By: Hernandez H.B. No. 1219

A BILL TO BE ENTITLED

AN ACT

relating to unprofessional conduct by mental health providers who attempt to change the sexual orientation of a child.

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 HEALTH CARE PROVIDER

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

Sec. 105.001. DEFINITION. In this subchapter [~~chapter~~], "health care provider" means a person who furnishes services under a license, certificate, registration, or other authority issued by this state or another state 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. UNPROFESSIONAL CONDUCT BY MENTAL HEALTH PROVIDER

Sec. 105.051. DEFINITIONS. In this subchapter:

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

of age.

(2) "Gender identity or expression" means an individual'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 individual's assigned sex at birth.

(3) "Mental health provider" means:

(A) a behavior analyst licensed under Chapter 506;

(B) a chemical dependency counselor licensed under Chapter 504;

(C) a licensed professional counselor licensed under Chapter 503;

(D) a marriage and family therapist licensed under Chapter 502;

(E) a nurse licensed under Chapter 301;

(F) a physician licensed under Subtitle B;

(G) a psychologist licensed under Chapter 501;

(H) a sex offender treatment provider licensed under Chapter 110;

(I) a social worker licensed under Chapter 505;

(J) a special officer for offenders with mental impairments certified under Section 1701.404; or

(K) another individual licensed by this state to provide professional therapy or counseling services.

(4) "Sexual orientation" means the actual or perceived

status of an individual with respect to the individual's sexuality.

Sec. 105.052. UNPROFESSIONAL CONDUCT. (a) A mental health provider engages in unprofessional conduct if, in the course of providing services to a child, the mental health provider attempts to:

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

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

(b) Subsection (a) does not apply to counseling that:

(1) 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; or

(2) provides support to a child undergoing gender transition in accordance with established standards of care.

(c) A mental health provider who commits unprofessional conduct under Subsection (a) is subject to disciplinary action by any state regulatory entity with the power to take disciplinary action against that mental health provider.

SECTION 5. This Act takes effect September 1, 2027.