

REFERENCE TITLE: conversion therapy; prohibition; minors

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1426

Introduced by
Senators Bowie: Alston, Engel, Gabaldon, Marsh, Mendez, Navarrete, Rios,
Steele; Representatives Hernandez M, Jermaine, Pawlik, Salman

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3228; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3228, to read:

4 32-3228. Conversion therapy; minors; unprofessional conduct;
5 exceptions; definitions

6 A. IT IS AN ACT OF UNPROFESSIONAL CONDUCT FOR A HEALTH CARE
7 PROFESSIONAL TO PROVIDE CONVERSION THERAPY TO A PATIENT OR CLIENT WHO IS
8 UNDER EIGHTEEN YEARS OF AGE.

9 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO EITHER:

10 1. A CLERGY MEMBER OR RELIGIOUS COUNSELOR WHO IS ACTING
11 SUBSTANTIALLY IN A PASTORAL OR RELIGIOUS CAPACITY AND NOT IN THE CAPACITY
12 OF A HEALTH CARE PROFESSIONAL.

13 2. A PARENT OR GRANDPARENT WHO IS A HEALTH CARE PROFESSIONAL AND
14 WHO IS ACTING SUBSTANTIALLY IN THE CAPACITY OF A PARENT OR GRANDPARENT AND
15 NOT IN THE CAPACITY OF A HEALTH CARE PROFESSIONAL.

16 C. FOR THE PURPOSES OF THIS SECTION:

17 1. "CONVERSION THERAPY":

18 (a) MEANS ANY PRACTICE OR TREATMENT THAT SEEKS TO CHANGE THE SEXUAL
19 ORIENTATION OR GENDER IDENTITY OF A PATIENT OR CLIENT, INCLUDING MENTAL
20 HEALTH THERAPY THAT SEEKS TO CHANGE, ELIMINATE OR REDUCE BEHAVIORS,
21 EXPRESSIONS, ATTRACTIONS OR FEELINGS RELATED TO THE PATIENT'S OR CLIENT'S
22 SEXUAL ORIENTATION OR GENDER IDENTITY.

23 (b) DOES NOT INCLUDE A PRACTICE OR TREATMENT THAT DOES NOT SEEK TO
24 CHANGE A PATIENT'S OR CLIENT'S SEXUAL ORIENTATION OR GENDER IDENTITY AND
25 THAT MEETS ANY OF THE FOLLOWING:

26 (i) IS NEUTRAL WITH RESPECT TO SEXUAL ORIENTATION OR GENDER
27 IDENTITY.

28 (ii) PROVIDES ASSISTANCE TO A PATIENT OR CLIENT UNDERGOING GENDER
29 TRANSITION.

30 (iii) PROVIDES ACCEPTANCE, SUPPORT AND UNDERSTANDING OF A PATIENT
31 OR CLIENT.

32 (iv) FACILITATES A PATIENT'S OR CLIENT'S ABILITY TO COPE, SOCIAL
33 SUPPORT AND IDENTITY EXPLORATION AND DEVELOPMENT.

34 (v) ADDRESSES UNLAWFUL, UNSAFE, PREMARITAL OR EXTRAMARITAL SEXUAL
35 ACTIVITIES IN A MANNER THAT IS NEUTRAL WITH RESPECT TO SEXUAL ORIENTATION.

36 (vi) DISCUSSES THE PATIENT'S OR CLIENT'S MORAL OR RELIGIOUS BELIEFS
37 OR PRACTICES.

38 2. "HEALTH CARE PROFESSIONAL" MEANS AN INDIVIDUAL WHO PROVIDES
39 MENTAL HEALTH THERAPY AS PART OF THE INDIVIDUAL'S PROFESSION AND WHO IS
40 CERTIFIED OR LICENSED PURSUANT TO CHAPTER 13, 15, 17, 19.1 OR 33 OF THIS
41 TITLE.