

## 2013 DRAFTING REQUEST

### Bill

Received: 8/26/2013 Received By: tdodge  
Wanted: As time permits Same as LRB:  
For: Fred Risser (608) 266-1627 By/Representing: Cassie  
May Contact: Drafter: tdodge  
Subject: Mental Health - miscellaneous Addl. Drafters: mduchek  
Occupational Reg. - prof lic

Extra Copies:

Submit via email: YES  
Requester's email: Sen.Risser@legis.wisconsin.gov  
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Prohibit sexual orientation conversion therapy

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### Instructions:

Prohibit sexual orientation conversion therapy. Model after NJ bill Assembly 3371.

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/6/2013			_____			
/P1	mduchek 11/14/2013	evinz 11/14/2013	jfrantze 11/11/2013	_____	lparisi 11/11/2013		
/P2	tdodge 11/15/2013		jmurphy 11/15/2013	_____	mbarman 11/15/2013		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	chanaman 11/25/2013	evinz 11/25/2013	jmurphy 11/19/2013	_____	sbasford 11/19/2013		State S&L Crime
/P4	chanaman 11/27/2013	evinz 11/27/2013	jfrantze 11/26/2013	_____	srose 11/26/2013		Crime
/1			jmurphy 11/27/2013	_____	srose 11/27/2013	srose 11/27/2013	Crime

FE Sent For:

↳ Not Needed

<END>

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May Contact: Drafter: **tdodge**  
Subject: **Mental Health - miscellaneous** Addl. Drafters: **mduchek**  
**Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Risser@legis.wisconsin.gov**  
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

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/P4			jfrantze 11/26/2013	_____	srose 11/26/2013		Crime

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1 eev

11/27/13

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/P3	chanaman 11/18/2013	evinz 11/19/2013	jmurphy 11/19/2013	_____	sbasford 11/19/2013		State S&L Crime

FE Sent For:

1p4 eev  
11/25/13

1p4 eev  
11/25/13

R3  
11/26

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Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

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1p3 eeV 11/19/13  
1p3 eeV 11/19/13  
jm + JB 11/19

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*Occ Reg* Extra Copies:  
Submit via email: **YES**  
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/P1		evinz 11/8/2013	jfrantze 11/11/2013	_____	lparisi 11/11/2013		
FE Sent For:		<i>pd eev</i> 11/14/13	<i>pd eev</i> 11/14/13	<i>gm</i> 11/14			

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/?	tdodge	1/pl eev 11/8/13	1/pl eev 11/8/13	 11/11/13			

FE Sent For:

<END>

Title 45.  
Subtitle 1.  
Chapter 4. (New)  
Sexual  
Orientation  
Change Efforts  
§§1,2 -  
C.45:1-54 &  
45:1-55

P.L.2013, CHAPTER 150, *approved August 19, 2013*  
Assembly, No. 3371

**AN ACT** concerning the protection of minors from attempts to change sexual orientation and supplementing Title 45 of the Revised Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:

a. Being lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming. The major professional associations of mental health practitioners and researchers in the United States have recognized this fact for nearly 40 years;

b. The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation. The task force conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts, and issued a report in 2009. The task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources;

c. The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009, which states: "[T]he [American Psychological Association] advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth";

d. (1) The American Psychiatric Association published a position statement in March of 2000 in which it stated: "Psychotherapeutic modalities to convert or 'repair' homosexuality are based on developmental theories whose scientific validity is questionable. Furthermore, anecdotal reports of 'cures' are counterbalanced by anecdotal claims of psychological harm. In the

last four decades, 'reparative' therapists have not produced any rigorous scientific research to substantiate their claims of cure. Until there is such research available, [the American Psychiatric Association] recommends that ethical practitioners refrain from attempts to change individuals' sexual orientation, keeping in mind the medical dictum to first, do no harm;

(2) The potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian is not presented, nor are alternative approaches to dealing with the effects of societal stigmatization discussed; and

