
A BILL FOR AN ACT

RELATING TO MINORS.

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

1 SECTION 1. The legislature finds that being lesbian, gay,
2 bisexual, or transgender is not a disease, disorder, illness,
3 deficiency, or shortcoming. Major professional associations of
4 mental health practitioners and researchers in the United States
5 have recognized this fact for nearly forty years.

6 The American Psychological Association convened a task
7 force on appropriate therapeutic responses to sexual
8 orientation. The task force conducted a systematic review of
9 peer-reviewed journal literature on sexual orientation change
10 efforts. The task force concluded that sexual orientation
11 change efforts can pose critical health risks to lesbian, gay,
12 and bisexual individuals, including confusion, depression,
13 guilt, helplessness, shame, social withdrawal, suicide,
14 substance abuse, and other negative feelings and behaviors.

15 The legislature further finds that other studies confirm
16 the serious health risks that minors face when they experience
17 family rejection based on their sexual orientation. In one
18 study, lesbian, gay, and bisexual young adults who reported high



1 levels of family rejection during adolescence were 8.4 times
2 more likely to report having attempted suicide, 5.9 times more
3 likely to report high levels of depression, 3.4 times more
4 likely to use illegal drugs, and 3.4 times more likely to report
5 having engaged in unprotected sexual intercourse compared with
6 peers from families that reported no or low levels of family
7 rejection. The legislature therefore concludes that all minors,
8 especially lesbian, gay, bisexual, and transgender minors who
9 experience family rejection, should be protected against sexual
10 orientation change efforts by teachers and counseling
11 professionals.

12 The purpose of this Act is to protect the physical and
13 psychological well-being of minors, including lesbian, gay,
14 bisexual, and transgender youth, against exposure to serious
15 harms caused by sexual orientation change efforts.

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§302A- Sexual orientation change efforts prohibited.

20 (a) No teacher shall engage in sexual orientation change
21 efforts on a student under eighteen years of age.



1 (b) Any teacher who engages in sexual orientation change
2 efforts on a student under eighteen years of age shall be
3 subject to disciplinary action by the department.

4 (c) For the purposes of this section, "sexual orientation
5 change efforts" means the practice of attempting to change a
6 person's sexual orientation, including but not limited to
7 efforts to change behaviors, gender identity, or gender
8 expressions; or to reduce or eliminate sexual or romantic
9 attractions or feelings toward a person of the same gender.

10 "Sexual orientation change efforts" shall not include
11 counseling for a person seeking to transition from one gender to
12 another or counseling that:

13 (1) Provides acceptance, support, and understanding of a
14 person or facilitates a person's coping, social
15 support, and identity exploration and development,
16 including sexual orientation-neutral interventions to
17 prevent or address unlawful conduct or unsafe sexual
18 practices; and

19 (2) Does not seek to change sexual orientation."

20 SECTION 3. Chapter 436B, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:



1 "§436B- Sexual orientation change efforts prohibited.

2 (a) No person who is licensed to provide professional
3 counseling, including but not limited to a physician
4 specializing in the practice of psychiatry, physician assistant,
5 psychologist, social worker, mental health counselor, marriage
6 and family therapist, or a person who performs counseling as
7 part of the person's professional training for any of these
8 professions, shall engage in sexual orientation change efforts
9 on a person under eighteen years of age.

10 (b) Any person who is licensed to provide professional
11 counseling and attempts to engage in sexual orientation change
12 efforts on a person under eighteen years of age shall be subject
13 to disciplinary action by the appropriate professional licensing
14 authority.

15 (c) For the purposes of this section, "sexual orientation
16 change efforts" means the practice of attempting to change a
17 person's sexual orientation, including but not limited to
18 efforts to change behaviors, gender identity, or gender
19 expressions; or to reduce or eliminate sexual or romantic
20 attractions or feelings toward a person of the same gender.

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4 person or facilitates a person's coping, social
5 support, and identity exploration and development,
6 including sexual orientation-neutral interventions to
7 prevent or address unlawful conduct or unsafe sexual
8 practices; and

9 (2) Does not seek to change sexual orientation."

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

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H.B. NO. 1789

Report Title:

Conversion Therapy; Sexual Orientation; Minors

Description:

Prohibits teachers and persons who are licensed to provide professional counseling from engaging in sexual orientation change efforts with a person under eighteen years of age.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

