and others relative to abusive practices to change sexual orientation and gender identity in minors. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

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

~~[B]~~
An Act relative to abusive practices to change sexual orientation and gender identity in minors.

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

~~[A]~~
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.

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

••• STET comma after "rehabilitation counselor"

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

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

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

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

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

March, 28, 2019

Read second Motion (Tarr) requesting SJC Opinion see S.2189 negatived see RC #15 (6 years - 32 nays) Amended (Rules) as amended NT S.2187, amended - ordered 3rd - read 3rd & negressed see RC #17 (34 years - 0 nays) [for text of Senate amendment, printed as amended, see S2191]

Senate Committee on BTR
Correctly drawn
Therese L. Mendler
For the Committee

APR 01 2019

H.R.
Referred, under Rule 35, to the committee on Bills in the Third Reading.

Stewart James, Clerk

April 4, 2019, - The House concurred with the Senate amendment with a further amendment.

Correctly drawn,
[Signature], for B.T.R.

April 4, 2019 - Senate?
SJC could be the further HSE AMD

Senate Correctly drawn.

Contains an Emergency Preamble
Therese L. Mendler
For the Senate Committee on Bills in the Third Reading

5.

House, No. 140, amended

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

MAR 07 2019

H.R.
Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Stewart James, Clerk

MAR 11 2019

H.R.
Read; and referred, under Rule 33, to the committee on Ways and Means.

Stewart James, Clerk

MAR 13 2019

H.R.
Referred, under Rule 7A, to the committee on Steering Policy and Scheduling.

Stewart James, Clerk
March 13, 2019, Reported; and placed in OD for a second reading.

3/13/19

Rule 7A suspended:
read 2nd and ord 3rd

rules suspended, read 3rd.,
1-1 Amendment (Lombardo)
Laid aside on p.o.o.
(Khan). Ruling doubted [Lombardo-Dooley]; and ruling sustained (HRC#28);

Correctly drawn,
[Signature], for B.T.R.

2-2 Amendment (Dooley)
Laid aside on p.o.o.
(Khan). Ruling doubted [Dooley-Lombardo]; and ruling sustained (HRC#29);
Engrossed (HRC#30).
Reconsidered (Haddad); and Engrossed (HRC#31).

MAR 18 2019

Senate,
Read and, under Senate Rule 26, referred to the committee on Rules.

Michael A. Hurley, Clerk

March 25, 2019
ODNS with amendment NT S2187
Order relative to subject matter adopted.
Placed in OD for March 28th