

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1598

By: Kern

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7 COMMITTEE SUBSTITUTE

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

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

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

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

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1925.20 of Title 59, unless
24 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, intern
7 or trainee, a licensed educational psychologist, a credentialed
8 school psychologist, a licensed clinical social worker, an associate
9 clinical social worker, a licensed professional clinical counselor,
10 a registered clinical counselor, intern or trainee and any other
11 person designated as a mental health professional under state law or
12 regulation;

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

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

19 4. "Sexual orientation change efforts" means any counseling,
20 psychotherapy, psychiatric services or communication by mental
21 health providers that seek to reduce or eliminate unwanted same-sex
22 attractions. This includes efforts to change sexual behaviors or
23 gender-identity expressions and to eliminate or reduce sexual or
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1 romantic attractions or feelings toward individuals of the same sex;
2 and

3 5. "Aversion therapy" means any counseling by a mental health
4 provider that exposes or asks a client or patient to undergo
5 physical pain, such as electroshock or electroconvulsive therapy,
6 touch therapy, pornography exposure or vomit-induction 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 patients
7 to aversion therapy for the purpose of changing sexual behaviors or
8 gender-identity expressions and/or to eliminate or reduce sexual or
9 romantic attractions or feelings toward individuals of the same sex.

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

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1925.22 of Title 59, unless
22 there is created a duplication in numbering, reads as follows:

23 A mental health provider may engage in sexual orientation change
24 efforts with a child under eighteen (18) years of age.

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

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