

STAND. COM. REP. NO.

2543

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2615  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2615, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit persons licensed to provide professional counseling from engaging in sexual orientation change efforts on a person under eighteen years of age or advertising the offering of sexual orientation change efforts on a person under eighteen years of age;
- (2) Establish that a person who is licensed to provide professional counseling who attempts to engage in sexual orientation change efforts or advertise the offering of sexual orientation change efforts on a person under eighteen years of age is subject to disciplinary action by the appropriate professional licensing authority; and
- (3) Establish that advertising the offering of sexual orientation change efforts on a person under eighteen years of age by a person licensed to provide professional counseling is an unfair or deceptive act or practice under section 480-2, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Child and Adolescent Mental Health Division of the



Department of Health, Hawai'i Association for Behavior Analysis, Honolulu Council of MoveOn.org., Human Rights Campaign, LGBT Caucus of the Democratic Party of Hawai'i, National Center for Lesbian Rights, Rainbow Family 808, and twenty-three individuals. Your Committee received testimony in opposition to this measure from Hawaii Family Advocates, Hawaii Family Forum, Hawaii Catholic Conference, and ten individuals. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, and one individual.

Your Committee finds that an American Psychological Association task force conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts. The task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual individuals, including confusion, depression, guilt, helplessness, shame, social withdrawal, suicide, substance abuse, and other negative feelings and behaviors. Implementation of this measure will better protect the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, against exposure to serious harms caused by sexual orientation change efforts.

Your Committee encourages the Department of Commerce and Consumer Affairs and practitioner stakeholders to have further discussions and reach a consensus regarding the appropriate licensed professions to be covered by this measure, so that this measure in its final form will itemize an exclusive list of licensed professions, cross-referenced to the relevant chapter in title 25, Hawaii Revised Statutes, or other chapters of the Hawaii Revised Statutes as necessary.

Accordingly, your Committee has amended this measure by:

- (1) Changing the placement of the statutory language proposed by this measure from chapter 436B, Hawaii Revised Statutes, to title 25, Hawaii Revised Statutes;
- (2) Inserting language to clarify that any person who is licensed to provide professional counseling who engages in, in addition to attempts to engage in, sexual orientation change efforts on a person under eighteen



years of age is subject to disciplinary action by the appropriate professional licensing authority;

- (3) Deleting language establishing that advertising the offering of sexual orientation change efforts on a person under eighteen years of age by a person licensed to provide professional counseling is an unfair or deceptive act or practice under section 480-2, Hawaii Revised Statutes;
- (4) Revising the purpose section for conciseness;
- (5) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2615, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2615, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2615 SD1</b>	Committee Referral: <b>EDU/CPH, JDL</b>	Date: <b>2/26/16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike			/	
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam				/
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report   Clerk's Office   Drafting Agency   Committee File Copy				

\*Only one measure per Record of Votes