(3) Therefore, the American Psychiatric Association opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his or her sexual homosexual orientation";

e. The American School Counselor Association's position statement on professional school counselors and lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth states: "It is not the role of the professional school counselor to attempt to change a student's sexual orientation/gender identity but instead to provide support to LGBTQ students to promote student achievement and personal well-being. Recognizing that sexual orientation is not an illness and does not require treatment, professional school counselors may provide individual student planning or responsive services to LGBTQ students to promote self-acceptance, deal with social acceptance, understand issues related to coming out, including issues that families may face when a student goes through this process and identify appropriate community resources";

f. The American Academy of Pediatrics in 1993 published an article in its journal, Pediatrics, stating: "Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation";

g. The American Medical Association Council on Scientific Affairs prepared a report in 1994 in which it stated: "Aversion therapy (a behavioral or medical intervention which pairs unwanted behavior, in this case, homosexual behavior, with unpleasant sensations or aversive consequences) is no longer recommended for gay men and lesbians. Through psychotherapy, gay men and lesbians can become comfortable with their sexual orientation and understand the societal response to it";

h. The National Association of Social Workers prepared a 1997 policy statement in which it stated: "Social stigmatization of lesbian, gay, and bisexual people is widespread and is a primary motivating factor in leading some people to seek sexual orientation changes. Sexual orientation conversion therapies assume that homosexual orientation is both pathological and freely chosen. No data demonstrates that reparative or conversion therapies are effective, and, in fact, they may be harmful";

i. The American Counseling Association Governing Council issued a position statement in April of 1999, and in it the council states: "We oppose 'the promotion of "reparative therapy" as a "cure" for individuals who are homosexual";

j. (1) The American Psychoanalytic Association issued a position statement in June 2012 on attempts to change sexual orientation, gender, identity, or gender expression, and in it the association states: "As with any societal prejudice, bias against individuals based on actual or perceived sexual orientation, gender identity or gender expression negatively affects mental

health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice; and

(2) Psychoanalytic technique does not encompass purposeful attempts to 'convert,' 'repair,' change or shift an individual's sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes";

k. The American Academy of Child and Adolescent Psychiatry in 2012 published an article in its journal, *Journal of the American Academy of Child and Adolescent Psychiatry*, stating: "Clinicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated";

l. The Pan American Health Organization, a regional office of the World Health Organization, issued a statement in May of 2012 and in it the organization states: "These supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements." The organization also noted that reparative therapies "lack medical justification and represent a serious threat to the health and well-being of affected people";

m. Minors who experience family rejection based on their sexual orientation face especially serious health risks. In one study, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection. This is documented by Caitlin Ryan et al. in their article entitled *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults* (2009) 123 *Pediatrics* 346; and

n. New Jersey has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by sexual orientation change efforts.

2. a. A person who is licensed to provide professional counseling under Title 45 of the Revised Statutes, including, but not limited to, a psychiatrist, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in sexual orientation change efforts with a person under 18 years of age.

b. As used in this section, "sexual orientation change efforts" means the practice of seeking to change a person's sexual orientation, including, but not limited to, 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; except that sexual orientation change efforts shall not include counseling for 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.
3. This act shall take effect immediately.

#### STATEMENT

This bill prohibits counseling to change the sexual orientation of a minor.

Under the provisions of the bill, a person who is licensed to provide professional counseling, including, but not limited to, a psychiatrist, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or a person who performs counseling as part of the person's professional training, is prohibited from engaging in sexual orientation change efforts with a person under 18 years of age.

The bill defines "sexual orientation change efforts" as the practice of seeking to change a person's sexual orientation, including, but not limited to, efforts to change behaviors or gender expressions, or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same gender. The term, however, does not include counseling for a person seeking to transition from one gender to another, or counseling that: provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and does not seek to change sexual orientation.

