WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 825

By Senators Woelfel and Caputo

[Introduced February 16, 2024; referred

to the Committee on Health and Human Resources;

and then to the Committee on Government

Organization]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

2   designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, and §16-67-6, all relating

3   to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting

4   forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting

5   forth a prohibition for referral services for conversion therapy; and providing for disciplinary

6   actions against providers who violate the article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 67. YOUTH MENTAL HEALTH PROTECTION ACT.

§16-67-1.   Legislative   findings.

1   The Legislature finds and declares the following:

2   (1) Being lesbian, gay, bisexual, or transgender is not a disease, disorder, illness,

3   deficiency, or shortcoming. The major professional associations of mental health practitioners and

4   researchers in the United States have recognized this fact for nearly 40 years.

5   (2) Conversion therapy has been condemned by every major medical and mental health

6   organization, including the American Psychiatric Association, American Psychological

7   Association, American Medical Association, American Academy of Pediatrics, American

8   Counseling Association, and American Academy of Child and Adolescent Psychiatry.

9   (3) Research clearly shows that conversion therapy poses devastating health risks for

10   lesbian, gay, bisexual, and transgender young people including depression, decreased self-

11   esteem, substance abuse, homelessness, and suicidality.

12   (4) West Virginia has a compelling interest in protecting the physical and psychological

13   well-being of minors, including lesbian, gay, bisexual, and transgender youth and in protecting its

14   minors against exposure to serious harms caused by conversion therapy.

§16-67-2.   Purpose.

1   The purpose of this article is to protect lesbian, gay, bisexual, and transgender youth from

2   conversion therapy, also known as sexual orientation change efforts or reparative therapy.

§16-67-3. **Definitions.**

1 For the purposes of this article:

2 "Conversion therapy" means any practices or treatments that seek to change an

3 individual's sexual orientation or gender identity, including efforts to change behaviors or gender

4 expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals

5 of the same gender. Conversion therapy shall not include counseling that provides assistance to a

6 person undergoing gender transition, or counseling that provides acceptance, support, and

7 understanding of a person or facilitates a person's coping, social support, and identity exploration

8 and development, including sexual-orientation-neutral interventions to prevent or address

9 unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change

10 an individual's sexual orientation or gender identity.

11 "Mental health provider" means a clinical psychologist licensed under §30-21-1 *et seq.* of

12 this code; a school psychologist licensed under §30-21-1 *et seq.* of this code; a psychiatrist

13 licensed under §30-3-1 *et seq.* of this code; a clinical social worker or social worker licensed under

14 §30-30-1 *et seq.* of this code; a marriage and family therapist or associate marriage and family

15 therapist licensed under §30-31-1 *et seq.* of this code; a professional counselor or clinical

16 professional counselor licensed under §30-31-1 *et seq.* of this code; or any students, interns,

17 volunteers, or other persons assisting or acting under the direction or guidance of any of these

18 licensed professionals.

§16-67-4. **Prohibition** **on** **conversion** **therapy.**

1 A mental health provider may not engage in conversion therapy with a person under the

2 age of 18.

§16-67-5. **Referral** **services** **related** **to** **conversion** **therapy.**

1 A mental health provider may not refer any current or former client or patient to any

2 individual, within this state or within any other state, for the purpose of engaging in conversion

3 therapy. This prohibition includes referrals to any individual practicing or engaging in conversion

4   therapy in person or by telephone, electronic communication, or any other form of direct or indirect

5   communication   with   a   client   or   patient.

§16-67-6.   **Discipline.**

1   Conversion therapy on a person under the age of 18 by a mental health provider or any

2   referral made by a mental health provider to a third party practicing conversion therapy constitutes

3   unprofessional conduct. Mental health providers found to have engaged in conversion therapy or

4   found to have referred a current or former client or patient under the age of 18 to an individual for

5   the purpose of engaging in conversion therapy shall be subject to discipline by the licensing entity

6   or disciplinary review board with competent jurisdiction.

NOTE: The purpose of this bill is to protect lesbian, gay, bisexual, and transgender youth from conversion therapy, also known as sexual orientation change efforts or reparative therapy. The bill makes legislative findings and sets forth a purpose. The bill defines terms. The bill sets forth a prohibition for referral services for conversion therapy. The bill provides for disciplinary actions against certain persons violating the prohibitions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.