

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 2973

By: Olsen

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5
6 AS INTRODUCED

7 An Act relating to counseling; creating the Parental
8 and Family Rights in Counseling Protection Act;
9 preempting field of legislation relating to sexual
10 orientation change efforts and gender dysphoria
11 resolution efforts; nullifying any federal rule,
12 statute or executive order relating to sexual
13 orientation change efforts and gender dysphoria
14 resolution efforts; defining terms; prohibiting
15 government from restricting certain counseling by a
16 mental health provider or religious advisor;
17 prohibiting government from restricting certain
18 parental rights; providing for certain construction;
19 providing for the assertion of certain claims;
20 permitting mental health providers or religious
21 advisors to engage in sexual orientation change
22 efforts and certain gender dysphoria resolution
23 efforts with children; providing for codification;
24 and declaring 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 a 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".

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

4 A. The State Legislature hereby occupies and preempts the
5 entire field of legislation in this state touching in any way
6 federal or state prohibitions against sexual orientation change
7 efforts and gender dysphoria resolution efforts to the complete
8 exclusion of any order, ordinance or regulation by any municipality
9 or other political subdivision of this state.

10 B. Any federal statute, rule or executive order, federal or
11 state judicial order or judicial findings that would have the effect
12 of prohibiting sexual orientation change efforts or gender dysphoria
13 resolution efforts shall be null, void, unenforceable, and of no
14 effect in the State of Oklahoma.

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

18 As used in the Parental and Family Rights in Counseling
19 Protection Act:

20 1. "Aversion therapy" means any counseling by a mental health
21 provider that exposes or asks a patient or client to undergo
22 physical pain, such as electroshock or electroconvulsive therapy,
23 touch therapy, pornography exposure, or vomit-induction therapy, in
24 order to change sexual behaviors or gender-identity expressions or

1 to eliminate or reduce sexual or romantic attractions or feelings
2 toward individuals of the same sex;

3 2. "Counseling" means all communication between a mental health
4 provider or a religious advisor and a patient or client intended to
5 aid the patient or client in his or her self-determined objectives;

6 3. "Mental health provider" means a physician specializing in
7 the practice of psychiatry; a psychologist; a psychological
8 assistant, intern, or trainee; a licensed marriage and family
9 therapist; a registered marriage and family therapist, intern, or
10 trainee; a licensed educational psychologist; a credentialed school
11 psychologist; a licensed clinical social worker; an associate
12 clinical social worker; a licensed professional clinical counselor;
13 a registered clinical counselor, intern, or trainee; and any other
14 person designated as a mental health professional under state law or
15 regulation;

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

19 5. "Political subdivision" means a municipality, a school
20 district, a county, or a public trust where the sole beneficiary or
21 beneficiaries are a city, town, school district, or county;

22 6. "Religious advisor" means any pastor, preacher, minister,
23 priest, rabbi, imam, or other ecclesiastical dignitary of any
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1 denomination who has been duly ordained or authorized by the
2 religious organization to which he or she belongs;

3 7. "Sexual orientation change efforts" and "gender dysphoria
4 resolution efforts" mean any counseling, psychotherapy, nonmedical
5 psychiatric services, or communication by mental health providers or
6 religious advisors that seeks to reduce or eliminate unwanted same-
7 sex attraction or gender dysphoria. This includes efforts to change
8 sexual behaviors or gender-identity expressions and to eliminate or
9 reduce sexual or romantic attractions or feelings toward individuals
10 of the same sex; and

11 8. "State" means the State of Oklahoma or any office,
12 department, agency, authority, commission, board, institution,
13 hospital, college, university, public trust, or other
14 instrumentality thereof.

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

18 A. Neither the state nor any political subdivision thereof
19 shall prohibit or restrict any mental health provider or religious
20 advisor from providing counseling or any patient or client from
21 receiving counseling intended to aid patients or clients in their
22 self-determined objectives of reducing, eliminating, resolving, or
23 addressing unwanted same-sex attractions, behaviors, identity,
24 sexual or gender-identity expressions, or unwanted gender dysphoria.

1 A mental health provider or religious advisor shall have the liberty
2 to use any therapy they choose, provided that it is in the best
3 interest of the client and within the ethical bounds of the
4 profession.

5 B. Neither the state nor any political subdivision thereof
6 shall restrict the rights of parents or legal guardians from
7 obtaining counseling, including sexual orientation change efforts
8 and gender dysphoria resolution efforts, for patients or clients who
9 are their children and who experience unwanted same-sex attractions,
10 behaviors, identity, sexual or gender-identity expressions, or
11 unwanted gender dysphoria.

12 C. No part of the Parental and Family Rights in Counseling
13 Protection Act may be used as justification by parents, legal
14 guardians, mental health providers, or religious advisors to subject
15 patients or clients to aversion therapy for the purpose of changing
16 sexual behaviors or gender-identity expressions, to eliminate or
17 reduce sexual or romantic attractions or feelings toward individuals
18 of the same sex, or to reduce or eliminate gender dysphoria.

19 D. A mental health provider, religious advisor, patient, or
20 client whose freedom of speech or communication in the context of
21 counseling has been violated under subsection A of this section may
22 assert that violation as a claim or defense in a judicial proceeding
23 and may obtain appropriate relief against the state or any political
24 subdivision thereof. Standing to assert a claim or defense under

1 this section shall be governed by the general rules of standing.
2 Prevailing mental health providers, religious advisors, patients, or
3 clients under this section shall be entitled to appropriate attorney
4 fees and costs.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1925.23 of Title 59, unless
7 there is created a duplication in numbering, reads as follows:

8 A mental health provider or religious advisor may engage in
9 sexual orientation change efforts or nonmedical gender dysphoria
10 resolution efforts with a child under eighteen (18) years of age.

11 SECTION 6. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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16 58-2-8385 AB 07/07/21

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