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Protects minors by prohibiting attempts to change sexual orientation.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2999(?)  
TJD:.....  
RMR/eev

In: 11/6  
Due Mon  
11/11

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAV  
xref N/A

gen cat

1 **AN ACT** .;. relating to: prohibiting sexual orientation change efforts on minors.

***Analysis by the Legislative Reference Bureau***

This bill prohibits a mental health provider, as defined in the bill, from engaging in a sexual orientation change effort with an individual who is under the age of 18. A "sexual orientation change effort" is defined in the bill as any practice that seeks to change an individual's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. Under the bill, counseling for an individual seeking to transition from one gender to another or psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation <sup>s</sup> (is not a) "sexual orientation change effort." <sub>are</sub>

\* and  
\* \*

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 51.50 of the statutes is created to read:

3 **51.50 Sexual orientation change efforts.** (1) DEFINITIONS. In this section:

4 (a) "Mental health provider" means a physician; a psychologist licensed under  
5 ch. 455; a social worker licensed or certified under s. 457.08; a marriage and family

his or her

1 therapist licensed under s. 457.10; a professional counselor licensed under s. 457.12;  
 2 and any other person who performs counseling as part of the person's professional  
 3 training for any of the professions specified in this paragraph.

4 (b) "Sexual orientation change effort" means any practice that seeks to change  
 5 an individual's sexual orientation, including an effort to change behaviors, gender  
 6 identity, or gender expression or an effort to eliminate or reduce sexual or romantic  
 7 attractions or feelings toward individuals of the same sex. "Sexual orientation  
 8 change effort" does not include any of the following:

9 1. Counseling for an individual seeking to transition from one gender to  
 10 another.

11 2. Psychotherapy that provides acceptance, support, or understanding of a  
 12 client or the facilitation of a client's coping, social support, and identity exploration  
 13 and development, including sexual orientation-neutral interventions to prevent or  
 14 address unlawful conduct or unsafe sexual practices, and that does not seek to  
 15 change sexual orientation.

16 (B) (2) CHANGE EFFORTS PROHIBITED. A mental health provider may not engage in  
 17 a sexual orientation change effort with an individual who is under 18 years of age.

18 (END)



## **Dodge, Tamara**

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**From:** Dodge, Tamara  
**Sent:** Thursday, November 14, 2013 2:50 PM  
**To:** Jurenci, Cassie  
**Subject:** RE: Draft Follow-Up

Cassie,

Regarding page 2, line 4: Yes, the language is intended to capture people in-training. It isn't specifically directed at people operating in a church, but if those individuals need one of these credentials to do whatever they are doing, then it would affect them.

I should be able to add the second point. I'll talk to an occupational regulation drafter to make sure. I will try to get the bill to you tomorrow morning but the unprofessional conduct portion may take a while so it could be later in the day.

Tami

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Jurenci, Cassie  
**Sent:** Thursday, November 14, 2013 2:12 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Draft Follow-Up

Hi Tami,

I have a quick question I want to make sure about in the draft on the sexual conversion therapy ban: on page two, line 4, by "any other person who performs counseling as part of his or her professional training," does that mean it would include assistants, interns, trainees, and associates who are not licensed that are in the aforementioned professions but it would not mean those who are operating through a church?

And the Senator just has one addition he'd like included in the draft, if you could, and that is to include the line in essence: "Any sexual orientation change efforts attempted on a patient under 18 years of age shall be considered unprofessional conduct and be subject to discipline by the licensing entity."

Is it possible to have this draft back to us by tomorrow morning?

Thanks for all of your help!

*Cassie Jurenci*  
Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627

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**From:** Dodge, Tamara  
**Sent:** Tuesday, November 05, 2013 3:49 PM  
**To:** Jurenci, Cassie  
**Subject:** RE: Draft Follow-Up

Cassie,

I'm so sorry about the delay. Being the only mental health drafter, I've been swamped lately. I expect to have that bill to you by the beginning of next week.

