

By: Meza

H.B. No. 4466

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of the provision of conversion therapy to a child by certain providers; creating a criminal offense; increasing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 105, Occupations Code, is amended to read as follows:

CHAPTER 105. UNPROFESSIONAL CONDUCT BY CERTAIN PROVIDERS [~~HEALTH CARE PROVIDER~~]

SECTION 2. Chapter 105, Occupations Code, is amended by designating Sections 105.001 and 105.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. UNPROFESSIONAL CONDUCT BY CERTAIN PROVIDER

SECTION 3. Section 105.001, Occupations Code, is amended to read as follows:

Sec. 105.001. DEFINITION. In this subchapter [~~chapter~~], "certain provider" means a person who furnishes services to diagnose, prevent, alleviate, or cure a human illness or injury.

SECTION 4. Chapter 105, Occupations Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. PROHIBITED CONDUCT BY CERTAIN PROVIDER

Sec. 105.051. DEFINITIONS. In this subchapter:

(1) "Child" means an individual younger than 18 years of age.

1 (2) "Conversion therapy" means a practice or treatment
2 provided to a child by a mental health provider that seeks to:

3 (A) change the child's sexual orientation,
4 including by attempting to change the child's behavior or gender
5 identity or expression; or

6 (B) eliminate or reduce the child's sexual or
7 romantic attractions or feelings toward individuals of the same
8 sex.

9 (3) "Gender identity or expression" means a person's
10 having, or being perceived as having, a gender-related identity,
11 appearance, expression, or behavior, whether or not that identity,
12 appearance, expression, or behavior is different from that commonly
13 associated with the person's assigned sex at birth.

14 (4) "Sexual orientation" means the actual or perceived
15 status of an individual with respect to the individual's sexuality.

16 Sec. 105.052. APPLICABILITY OF SUBCHAPTER. This subchapter
17 does not apply to counseling that provides acceptance, support, and
18 understanding of a child or facilitates a child's coping, social
19 support, and identity exploration and development, including
20 sexual orientation-neutral interventions to prevent or address
21 unlawful conduct or unsafe sexual practices, if that counseling
22 does not seek to change sexual orientation or gender identity or
23 expression.

24 Sec. 105.053. PROHIBITED CONDUCT. (a) A certain provider
25 may not, in the course of providing services to a child, provide
26 conversion therapy.

27 (b) A certain provider who provides conversion therapy in

1 violation of Subsection (a) is subject to disciplinary action by
2 any state regulatory entity with the power to take disciplinary
3 action against that mental health provider.

4 Sec. 105.054. CRIMINAL OFFENSE. (a) A certain provider
5 commits an offense if the provider violates Section 105.053.

6 (b) An offense under this section is a Class C misdemeanor.

7 SECTION 5. Subchapter D, Chapter 12, Penal Code, is amended
8 by adding Section 12.502 to read as follows:

9 Sec. 12.502. PENALTY IF OFFENSE COMMITTED WHILE PROVIDING
10 CONVERSION THERAPY TO CHILD. (a) Subject to Subsection (c), the
11 punishment for an offense described by Subsection (b) is increased
12 to the punishment prescribed for the next higher category of
13 offense if it is shown on the trial of the offense that the offense
14 was committed during the provision of conversion therapy to a child
15 in violation of Section 105.053, Occupations Code.

16 (b) The increase in punishment authorized by this section
17 applies only to an offense under Chapter 21 or 22.

18 (c) This section does not apply to an offense for which the
19 punishment otherwise prescribed is the punishment for a first
20 degree felony or capital felony.

21 SECTION 6. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 7. This Act takes effect September 1, 2019.