



## 2023 SENATE BILL 1065

February 26, 2024 - Introduced by Senators CARPENTER, SPREITZER, AGARD, HESSELBEIN, L. JOHNSON, LARSON, PFAFF, ROYS, SMITH and WIRCH, cosponsored by Representatives SNODGRASS, CABRERA, NEUBAUER, RATCLIFF, CLANCY, C. ANDERSON, J. ANDERSON, ANDRACA, BALDEH, BARE, CONLEY, CONSIDINE, EMERSON, JACOBSON, JOERS, MADISON, MOORE OMOKUNDE, OHNSTAD, PALMERI, SHANKLAND, SHELTON, SINICKI, SUBECK and VINING. Referred to Committee on Licensing, Constitution and Federalism.

1     **AN ACT** *to amend* 448.02 (9) (intro.); and *to create* 51.608, 448.02 (3m), 455.09  
2           (1m) and 457.26 (2) (1m) of the statutes; **relating to:** prohibiting conversion  
3           therapy.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits certain mental health providers from engaging in conversion therapy with a minor. Conversion therapy is defined under the bill to mean any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, including any intervention or method that attempts to change behaviors or expressions of self or to reduce sexual or romantic attractions or feelings toward individuals of the same gender. However, under the bill, conversion therapy does not include counseling that assists an individual who is seeking to undergo a gender transition or who is in the process of undergoing a gender transition; counseling that provides a client with acceptance, support, understanding, or counseling that facilitates a client's coping, social support, and identity exploration or development; or counseling in the form of sexual orientation-neutral or gender identity-neutral interventions provided for the purpose of preventing or addressing unlawful conduct or unsafe sexual practices, but only if the counseling is not provided for the purpose of attempting to change the client's sexual orientation or gender identity.

Under the bill, the Medical Examining Board, the Psychology Examining Board, and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board are required to investigate any allegation that any person

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licensed, certified, or otherwise authorized to practice by the respective boards has violated the prohibition on performing conversion therapy. Upon a finding that the holder of a license, certificate, or other authorization has violated the prohibition on performing conversion therapy, the bill requires the applicable examining board to limit, suspend, or revoke the person's license, certificate, or other authorization, or any combination of the three.

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

1           **SECTION 1.** 51.608 of the statutes is created to read:

2           **51.608 Conversion therapy prohibited. (1) DEFINITIONS.** In this section:

3           (a) 1. "Conversion therapy" means any intervention or method that has the  
4 purpose of attempting to change an individual's sexual orientation or gender  
5 identity, including any intervention or method that attempts to change behaviors or  
6 expressions of self or to reduce sexual or romantic attractions or feelings toward  
7 individuals of the same gender.

8           2. "Conversion therapy" does not include counseling that assists an individual  
9 who is seeking to undergo a gender transition or who is in the process of undergoing  
10 a gender transition, or counseling that provides an individual with acceptance,  
11 support, understanding, or counseling that facilitates an individual's coping, social  
12 support, and identity exploration or development. "Conversion therapy" does not  
13 include counseling in the form of sexual orientation-neutral or gender  
14 identity-neutral interventions provided for the purpose of preventing or addressing  
15 unlawful conduct or unsafe sexual practices, but only if the counseling is not  
16 provided for the purpose of attempting to change the individual's sexual orientation  
17 or gender identity.

18           (b) "Mental health provider" means any of the following:

19           1. A physician licensed under ch. 448.

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- 1           2. A psychologist licensed under ch. 455.
- 2           3. A marriage and family therapist licensed under s. 457.10 or 457.11.
- 3           4. A professional counselor licensed under s. 457.12 or 457.13.
- 4           5. Any social worker who holds a license or certificate granted under ch. 457.
- 5           6. A person who is practicing under a valid training or temporary license or
- 6 certificate granted under ch. 457.
- 7           7. A student, intern, volunteer, or other person assisting or acting under the
- 8 direction of an individual described in subds. 1. to 6.

9           **(2) CONVERSION THERAPY PROHIBITED.** No mental health provider may engage  
10 in conversion therapy with an individual who is under 18 years of age.