Again, I apologize for the delay.

Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

---

**From:** Jurenci, Cassie  
**Sent:** Monday, November 04, 2013 12:18 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Draft Follow-Up

Hi Tamara,

When you get a chance, I was hoping to get an updated ETA for the Senator's request for sexual conversion therapy bans.

Thank you,

*Cassie Jurenci*

Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627

---

**From:** Dodge, Tamara  
**Sent:** Friday, October 11, 2013 8:49 AM  
**To:** Jurenci, Cassie  
**Subject:** RE: Draft Follow-Up

Cassie,

I have had a large backlog of drafts, but I am clearing that now. I hope to get the draft out within the next week or two.

Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037

Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

---

**From:** Jurenci, Cassie  
**Sent:** Thursday, October 10, 2013 12:33 PM  
**To:** Dodge, Tamara  
**Subject:** Draft Follow-Up

Hi Tamara,

I just wanted to follow-up on the progress of the Senator's draft request of a bill that would ban sexual-orientation conversion therapies for minors. Please let me know if there are any questions. Thank you.

Best,

*Cassie Jurenci*  
Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2999/P1  
TJD:eev:jf

P2  
RMR  
AMED

In: 11/14  
Due Friday  
11/15  
(morning if possible)

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAV

Gen

1 AN ACT to create 51.50 of the statutes; relating to: prohibiting sexual  
2 orientation change efforts on minors.

*Analysis by the Legislative Reference Bureau*

This bill prohibits a mental health provider, as defined in the bill, from engaging in a sexual orientation change effort with an individual who is under the age of 18. A "sexual orientation change effort" is defined in the bill as any practice that seeks to change an individual's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. Under the bill, counseling for an individual seeking to transition from one gender to another and psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation are not "sexual orientation change efforts."

Add FE-STATETAG

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

In  
Analysis

3 SECTION 1. 51.50 of the statutes is created to read:

4 51.50 Sexual orientation change efforts. (1) DEFINITIONS. In this section:

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2 ch. 455; a social worker licensed or certified under s. 457.08; a marriage and family  
3 therapist licensed under s. 457.10; a professional counselor licensed under s. 457.12;  
4 and any other person who performs counseling as part of his or her professional  
5 training for any of the professions specified in this paragraph.

6 (b) "Sexual orientation change effort" means any practice that seeks to change  
7 an individual's sexual orientation, including an effort to change behaviors, gender  
8 identity, or gender expression or an effort to eliminate or reduce sexual or romantic  
9 attractions or feelings toward individuals of the same sex. "Sexual orientation  
10 change effort" does not include any of the following:

11 1. Counseling for an individual seeking to transition from one gender to  
12 another.

13 2. Psychotherapy that provides acceptance, support, or understanding of a  
14 client or the facilitation of a client's coping, social support, and identity exploration  
15 and development, including sexual orientation-neutral interventions to prevent or  
16 address unlawful conduct or unsafe sexual practices, and that does not seek to  
17 change sexual orientation.

18 (2) CHANGE EFFORTS PROHIBITED. A mental health provider may not engage in  
19 a sexual orientation change effort with an individual who is under 18 years of age.

20 (END)

Ins 2-19

INSERT ANALYSIS

9 The bill also provides that a violation of the bill's prohibition against engaging in a sexual orientation change effort may be grounds for professional discipline by the appropriate credentialing board attached to the Department of Safety and Professional Services.

INSERT 2-19

1           (3) UNPROFESSIONAL CONDUCT; PROFESSIONAL DISCIPLINE. A violation of sub. (2)  
2           may be grounds for professional discipline as provided under ss. 448.015 (4) (am) 4.,  
3           455.09 (1) (i), and 457.26 (2) (gr).

by \*\*\*\*\*NOTE: The various boards attached to DSPS have provisions that vary with regards to unprofessional conduct and professional discipline. The Medical Examining Board is required to investigate allegations of unprofessional conduct, which I have defined to include engaging in sexual orientation change efforts. The Psychology Examining Board and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, in contrast, establish codes of ethics or conduct by rule. For those two boards, I instead provided that a violation is grounds for professional discipline by the respective board. Is that OK?

