As Introduced

131st General Assembly
Regular Session
2015-2016

S. B. No. 74

Senator Tavares
Cosponsors: Senator Brown

A BILL

To enact sections 4723.93, 4731.96, 4732.34, 4743.09, and 4757.46 of the Revised Code to prohibit certain health care professionals from engaging in sexual orientation change efforts when treating minor patients.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4723.93, 4731.96, 4732.34, 4743.09, and 4757.46 of the Revised Code be enacted to read as follows:

Sec. 4723.93. The board of nursing shall comply with section 4743.09 of the Revised Code.

Sec. 4731.96. The state medical board shall comply with section 4743.09 of the Revised Code.

Sec. 4732.34. The state board of psychology shall comply with section 4743.09 of the Revised Code.

Sec. 4743.09. (A) As used in this section:

(1) "Applicant" means an individual who applies for certification, licensure, or registration, as applicable, to

practice as a health care professional.

(2) "Health care professional" means any of the following:

(a) A clinical nurse specialist who holds a certificate of authority issued under Chapter 4723. of the Revised Code;

(b) A physician authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code;

(c) A psychologist licensed under Chapter 4732. of the Revised Code;

(d) A licensed professional clinical counselor or licensed professional counselor licensed under Chapter 4757. of the Revised Code;

(e) An independent social worker, social worker, or social work assistant licensed or registered under Chapter 4757. of the Revised Code;

(f) An independent marriage and family therapist or marriage and family therapist licensed under Chapter 4757. of the Revised Code.

(3) "Minor" means an individual who is under eighteen years of age.

(4) "Sexual orientation change efforts" means the practice of seeking to change a person's sexual orientation, including efforts to change behaviors, gender identity, or gender expressions, or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same gender.

(5) "State board" means the board of nursing, the state medical board, the state board of psychology, or the counselor,

social worker, and marriage and family therapist board.

(B) Each applicant or health care professional shall not engage in sexual orientation change efforts when providing mental health treatment to a minor patient.

(C) Division (B) of this section does not prohibit any of the following:

(1) Assisting a patient who seeks to transition, is in the process of transitioning, or has transitioned from one gender to another;

(2) Providing a patient with acceptance, support, and understanding or facilitating a patient's coping, social support, or identity exploration and development;

(3) Providing a patient with sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices;

(4) Counseling that does not seek to change a patient's sexual orientation.

(D) A state board shall impose one or more of the following sanctions on an applicant or health care professional for a failure to comply with this section: suspend, revoke, or refuse to issue or renew the certificate, license, or registration.

Sec. 4757.46. The counselor, social worker, and marriage and family therapist board shall comply with section 4743.09 of the Revised Code.