11           **SECTION 2.** 448.02 (3m) of the statutes is created to read:

12           448.02 **(3m)** INVESTIGATION; HEARING; ACTION FOR PROHIBITED CONVERSION  
13 THERAPY. Notwithstanding sub. (3):

14           (a) The board shall investigate allegations that any person holding a license or  
15 certificate granted by the board has violated s. 51.608 (2). After an investigation, if  
16 the board finds that there is probable cause to believe that the person violated s.  
17 51.608 (2), the board shall hold a hearing on such conduct. The board shall render  
18 a decision within 60 days after the date on which the hearing is held.

19           (b) After a hearing under par. (a), if the board determines that the person has  
20 violated s. 51.608 (2), the board shall do one or more of the following:

- 21           1. Limit the person's license or certificate.
- 22           2. Suspend the person's license or certificate.
- 23           3. Revoke the person's license or certificate.

24           (c) The board may condition the removal of limitations on a license or certificate  
25 imposed under this subsection or the restoration of a license that was suspended or

**SENATE BILL 1065****SECTION 2**

1       revoked under this subsection upon obtaining minimum results specified by the  
2       board on a professional competency examination if the board believes that obtaining  
3       the minimum results is related to correcting the basis upon which the limitation,  
4       suspension, or revocation was imposed.

5               (d) A person whose license or certificate is limited under this subsection shall  
6       be permitted to continue practice upon condition that the person will refrain from  
7       engaging in unprofessional conduct; that the person will appear before the board or  
8       its officers or agents at such times and places as may be designated by the board from  
9       time to time; that the person will fully disclose to the board or its officers or agents  
10      the nature of the person's practice and conduct; that the person will fully comply with  
11      the limits placed on his or her practice and conduct by the board; that the person will  
12      obtain additional training, education or supervision required by the board; and that  
13      the person will cooperate with the board.

14              (e) Unless a license or certificate that is suspended under this subsection is  
15      revoked during the period of suspension, upon the expiration of the period of  
16      suspension the license or certificate shall again become operative and effective.  
17      However, the board may require the holder of any such suspended license or  
18      certificate to pass the examinations required for the original grant of the license or  
19      certificate before allowing such suspended license or certificate again to become  
20      operative and effective.

21              (f) The board shall comply with rules of procedure for the investigation,  
22      hearing, and action under this section that are promulgated under ss. 440.03 (1) and  
23      448.40.

24              **SECTION 3.** 448.02 (9) (intro.) of the statutes is amended to read:

**SENATE BILL 1065****SECTION 3**

1           448.02 **(9)** JUDICIAL REVIEW. (intro.) No injunction, temporary injunction, stay,  
2           restraining order or other order may be issued by a court in any proceeding for review  
3           that suspends or stays an order of the board to discipline a physician under sub. (3)  
4           (c) or (3m) (b) or to suspend or limit a physician's license under sub. (4), except upon  
5           application to the court and a determination by the court that all of the following  
6           conditions are met:

7           **SECTION 4.** 455.09 (1m) of the statutes is created to read:

8           455.09 **(1m)** Notwithstanding sub. (1), and subject to the rules promulgated  
9           under s. 440.03 (1), upon a finding that a licensee or holder of authority to practice  
10          interjurisdictional telepsychology or temporary authorization to practice has  
11          violated s. 51.608 (2), the examining board shall do one or more of the following:

12          (a) Limit the person's license or authorization.

13          (b) Suspend the person's license or authorization.

14          (c) Revoke the person's license or authorization.

15          **SECTION 5.** 457.26 (1m) of the statutes is created to read:

16          457.26 **(1m)** Notwithstanding sub. (1), and subject to the rules promulgated  
17          under s. 440.03 (1), the appropriate section of the examining board shall investigate  
18          any allegation that a credential holder has violated s. 51.608 (2). After an  
19          investigation, if the appropriate section of the examining board determines that  
20          there is probable cause to believe that the credential holder has violated s. 51.608 (2),  
21          the appropriate section of the examining board shall conduct a hearing on such  
22          conduct. If, after a hearing, the appropriate section of the examining board finds that  
23          the credential holder has violated s. 51.608 (2), the appropriate section of the  
24          examining board shall do one or more of the following:

25          (a) Limit the person's credential.

