By:  Meza H.B. No. 4466

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of the provision of conversion therapy to a child by certain providers; creating a criminal offense; increasing criminal penalties.

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

SECTION 1.  The heading to Chapter 105, Occupations Code, is amended to read as follows:

CHAPTER 105. UNPROFESSIONAL CONDUCT BY CERTAIN PROVIDERS [~~HEALTH CARE PROVIDER~~]

SECTION 2.  Chapter 105, Occupations Code, is amended by designating Sections 105.001 and 105.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. UNPROFESSIONAL CONDUCT BY CERTAIN PROVIDER

SECTION 3.  Section 105.001, Occupations Code, is amended to read as follows:

Sec. 105.001.  DEFINITION. In this subchapter [~~chapter~~], "certain provider" means a person who furnishes services to diagnose, prevent, alleviate, or cure a human illness or injury.

SECTION 4.  Chapter 105, Occupations Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. PROHIBITED CONDUCT BY CERTAIN PROVIDER

Sec. 105.051.  DEFINITIONS. In this subchapter:

(1)  "Child" means an individual younger than 18 years of age.

(2)  "Conversion therapy" means a practice or treatment provided to a child by a mental health provider that seeks to:

(A)  change the child's sexual orientation, including by attempting to change the child's behavior or gender identity or expression; or

(B)  eliminate or reduce the child's sexual or romantic attractions or feelings toward individuals of the same sex.

(3)  "Gender identity or expression" means a person's having, or being perceived as having, a gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that commonly associated with the person's assigned sex at birth.

(4)  "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

Sec. 105.052.  APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to counseling that provides acceptance, support, and understanding of a child or facilitates a child's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if that counseling does not seek to change sexual orientation or gender identity or expression.

Sec. 105.053.  PROHIBITED CONDUCT. (a) A certain provider may not, in the course of providing services to a child, provide conversion therapy.

(b)  A certain provider who provides conversion therapy in violation of Subsection (a) is subject to disciplinary action by any state regulatory entity with the power to take disciplinary action against that mental health provider.

Sec. 105.054.  CRIMINAL OFFENSE. (a) A certain provider commits an offense if the provider violates Section 105.053.

(b)  An offense under this section is a Class C misdemeanor.

SECTION 5.  Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.502 to read as follows:

Sec. 12.502.  PENALTY IF OFFENSE COMMITTED WHILE PROVIDING CONVERSION THERAPY TO CHILD. (a) Subject to Subsection (c), the punishment for an offense described by Subsection (b) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed during the provision of conversion therapy to a child in violation of Section 105.053, Occupations Code.

(b)  The increase in punishment authorized by this section applies only to an offense under Chapter 21 or 22.

(c)  This section does not apply to an offense for which the punishment otherwise prescribed is the punishment for a first degree felony or capital felony.

SECTION 6.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.  This Act takes effect September 1, 2019.