

JAN 18 2019

A BILL FOR AN ACT

RELATING TO GENDER IDENTITY.

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

1 SECTION 1. Chapter 453J, Hawaii Revised Statutes, is
2 amended by amending its title to read as follows:

3 " [+]Chapter 453J+] "

4 SEXUAL ORIENTATION CHANGE EFFORTS

5 AND GENDER IDENTITY CHANGE EFFORTS. "

6 SECTION 2. Section 453J-1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " [+]§453J-1[+] Sexual orientation change efforts and
9 gender identity change efforts prohibited; advertising
10 prohibited. (a) No person who is licensed to provide
11 professional counseling shall:

12 (1) Engage in or attempt to engage in sexual orientation
13 change efforts or gender identity change efforts on a
14 person under eighteen years of age; or

15 (2) Advertise the offering of sexual orientation change
16 efforts or gender identity change efforts on a person
17 under eighteen years of age.



1 (b) Any person who is licensed to provide professional
2 counseling who engages in or attempts to engage in the offering
3 of sexual orientation change efforts or gender identity change
4 efforts on a person under eighteen years of age shall be subject
5 to disciplinary action by the appropriate professional licensing
6 authority.

7 (c) For purposes of this section:

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

16 "Gender identity change efforts" means the practice of
17 attempting to change a person's gender identity, including but
18 not limited to gender expressions and behaviors.

19 "Gender identity change efforts" shall not include
20 counseling supporting a person seeking to transition from one
21 gender identity to another.



1 "Person who is licensed to provide professional counseling"
2 means a person who performs counseling as part of the person's
3 professional training, including a physician, especially one
4 practicing psychiatry, licensed pursuant to chapter 453;
5 psychologist licensed pursuant to chapter 465; nurse licensed
6 pursuant to chapter 457; social worker licensed pursuant to
7 chapter 467E; licensed mental health counselor licensed pursuant
8 to chapter 453D; or licensed marriage and family therapist
9 licensed pursuant to chapter 451J.

10 "Sexual orientation change efforts" means the practice of
11 attempting to change a person's sexual orientation, including
12 but not limited to efforts to change [~~gender identity or~~] gender
13 expressions and behaviors; or to reduce or eliminate sexual or
14 romantic attractions or feelings toward a person of the same
15 gender.

16 "Sexual orientation change efforts or gender identity
17 change efforts" shall not include counseling [~~supporting a~~
18 ~~person seeking to transition from one gender to another or~~
19 ~~counseling~~] that:

20 (1) Provides acceptance, support, and understanding of a
21 person or facilitates a person's coping, social



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1 support, and sexual orientation or gender identity
2 exploration and development, including [~~sexual~~
3 ~~orientation neutral~~] interventions to prevent or
4 address unlawful conduct or unsafe sexual practices;
5 and

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2019.

11

INTRODUCED BY: _____



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Report Title:

Gender Identity Change Efforts; Chapter 453J, Hawaii Revised Statutes

Description:

Prohibits both sexual orientation and gender identity change efforts under Chapter 453J, Hawaii Revised Statutes.

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