
A BILL FOR AN ACT

RELATING TO MINORS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 25 to be appropriately designated
3 and to read as follows:

4 "CHAPTER

5 SEXUAL ORIENTATION CHANGE EFFORTS

6 § -1 Sexual orientation change efforts prohibited;
7 advertising prohibited. (a) No person who is licensed to
8 provide professional counseling shall:

9 (1) Engage in or attempt to engage in sexual orientation
10 change efforts on a person under eighteen years of
11 age; or

12 (2) Advertise the offering of sexual orientation change
13 efforts on a person under eighteen years of age.

14 (b) Any person who is licensed to provide professional
15 counseling who engages in or attempts to engage in the offering
16 of sexual orientation change efforts on a person under eighteen



1 years of age shall be subject to disciplinary action by the
2 appropriate professional licensing authority.

3 (c) For purposes of this section:

4 "Advertise" means a communication made by or on behalf of a
5 person who is licensed to provide professional counseling, made
6 for the purpose of inducing or promoting a professional
7 counseling relationship in which sexual orientation change
8 efforts will be undertaken on a person under the age of
9 eighteen. "Advertise" includes oral, written, graphic, or
10 pictorial statements or representations, including those made
11 through any electronic or print medium.

12 "Person who is licensed to provide professional counseling"
13 means a person who performs counseling as part of the person's
14 professional training, including a physician, especially one
15 practicing psychiatry, licensed pursuant to chapter 453;
16 psychologist licensed pursuant to chapter 465; nurse licensed
17 pursuant to chapter 457; social worker licensed pursuant to
18 chapter 467E; licensed mental health counselor licensed pursuant
19 to chapter 453D; or licensed marriage and family therapist
20 licensed pursuant to chapter 451J.



1 "Sexual orientation change efforts" means the practice of
2 attempting to change a person's sexual orientation, including
3 but not limited to efforts to change gender identity or gender
4 expressions and behaviors; or to reduce or eliminate sexual or
5 romantic attractions or feelings toward a person of the same
6 gender.

7 "Sexual orientation change efforts" shall not include
8 counseling supporting a person seeking to transition from one
9 gender to another or counseling that:

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

16 (2) Does not seek to change sexual orientation, gender
17 identity, or gender expression."

18 SECTION 2. (a) There is established within the department
19 of health, the sexual orientation counseling task force. The
20 task force shall address the concerns of minors seeking
21 counseling on sexual orientation, gender identity, gender



1 expressions, and related behaviors. The task force shall submit
2 a report with findings and recommendations, including proposed
3 legislation, to the legislature no later than twenty days prior
4 to the convening of the regular session of 2019. The report
5 shall address and include:

6 (1) Current counseling practices in Hawaii and nationwide
7 for minors, including counseling on sexual
8 orientation, gender identity, gender expression, and
9 related behaviors;

10 (2) Studies by nationally accredited institutions or
11 government agencies regarding the availability of
12 counseling for minors on issues regarding sexual
13 orientation, gender identity, gender expression, and
14 related behaviors;

15 (3) An analysis of the availability of minor-initiated
16 counseling on sexual orientation, gender identity,
17 gender expression, and related behaviors; and

18 (4) Proposed legislation to provide accessible and
19 appropriate counseling to minors on issues regarding
20 sexual orientation, gender identity, gender
21 expression, and related behaviors.



1 (b) The director of health, or the director's designee,
2 shall be the chair of the sexual orientation counseling task
3 force. The task force shall include:

4 (1) Three members to be selected by the governor; provided
5 that two members shall be from the mental health
6 industry;

7 (2) Two members to be selected by the president of the
8 senate;

9 (3) Two members to be selected by the speaker of the house
10 of representatives;

11 (4) Two members to be selected by the director of health;

12 (5) Two members to be selected by the superintendent of
13 education; and

14 (6) One member to be selected by the attorney general.

15 (c) The members of the task force shall serve without
16 compensation, but shall be reimbursed by the department of
17 health for necessary expenses, including travel expenses,
18 incurred for service on the task force. No member of the task
19 force shall be made subject to section 84-17, Hawaii Revised
20 Statutes, solely because of that member's participation on the



1 task force. The task force shall be exempt from chapter 92,
2 Hawaii Revised Statutes.

3 (d) The sexual orientation counseling task force shall
4 dissolve on June 30, 2019.

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Sexual Orientation Change Efforts; Conversion Therapy;
Prohibition; Minors; Licensed Professionals; Sexual Orientation
Counseling Task Force

Description:

Prohibits persons who are licensed to provide professional counseling in the State from engaging in, attempting to engage in, or advertising the offering of sexual orientation change efforts on minors. Establishes the Sexual Orientation Counseling Task Force to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. (SB270 HD2)

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

