S T A T E O F N E W Y O R K

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:

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

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

(A) "MENTAL HEALTH PROVIDER" MEANS A PHYSICIAN AND SURGEON SPECIALIZING IN THE PRACTICE OF PSYCHIATRY, A PSYCHOLOGIST, A PSYCHOLOGICAL ASSISTANT, INTERN, OR TRAINEE, A LICENSED MARRIAGE AND FAMILY THERAPIST, A REGISTERED MARRIAGE AND FAMILY THERAPIST, INTERN, OR TRAINEE, A LICENSED EDUCATIONAL PSYCHOLOGIST, A CREDENTIALED SCHOOL PSYCHOLOGIST, A LICENSED CLINICAL SOCIAL WORKER, AN ASSOCIATE CLINICAL SOCIAL WORKER, A LICENSED PROFESSIONAL CLINICAL COUNSELOR, A REGISTERED CLINICAL COUNSELOR, INTERN, OR TRAINEE, OR ANY OTHER PERSON DESIGNATED AS A MENTAL HEALTH PROFESSIONAL UNDER STATE LAW OR REGULATION.

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

(2) "SEXUAL ORIENTATION CHANGE EFFORTS" DOES NOT INCLUDE PSYCHOTHERAPIES THAT: (A) PROVIDE ACCEPTANCE, SUPPORT, AND UNDERSTANDING OF CLIENTS OR THE FACILITATION OF CLIENTS' COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES; 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.

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2. UNDER NO CIRCUMSTANCES SHALL A MENTAL HEALTH PROVIDER ENGAGE IN SEXUAL ORIENTATION CHANGE EFFORTS FOR INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS. ANY SEXUAL ORIENTATION CHANGE EFFORTS ATTEMPTED ON A PATIENT UNDER EIGHTEEN YEARS OF AGE BY A MENTAL HEALTH PROVIDER SHALL BE CONSIDERED UNPROFESSIONAL CONDUCT AND SHALL SUBJECT A MENTAL HEALTH PROVIDER TO DISCIPLINE BY THE LICENSING ENTITY FOR THAT MENTAL HEALTH PROVIDER.

S 2. This act shall take effect immediately.