4           SECTION 1. 448.015 (4) (am) 4. of the statutes is created to read:

5           448.015 (4) (am) 4. A violation of s. 51.50 (2).

6           SECTION 2. 455.09 (1) (i) of the statutes is created to read:

7           455.09 (1) (i) Violates s. 51.50 (2).

8           SECTION 3. 457.26 (2) (gr) of the statutes is created to read:

9           457.26 (2) (gr) Violated s. 51.50 (2).

## Dodge, Tamara

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**From:** Jurenci, Cassie  
**Sent:** Friday, November 15, 2013 10:20 AM  
**To:** Dodge, Tamara  
**Subject:** RE: Draft Follow-Up

Hi Tami,

The Senator would like another preliminary draft of the bill, with lines 6 and 7 of page 2 (“and any other person who performs...”) removed and would also like the language “Any sexual orientation change efforts attempted on a patient under 18 years of age shall be considered unprofessional conduct and be subject to discipline by the licensing entity” included—perhaps in a legislative intent paragraph.

We don’t need this back today, but were hoping by Tuesday of next week, if you’re able to.

Thanks,

*Cassie Jurenci*

Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627

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**From:** Dodge, Tamara  
**Sent:** Thursday, November 14, 2013 3:05 PM  
**To:** Jurenci, Cassie  
**Subject:** RE: Draft Follow-Up

Cassie,

Will you want an introducible form of this draft tomorrow or is another preliminary draft okay?

Thanks,  
Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Jurenci, Cassie  
**Sent:** Thursday, November 14, 2013 2:12 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Draft Follow-Up

Hi Tami,

I have a quick question I want to make sure about in the draft on the sexual conversion therapy ban: on page two, line 4, by “any other person who performs counseling as part of his or her professional training,” does that mean it would

include assistants, interns, trainees, and associates who are not licensed that are in the aforementioned professions but it would not mean those who are operating through a church?

And the Senator just has one addition he'd like included in the draft, if you could, and that is to include the line in essence: "Any sexual orientation change efforts attempted on a patient under 18 years of age shall be considered unprofessional conduct and be subject to discipline by the licensing entity."

Is it possible to have this draft back to us by tomorrow morning?

Thanks for all of your help!

*Cassie Jurenci*  
Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627

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**From:** Dodge, Tamara  
**Sent:** Tuesday, November 05, 2013 3:49 PM  
**To:** Jurenci, Cassie  
**Subject:** RE: Draft Follow-Up

Cassie,

I'm so sorry about the delay. Being the only mental health drafter, I've been swamped lately. I expect to have that bill to you by the beginning of next week.

Again, I apologize for the delay.

Tami

**Tamara J. Dodge**  
Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Jurenci, Cassie  
**Sent:** Monday, November 04, 2013 12:18 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Draft Follow-Up

Hi Tamara,

When you get a chance, I was hoping to get an updated ETA for the Senator's request for sexual conversion therapy bans.

Thank you,

*Cassie Jurenci*  
Office of Senator Fred Risser  
Wisconsin State Senate



130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627

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**From:** Dodge, Tamara  
**Sent:** Friday, October 11, 2013 8:49 AM  
**To:** Jurenci, Cassie  
**Subject:** RE: Draft Follow-Up

Cassie,

I have had a large backlog of drafts, but I am clearing that now. I hope to get the draft out within the next week or two.

Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Jurenci, Cassie  
**Sent:** Thursday, October 10, 2013 12:33 PM  
**To:** Dodge, Tamara  
**Subject:** Draft Follow-Up

Hi Tamara,

I just wanted to follow-up on the progress of the Senator's draft request of a bill that would ban sexual-orientation conversion therapies for minors. Please let me know if there are any questions. Thank you.

