

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1598 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Sally Kern

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1598

By: Kern

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to counseling; creating the Parental and Family Rights in Counseling Protection Act; defining certain terms; prohibiting government from prohibiting or restricting certain counseling by a mental health provider; prohibiting government from restricting certain rights of parents; providing for certain construction; providing for assertion of certain claim; permitting mental health provider to engage in sexual orientation change efforts with a child; providing for codification; and providing an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1925.19 of Title 59, unless there is created duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Parental and Family Rights in Counseling Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1925.20 of Title 59, unless there is created a duplication in numbering, reads as follows:

1 As used in the Parental and Family Rights in Counseling
2 Protection Act:

3 1. "Mental health provider" means a physician and surgeon
4 specializing in the practice of psychiatry, a psychologist, a
5 psychological assistant, intern, or trainee, a licensed marriage and
6 family therapist, a registered marriage and family therapist,
7 intern, or trainee, a licensed educational psychologist, a
8 credentialed school psychologist, a licensed clinical social worker,
9 an associate clinical social worker, a licensed professional
10 clinical counselor, a registered clinical counselor, intern, or
11 trainee, or a pastor or youth minister who is licensed or ordained
12 by his/her respective licensing or accrediting authority, and any
13 other person designated as a mental health professional under state
14 law or regulation;

15 2. "Patient" or "client" means any person, including persons
16 under the age of eighteen (18), under the care of a mental health
17 provider;

18 3. "Counseling" means all communication, between a mental
19 health provider and a patient or client intended to aid the patient
20 or client in his or her self-determined objectives;

21 4. "Sexual orientation change efforts" means any counseling,
22 psychotherapy, psychiatric services, or communication by mental
23 health providers that seek to reduce or eliminate unwanted same-sex
24 attractions. This includes efforts to change sexual behaviors or

1 gender-identity expressions and to eliminate or reduce sexual or
2 romantic attractions or feelings toward individuals of the same sex;
3 and

4 5. "Aversion therapy" means any counseling by a mental health
5 provider that exposes or asks a client or patient to undergo
6 physical pain, such as electroshock or electroconvulsive therapy, in
7 order to change sexual behaviors or gender-identity expressions
8 and/or to eliminate or reduce sexual or romantic attractions or
9 feelings toward individuals of the same sex.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1925.21 of Title 59, unless
12 there is created a duplication in numbering, reads as follows:

13 A. No state government or any political subdivision thereof or
14 any agency of the government or political subdivision thereof shall
15 prohibit or restrict any mental health provider from providing
16 counseling or any patient or client from receiving counseling
17 intended to aid patients or clients in their self-determined
18 objectives of reducing, eliminating, resolving, or addressing
19 unwanted same-sex attractions, behaviors, identity, or sexual and/or
20 gender-identity expressions.

21 B. No state government or any political subdivision thereof or
22 any agency of the government or political subdivision thereof shall
23 restrict the rights of parents or legal guardians from obtaining
24 counseling, including sexual orientation change efforts, for

1 patients or clients who are their children and experience unwanted
2 same-sex attractions, behaviors, identity, or sexual and/or gender-
3 identity expressions.

4 C. No part of the Parental and Family Rights in Counseling
5 Protection Act may be used as justification by parents, legal
6 guardians, or mental health counselors to subject clients or
7 patients to aversion therapy for the purpose of changing sexual
8 behaviors or gender-identity expressions and/or to eliminate or
9 reduce sexual or romantic attractions or feelings toward individuals
10 of the same sex.

11 D. A mental health provider, patient or client whose freedom of
12 speech or communication in the context of counseling has been
13 violated under subsection A of this section may assert that
14 violation as a claim or defense in a judicial proceeding and obtain
15 appropriate relief against the state government or any political
16 subdivision thereof or any agency of the government or political
17 subdivision thereof. Standing to assert a claim or defense under
18 this section shall be governed by the general rules of standing.
19 Prevailing mental health providers, patients or clients under this
20 section shall be entitled to appropriate attorney fees and costs.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1925.22 of Title 59, unless
23 there is created a duplication in numbering, reads as follows:
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A mental health provider may engage in sexual orientation change efforts with a child under eighteen (18) years of age.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

55-1-6839 AM 02/17/15