

ACT 157

H.B. NO. 664

A Bill for an Act Relating to Gender Identity.

Be It Enacted by the Legislature of the State of Hawaii:

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

**“~~[[CHAPTER 453J]]~~
CONVERSION THERAPY PROHIBITED FOR SEXUAL ORIENTATION
~~[CHANGE EFFORTS]~~ AND GENDER IDENTITY”**

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

“~~[[§453J-1]]—Sexual orientation change efforts~~ Conversion therapy prohibited; advertising prohibited. (a) No person who is licensed to provide professional counseling shall:

- (1) Engage in or attempt to engage in ~~[sexual orientation change efforts]~~ conversion therapy on a person under eighteen years of age; or
- (2) Advertise the offering of ~~[sexual orientation change efforts]~~ conversion therapy on a person under eighteen years of age.
- (b) Any person who is licensed to provide professional counseling who engages in or attempts to engage in the offering of ~~[sexual orientation change efforts]~~ conversion therapy on a person under eighteen years of age shall be subject to disciplinary action by the appropriate professional licensing authority.
- (c) For purposes of this section:

“Advertise” means a communication made by or on behalf of a person who is licensed to provide professional counseling, made for the purpose of inducing or promoting a professional counseling relationship in which ~~[sexual orientation change efforts]~~ conversion therapy will be undertaken on a person under the age of eighteen. “Advertise” includes oral, written, graphic, or pictorial statements or representations, including those made through any electronic or print medium.

“Conversion therapy” means any practices or treatments that seek to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.

“Conversion therapy” shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

“Person who is licensed to provide professional counseling” means a person who performs counseling as part of the person’s professional training, including a physician, especially one practicing psychiatry, licensed pursuant to chapter 453; psychologist licensed pursuant to chapter 465; nurse licensed pursuant to chapter 457; social worker licensed pursuant to chapter 467E; licensed mental health counselor licensed pursuant to chapter 453D; or licensed marriage and family therapist licensed pursuant to chapter 451J.

~~[“Sexual orientation change efforts” means the practice of attempting to change a person’s sexual orientation, including but not limited to efforts to change gender identity or gender expressions and behaviors; or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same gender.~~

~~“Sexual orientation change efforts” shall not include counseling supporting a person seeking to transition from one gender to another or counseling that:~~

- ~~(1) Provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and~~
- ~~(2) Does not seek to change sexual orientation, gender identity, or gender expression.]”~~

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

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

(Approved June 26, 2019.)