Best,

*Cassie Jurenci*

Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2999/P2  
TJD&MED:eev:jm

P3

In: \_\_\_\_\_

Due  
Tuesday  
Nov. 19

RMR  
cm#

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

regen

1 AN ACT *to create* 51.50, 448.015 (4) (am) 4., 455.09 (1) (i) and 457.26 (2) (gr) of  
2 the statutes; **relating to:** prohibiting sexual orientation change efforts on  
3 minors. *and providing a penalty*

**Analysis by the Legislative Reference Bureau**

This bill prohibits a mental health provider, as defined in the bill, from engaging in a sexual orientation change effort with an individual who is under the age of 18. A "sexual orientation change effort" is defined in the bill as any practice that seeks to change an individual's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. Under the bill, counseling for an individual seeking to transition from one gender to another and psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation are not "sexual orientation change efforts." *A person who violates the prohibition is guilty of*

The bill also provides that a violation of the bill's prohibition against engaging in a sexual orientation change effort may be grounds for professional discipline by the appropriate credentialing board attached to the Department of Safety and Professional Services.

CRS Analysis

INS CRIMS COMPONENT ✓  
EB

eis

*and a person*  
*sustained*  
*class*  
*responsible*

*and local*



For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 51.50 of the statutes is created to read:

2 51.50 Sexual orientation change efforts. (1) DEFINITIONS. In this section:

3 (a) "Mental health provider" means a physician; a psychologist licensed under  
4 ch. 455; a social worker licensed or certified under s. 457.08; a marriage and family  
5 therapist licensed under s. 457.10; <sup>or</sup> a professional counselor licensed under s. 457.12;

6 and any other person who performs counseling as part of his or her professional  
7 training for any of the professions specified in this paragraph.

8 (b) "Sexual orientation change effort" means any practice that seeks to change  
9 an individual's sexual orientation, including an effort to change behaviors, gender  
10 identity, or gender expression or an effort to eliminate or reduce sexual or romantic  
11 attractions or feelings toward individuals of the same sex. "Sexual orientation  
12 change effort" does not include any of the following:

13 1. Counseling for an individual seeking to transition from one gender to  
14 another.

15 2. Psychotherapy that provides acceptance, support, or understanding of a  
16 client or the facilitation of a client's coping, social support, and identity exploration  
17 and development, including sexual orientation-neutral interventions to prevent or  
18 address unlawful conduct or unsafe sexual practices, and that does not seek to  
19 change sexual orientation.

20 (2) CHANGE EFFORTS PROHIBITED. A mental health provider may not engage in  
21 a sexual orientation change effort with an individual who is under 18 years of age.

1 <sup>gis</sup> (3) UNPROFESSIONAL CONDUCT; PROFESSIONAL DISCIPLINE. A violation of sub. (2)  
 2 may be grounds for professional discipline as provided under ss. 448.015 (4) (am) 4.,  
 3 455.09 (1) (i), and 457.26 (2) (gr).

\*\*\*NOTE: The various boards attached to DSPS have provisions that vary with regard to unprofessional conduct and professional discipline. The Medical Examining Board is required to investigate allegations of unprofessional conduct, which I have defined to include engaging in sexual orientation change efforts. The Psychology Examining Board and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, by contrast, establish codes of ethics or conduct by rule. For those two boards, I instead provided that a violation is grounds for professional discipline by the respective board. Is that OK?

4 **SECTION 2.** 448.015 (4) (am) 4. of the statutes is created to read:

5 448.015 (4) (am) 4. A violation of s. 51.50 (2).

6 **SECTION 3.** 455.09 (1) (i) of the statutes is created to read:

7 455.09 (1) (i) Violates s. 51.50 (2).

