

Honolulu, Hawaii

, 2018

MAR 22

RE: S.B. No. 270

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 270, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to protect the physical and psychological well-being of minors, especially lesbian, gay, bisexual, and transgender youth, against exposure to serious harms caused by sexual orientation change efforts by prohibiting persons who are licensed to provide professional counseling from engaging in, attempting to engage in, or advertising the offering of sexual orientation change efforts on persons under eighteen years of age.

The Lieutenant Governor, Child and Adolescent Mental Health Division of the Department of Health, Kupuna and LGBT Caucuses and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii State Teachers Association, Human Rights Campaign, Hawaii Chapter of the American Academy of Pediatrics, Young Progressives Demanding Action - Hawaii, Hawaii Section of the American College of Obstetricians and Gynecologists, Pele Lani Farms LLC, National Center for Lesbian Rights, Filipina Advocacy Network, Planned Parenthood Votes Northwest and Hawaii, Mental Health America of Hawai'i, Rainbow Family 808, IMUAlliance, Hawai'i Psychological Association, Hawaii Children's Action Network,



American Civil Liberties Union of Hawai'i, Hawaii LGBT Legal Association, Hawaii Youth Services Network, and numerous individuals testified in support of this measure. The Honolulu County Republican Party, American College of Pediatricians, Christian Medical and Dental Associations, American Association of Physicians and Surgeons, Catholic Medical Association, National Task Force for Therapy Equality, Hawaii Catholic Conference, Hawaii Family Forum, Hawaii Federation of Republican Women, and many individuals testified in opposition. The Department of the Attorney General and Board of Psychology provided comments.

Your Committee finds that according to the American Psychological Association, sexual orientation change efforts, which are aimed at changing gender identity, gender expression, or sexual orientation, are coercive, can be harmful, and should not be part of behavioral health treatment. Further, sexual orientation change efforts pose significant health risks, including depression, social withdrawal, suicidality, substance abuse, and decreased self-esteem and authenticity to others.

Your Committee notes that this measure regulates only certain professional conduct and speech which may be harmful to a person under the age of eighteen. Your Committee finds that this regulation does not hinder licensed professionals from counseling or offering standard clinical psychological services to lesbian, gay, bisexual, and transgender children and adolescents. Further, this regulation does not hinder licensed professionals from advertising professional services accepted by professional practice standards. This measure merely regulates the conduct of licensed professionals to the extent your Committee finds poses a risk of harm to children and adolescents and any advertisement for such unlawful practices.

Your Committee has amended this measure by:

- (1) Inserting a definition for "advertise" to emphasize that only communication made for the purpose of inducing or promoting a professional counseling relationship in which sexual orientation change efforts will be undertaken on a person under the age of eighteen is prohibited;



- (2) Clarifying that counseling supporting a person seeking to transition from one gender to another shall not be construed to be sexual orientation change efforts;
- (3) Clarifying that supportive counseling shall not be construed to be sexual orientation change efforts if it does not seek to change gender identity and gender expression; and
- (4) Inserting a severability clause.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 270, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 270, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROY M. TAKUMI, Chair



