

SENATE No. 70

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to abusive practices to change sexual orientation and gender identity in minors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>1/24/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/24/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/29/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/1/2019</i>

SENATE No. 70

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 70) of Mark C. Montigny, Sonia Chang-Diaz, Jason M. Lewis, Mike Connolly and others for legislation relative to abusive practices to change sexual orientation and gender identity in minors. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 62 OF 2017-2018.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-First General Court
(2019-2020)**
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An Act relative to abusive practices to change sexual orientation and gender identity in minors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by adding following new section:-

3 Section 275. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 "Gender identity", a person's gender-related identity, appearance or behavior, whether or
6 not that gender-related identity, appearance or behavior is different from that traditionally
7 associated with the person's physiology or assigned sex at birth. Gender-related identity may be
8 shown by providing evidence including, but not limited to, medical history, care or treatment of
9 the gender-related identity, consistent and uniform assertion of the gender-related identity or any

10 other evidence that the gender-related identity is sincerely held as part of a person's core identity;
11 provided, however, that gender-related identity shall not be asserted for an improper purpose.

12 “Health care provider”, a health care professional licensed under this chapter, including,
13 but not limited to, a physician, psychologist, social worker, nurse or allied mental health and
14 human services professional, including a marriage and family therapist, rehabilitation counselor,
15 mental health counselor or educational psychologist.

16 “Sexual orientation”, having an orientation for or being identified as having an
17 orientation for heterosexuality, bisexuality, or homosexuality.

18 “Sexual orientation and gender identity change efforts”, a practice by a health care
19 provider that attempts or purports to impose change of an individual’s sexual orientation or
20 gender identity including, but not limited to, efforts to change behaviors or gender expressions,
21 or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the
22 same sex; provided, however, that “sexual orientation and gender identity change efforts” shall
23 not include practices that: (1)(i) provide acceptance, support and understanding of an
24 individual’s sexual orientation, gender identity or gender expression; (ii) facilitate an individual’s
25 coping, social support and identity exploration and development; or (iii) are sexual orientation-
26 neutral or gender identity-neutral, including interventions to prevent or address unlawful conduct
27 or unsafe sexual practices; and (2) do not attempt or purport to impose change of an individual’s
28 sexual orientation or gender identity.

29 (b) A health care provider shall not advertise for or engage in sexual orientation and
30 gender identity change efforts with a patient less than 18 years of age.

31 (c) A health care provider who violates this section shall be subject to discipline by the
32 appropriate licensing board and such discipline may include suspension or revocation of license.

33 (d) A violation of this section shall be considered a violation of section 2 of chapter 93A.
34 Any claim brought under said section 2 of said chapter 93A for a violation of this section shall be
35 subject to sections 5A and 7 of chapter 260.

36 SECTION 2. Section 51A of chapter 119 of the General Laws, as so appearing, is hereby
37 amended by striking out, in line 10, the words “or (v)” and inserting in place thereof the
38 following words:- (v) being subjected to sexual orientation and gender identity change efforts, as
39 defined in subsection (a) of section 275 of chapter 112; or (vi).

40 SECTION 3. Subsection (i) of said section 51A of said chapter 119, as so appearing, is
41 hereby amended by adding the following sentence:- Not later than 30 days after receiving a
42 report that includes allegations that a health care provider engaged in sexual orientation and
43 gender identity change efforts, as defined in subsection (a) of section 275 of chapter 112, the
44 department shall file the report with the health care provider’s licensing board for review and
45 possible suspension or revocation of license.