8 **SECTION 4.** 457.26 (2) (gr) of the statutes is created to read:

9 457.26 (2) (gr) Violated s. 51.50 (2).

10 (END)

3-4

MS  
3-10

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2999/P3ins  
CMH:.....

INSERT ANALYSIS

*course  
course of action*

~~4~~ This bill prohibits a person, who has temporary or permanent control or significant influence over a child, from conducting a sustained practice to change the child's sexual orientation, including any effort to change behaviors, gender identity, or gender expression ~~or~~ any effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The prohibition does not apply to counseling for an individual seeking to transition from one gender to another or to psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development if the psychotherapy does not seek to change sexual orientation.

1

2

Insert 3-4

3

~~4~~ SECTION 1. 48.366 (1) (a) (intro.) of the statutes is amended to read:

4

48.366 (1) (a) (intro.) Subject to par. (c), if the person committed any crime

5

specified under s. 940.01, 940.02, 940.05, 940.21, 940.225 (1) (a) to (c), 948.03, or

6

948.04 (1m), is adjudged delinquent on that basis, and is placed in a juvenile

7

correctional facility under s. 48.34 (4m), 1993 stats., the court shall enter an order

8

extending its jurisdiction as follows:

9

History: 1987 a. 27; 1989 a. 31, 107, 359; 1993 a. 98, 385; 1995 a. 27, 77; 1997 a. 27, 35; 2001 a. 16; 2005 a. 344.

SECTION 2. 448.015 (4) (am) 4. of the statutes is created to read:

10

448.015 (4) (am) 4. A violation of s. 948.04 (1m). 2

11

SECTION 3. 455.09 (1) (i) of the statutes is created to read:

12

455.09 (1) (i) Violates s. 948.04 (1m). 2

13

SECTION 4. 457.26 (2) (gr) of the statutes is created to read:

14

457.26 (2) (gr) Violated s. 948.04 (1m). 2

15

16

Insert 3-10

17

~~4~~ SECTION 5. 941.291 (1) (b) of the statutes is amended to read:

1            941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy,  
 2 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,  
 3 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,  
 4 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,  
 5 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,  
 6 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2),  
 7 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89,  
 8 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04 (1m), 948.05,  
 9 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution,  
 10 as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to  
 11 commit a felony under s. 943.84 (1) or (2).

History: 2001 a. 95; 2003 a. 321; 2005 a. 212, 277; 2007 a. 97.

12            **SECTION 6.** 948.04 of the statutes is renumbered 948.04 (1m).

13            **SECTION 7.** 948.04 (2m) of the statutes is created to read:

14            948.04 (2m) (a) Whoever, having temporary or permanent control or  
 15 significant influence over a child, conducts a sustained ~~practice~~ <sup>course of action</sup> that seeks to change  
 16 the child's sexual orientation, including an effort to change behaviors, gender  
 17 identity, or gender expression ~~or an effort to eliminate or reduce sexual or romantic~~  
 18 attractions or feelings toward individuals of the same sex, is guilty of a Class A  
 19 misdemeanor.

20            (b) Paragraph (a) does not apply to any of the following:

21            1. Counseling for an individual seeking to transition from one gender to  
 22 another.

23            2. Psychotherapy that provides acceptance, support, or understanding of a  
 24 client or the facilitation of a client's coping, social support, and identity exploration

1 and development, including sexual orientation-neutral interventions to prevent or  
2 address unlawful conduct or unsafe sexual practices, and that does not seek to  
3 change sexual orientation.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2999/P1

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT *to create* 51.50 of the statutes; **relating to:** prohibiting sexual  
2 orientation change efforts on minors *and providing a penalty*

**Analysis by the Legislative Reference Bureau**

This bill prohibits a mental health provider, as defined in the bill, from engaging in a sexual orientation change effort with an individual who is under the age of 18. A "sexual orientation change effort" is defined in the bill as any practice that seeks to change an individual's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. *Under the bill,* counseling for an individual seeking to transition from one gender to another and psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation ~~are not~~ sexual orientation change efforts.

