

4840

2013-2014 Regular Sessions

I N S E N A T E

April 26, 2013

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to prohibiting sexual orientation change efforts by mental health providers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 6509-d
2 to read as follows:

3 S 6509-D. SEXUAL ORIENTATION CHANGE EFFORTS. 1. FOR THE PURPOSES OF
4 THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (A) "MENTAL HEALTH PROVIDER" MEANS A PHYSICIAN AND SURGEON SPECIALIZ-
6 ING IN THE PRACTICE OF PSYCHIATRY, A PSYCHOLOGIST, A PSYCHOLOGICAL
7 ASSISTANT, INTERN, OR TRAINEE, A LICENSED MARRIAGE AND FAMILY THERAPIST,
8 A REGISTERED MARRIAGE AND FAMILY THERAPIST, INTERN, OR TRAINEE, A
9 LICENSED EDUCATIONAL PSYCHOLOGIST, A CREDENTIALLED SCHOOL PSYCHOLOGIST, A
10 LICENSED CLINICAL SOCIAL WORKER, AN ASSOCIATE CLINICAL SOCIAL WORKER, A
11 LICENSED PROFESSIONAL CLINICAL COUNSELOR, A REGISTERED CLINICAL COUNSE-
12 LOR, INTERN, OR TRAINEE, OR ANY OTHER PERSON DESIGNATED AS A MENTAL
13 HEALTH PROFESSIONAL UNDER STATE LAW OR REGULATION.

14 (B)(1) "SEXUAL ORIENTATION CHANGE EFFORTS" MEANS ANY PRACTICES BY
15 MENTAL HEALTH PROVIDERS THAT SEEK TO CHANGE AN INDIVIDUAL'S SEXUAL
16 ORIENTATION. THIS INCLUDES EFFORTS TO CHANGE BEHAVIORS OR GENDER IDEN-
17 TITY OR EXPRESSION, OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC
18 ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME SEX.

19 (2) "SEXUAL ORIENTATION CHANGE EFFORTS" DOES NOT INCLUDE PSYCHOTHERA-
20 PIES THAT: (A) PROVIDE ACCEPTANCE, SUPPORT, AND UNDERSTANDING OF CLIENTS
21 OR THE FACILITATION OF CLIENTS' COPING, SOCIAL SUPPORT, AND IDENTITY
22 EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTER-
23 VENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRAC-
24 TICES; AND (B) DO NOT SEEK TO CHANGE SEXUAL ORIENTATION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09989-02-3

1 2. UNDER NO CIRCUMSTANCES SHALL A MENTAL HEALTH PROVIDER ENGAGE IN
2 SEXUAL ORIENTATION CHANGE EFFORTS FOR INDIVIDUALS UNDER THE AGE OF EIGH-
3 TEEN YEARS. ANY SEXUAL ORIENTATION CHANGE EFFORTS ATTEMPTED ON A PATIENT
4 UNDER EIGHTEEN YEARS OF AGE BY A MENTAL HEALTH PROVIDER SHALL BE CONSID-
5 ERED UNPROFESSIONAL CONDUCT AND SHALL SUBJECT A MENTAL HEALTH PROVIDER
6 TO DISCIPLINE BY THE LICENSING ENTITY FOR THAT MENTAL HEALTH PROVIDER.
7 S 2. This act shall take effect immediately.