STATE OF NEW YORK

11306

IN ASSEMBLY

May 11, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Glick) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil rights law, in relation to establishing a private right of action against mental health professionals who engaged in sexual orientation change efforts; to amend the civil practice law and rules, in relation to reviving such actions otherwise barred by the existing statute of limitations and granting trial preference to such actions; and to amend the judiciary law, in relation to directing the chief administrator of the courts to promulgate rules for the timely adjudication of certain revived actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil rights law is amended by adding a new section 52-e to read as follows:

§ 52-e. Private right of action for sexual orientation change efforts. 1. For purposes of this section:

a. "Mental health professional" means a person subject to the provisions of article one hundred fifty-three, one hundred fifty-four or one hundred sixty-three of the education law; or any other person designated as a mental health professional pursuant to law, rule or regulation.

b. "Sexual orientation or gender identity change efforts" (i) means any practice by a mental health professional that seeks to change an individual's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex; and (ii) shall not include counseling for a person seeking to transition from one gender to another, or psychotherapies that: (A) provide acceptance, support and understanding of patients or the facilitation of patients' 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.

LBD15452-03-6

2. In an action for recovery of damages suffered as a result of sexual orientation or gender identity change efforts, the time for commencement of the action shall be the later of the following:

a. If the plaintiff was under eighteen years of age at the time of the conduct, until the plaintiff turns fifty-five years of age.

b. If the plaintiff was eighteen years of age or older at the time of the conduct, within twenty years of the date of the last treatment session in which the sexual orientation or gender identity change efforts occurred.

3. This section applies to the following actions:

a. An action against a mental health professional for damages arising from sexual orientation or gender identity change efforts.

b. An action against any person or entity that employed, supervised, or otherwise exercised authority over a mental health professional, and such person or entity knew or had reason to know that the mental health professional engaged in or was likely to engage in sexual orientation or gender identity change efforts and failed to take reasonable steps to prevent such conduct.

c. An action against any person or entity for the negligent hiring, supervision, or retention of a mental health professional who engaged in sexual orientation or gender identity change efforts.

4. In an action pursuant to this section, the plaintiff may recover damages, including, but not limited to:

a. Economic damages, including medical expenses, mental health treatment costs, lost earnings, and other pecuniary losses.

b. Noneconomic damages, including pain and suffering, emotional distress, and loss of enjoyment of life.

c. Punitive damages if the defendant's conduct was willful, oppressive, fraudulent, or malicious.

d. Reasonable attorneys' fees and costs.

5. a. In an action pursuant to this section, general causation may be established by expert testimony, scientific literature, or other evidence demonstrating that sexual orientation or gender identity change efforts are capable of causing the type of psychological injury or illness suffered by the plaintiff.

b. Once general causation is established, the trier of fact may infer specific causation from evidence that the plaintiff was subjected to sexual orientation or gender identity change efforts and subsequently experienced the type of psychological injury or illness that such efforts are capable of causing, unless the defendant establishes by a preponderance of the evidence that the plaintiff's injury or illness was caused solely by other factors unrelated to the sexual orientation or gender identity change efforts.

c. In determining whether sexual orientation or gender identity change efforts were a substantial factor in causing the plaintiff's injury, the trier of fact may consider the nature, duration, and intensity of the efforts, the age and vulnerability of the plaintiff at the time, the relationship between the plaintiff and the provider, the temporal relationship between the efforts and the onset or exacerbation of symptoms, and any other relevant factors.

d. The causation framework set forth in this subdivision reflects the principle that in cases involving latent injuries and scientific consensus regarding harmfulness, plaintiffs may establish causation by demonstrating that exposure to the harmful conduct was, in reasonable medical probability, a substantial factor contributing to the risk of developing

the injury or illness, without requiring proof of the precise mechanism by which the harm occurred.

6. a. In an action pursuant to this section, expert testimony regarding the general psychological effects of sexual orientation or gender identity change efforts shall be admissible to establish the types of harm such efforts are known to cause based on the scientific and clinical consensus. Expert testimony may include, but is not limited to, any of the following:

(i) The scientific and clinical consensus regarding the harmfulness of sexual orientation or gender identity change efforts.

(ii) The types of psychological injuries commonly caused by sexual orientation or gender identity change efforts.

(iii) The typical latency period between sexual orientation or gender identity change efforts and the manifestation or recognition of psychological harm.

(iv) The reasons why survivors of sexual orientation or gender identity change efforts commonly experience delayed recognition of harm, including repression, shame, and the dynamics of the therapeutic relationship.

b. This subdivision shall not limit the admissibility of other relevant expert testimony regarding causation or damages.

7. This section shall not be construed to do any of the following:

a. Limit the application of any other law that extends the time for commencement of an action.

b. Limit or restrict any statutory or common law cause of action or remedy available to any person injured by sexual orientation or gender identity change efforts.

c. Limit or restrict the application of section sixty-five hundred nine-e or sixty-five hundred thirty-one-a of the education law.

8. It is the intent of the legislature that this section be interpreted broadly to effectuate its remedial purpose of providing civil remedies to persons harmed by sexual orientation or gender identity change efforts.

§ 2. The civil practice law and rules is amended by adding a new section 214-k to read as follows:

§ 214-k. Action to recover damages from sexual orientation or gender identity change efforts. Notwithstanding any provision of law which imposes a period of limitation to the contrary and the provisions of any other law pertaining to the filing of a notice of claim or a notice of intention to file a claim as a condition precedent to commencement of an action or special proceeding, every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute sexual orientation or gender identity change efforts as defined in section fifty-two-e of the civil rights law, which is barred as of the effective date of this section because the applicable period of limitation has expired, and/or the plaintiff previously failed to file a notice of claim or a notice of intention to file a claim, is hereby revived, and action thereon may be commenced not earlier than six months after, and not later than three years after the effective date of this section. In any such claim or action, dismissal of a previous action, ordered before the effective date of this section, on grounds that such previous action was time barred, and/or for failure of a party to file a notice of claim or a notice of intention to file a claim, shall not be grounds for dismissal of a revival action pursuant to this section.

§ 3. Paragraph 7 of subdivision (a) of rule 3403 of the civil practice law and rules, as amended by chapter 203 of the laws of 2022, is amended to read as follows:

7. any action which has been revived pursuant to section two hundred fourteen-g [~~or~~], two hundred fourteen-j **or two hundred fourteen-k** of this chapter.

§ 4. The judiciary law is amended by adding a new section 219-f to read as follows:

§ 219-f. Rules reviving certain actions; sexual orientation or gender identity change efforts. The chief administrator of the courts shall promulgate rules for the timely adjudication of revived actions brought pursuant to section two hundred fourteen-k of the civil practice law and rules.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately; provided, however, that section four of this act shall take effect three months after this act shall have become a law.