*does  
also not  
apply to*

*The  
prohibition  
created  
in*

*or  
to*

*crime*

*A mental health provider who violates the prohibition is guilty of a Class A misdemeanor.*

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

3 SECTION 1. *948.045* 51.50 of the statutes is created to read:

4 **51.50 Sexual orientation change efforts.** (1) DEFINITIONS. In this section

*948.045*



1 (a) <sup>er no 9</sup> "Mental health provider" means a physician; a psychologist licensed under  
2 ch. 455; a social worker licensed or certified under s. 457.08; a marriage and family  
3 therapist licensed under s. 457.10; a professional counselor licensed under s. 457.12;  
4 and any other person who performs counseling as part of his or her professional  
5 training for any of the professions specified in this ~~paragraph.~~ <sup>subsection</sup>

6 (b) "Sexual orientation change effort" means any practice that seeks to change  
7 an individual's sexual orientation, including an effort to change behaviors, gender  
8 identity, or gender expression or an effort to eliminate or reduce sexual or romantic  
9 attractions or feelings toward individuals of the same sex. "Sexual orientation  
10 change effort" does not include any of the following:

11 1. Counseling for an individual seeking to transition from one gender to  
12 another.

13 2. Psychotherapy that provides acceptance, support, or understanding of a  
14 client or the facilitation of a client's coping, social support, and identity exploration  
15 and development, including sexual orientation-neutral interventions to prevent or  
16 address unlawful conduct or unsafe sexual practices, and that does not seek to  
17 change sexual orientation.

18 (2) CHANGE EFFORTS PROHIBITED. A mental health provider may not engage in  
19 a sexual orientation change effort with an individual who is under 18 years of age.

20 (END)

145  
2-19

1 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution,  
2 as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to  
3 commit a felony under s. 943.84 (1) or (2).

4 **SECTION 6.** 948.04 of the statutes is renumbered 948.04 (1m).

5 **SECTION 7.** 948.04 (2m) of the statutes is created to read:

6 948.04 (2m) (a) ~~Whoever, having temporary or permanent control or~~  
7 ~~significant influence over a child, conducts a sustained course of action~~ that seeks to  
8 change <sup>the</sup> child's sexual orientation, including an effort to change behaviors, gender  
9 identity, or gender expression or an effort to eliminate or reduce sexual or romantic  
10 attractions or feelings toward individuals of the same sex, is guilty of a Class A  
11 misdemeanor.

12 (b) Paragraph (a) does not apply to any of the following:

13 1. Counseling for an individual seeking to transition from one gender to  
14 another.

15 2. Psychotherapy that provides acceptance, support, or understanding of a  
16 client or the facilitation of a client's coping, social support, and identity exploration  
17 and development, including sexual orientation-neutral interventions to prevent or  
18 address unlawful conduct or unsafe sexual practices, and that does not seek to  
19 change sexual orientation.

20 (END)

LWS  
2-19

ⓑ (2) / A prohibition (a)  
mental health provider that engages in a practice



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2999/P4  
CMH&MED:eev:jf

*Wed please*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*No changes*

*Revised*

1 **AN ACT to create** 948.045 of the statutes; **relating to:** prohibiting sexual  
2 orientation change efforts on minors and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits a mental health provider, as defined in the bill, from engaging in any practice that seeks to change a child's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The prohibition created in the bill does not apply to counseling for an individual seeking to transition from one gender to another or to psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation. A mental health provider who violates the prohibition is guilty of a Class A misdemeanor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 948.045 of the statutes is created to read:



**Rose, Stefanie**

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**From:** Jurenci, Cassie  
**Sent:** Wednesday, November 27, 2013 9:51 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2999/1 Topic: Prohibit sexual orientation conversion therapy

Please Jacket LRB -2999/1 for the SENATE.