

SENATE, No. 113

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Prohibits attempts by mental health professionals to change sexual orientation of adults.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning sexual orientation change efforts and
2 supplementing Title 45 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. While sexual orientation change efforts are often performed
9 on children and adolescents, and the majority of commentators on
10 this issue have focused on the impact of sexual orientation change
11 efforts on young patients, approximately half of the nearly 700,000
12 adults in the country who have been subject to sexual orientation
13 change efforts were subjected to such efforts as adults, and not
14 while they were children.

15 b. According to the American Psychological Association,
16 sexual orientation change efforts may include psychologically or
17 physically painful or humiliating treatments, such as electroshock
18 therapy; the inducement of nausea, vomiting, or paralysis while
19 showing the patient homoerotic images; the use of shame to create
20 aversion to same-sex attractions; or the use of orgasmic
21 reconditioning and satiation therapy, which require the physical
22 monitoring of a patient's arousal to sexual imagery and fantasies.

23 c. All of the nation's leading professional medical and mental
24 health associations have rejected sexual orientation change efforts
25 as unnecessary, ineffective, dangerous, and unethical.

26 d. The American Psychological Association's 2009
27 comprehensive review of the published literature on sexual
28 orientation change efforts has found that these practices are not
29 supported by any reliable evidence. Instead, the evidence shows
30 that these methods are wholly ineffective, and are unlikely to result
31 in either the reduction of same-sex sexual attraction or the increase
32 of attraction to other sexes.

33 e. While there is no scientific peer-reviewed evidence
34 indicating that sexual orientation change efforts are effective, there
35 is extensive research and evidence showing that these practices
36 cause significant and long-lasting harm to patients, and sometimes
37 have fatal results.

38 f. Research further shows that sexual orientation change efforts
39 remain dangerous and ineffective, regardless of the age of the
40 patient who is receiving such treatment.

41 g. New Jersey has a compelling interest in protecting the
42 health, safety, and wellbeing of its adult citizenry, just as it has
43 done for its youth citizenry, by ensuring that adults in the State are
44 not exposed to harm as a result of sexual orientation change efforts
45 undertaken by the State's mental health professionals.

46

47 2. a. A person who is licensed to provide professional
48 counseling under Title 45 of the Revised Statutes, including, but not

1 limited to, a psychiatrist, licensed practicing psychologist, licensed
2 professional counselor, certified social worker, licensed clinical
3 social worker, licensed social worker, licensed marriage and family
4 therapist, certified psychoanalyst, or a person who performs
5 counseling as part of the person's professional training for any of
6 these professions, shall not engage in sexual orientation change
7 efforts with a person who is 18 years of age or older.

8 b. As used in this section, "sexual orientation change efforts"
9 means the same as that term is defined by section 2 of P.L.2013,
10 c.150 (C.45:1-55).

11
12 3. This act shall take effect immediately.
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15 STATEMENT
16

17 This bill would prohibit the State's mental health professionals
18 from engaging in sexual orientation change efforts with their adult
19 patients. Sexual orientation change efforts, such as conversion
20 therapy or reparative therapy, have been used by mental health
21 professionals for decades in an attempt to change the sexual
22 orientation of patients who are lesbian, gay, bisexual, transsexual,
23 or queer (LGBTQ), but these techniques have been found to be
24 ineffective in achieving these goals and have been proven to be
25 harmful to patients, sometimes even leading to fatal results.

26 The State of New Jersey already prohibits the use of sexual
27 orientation change efforts on patients who are under the age of 18.
28 However, no similar prohibition exists for adults. This is despite
29 the fact that approximately half of the nearly 700,000 adults in the
30 country who have been subject to sexual orientation change efforts
31 were subjected to such efforts as adults, and not while they were
32 children. Because sexual orientation change efforts are dangerous
33 and ineffective, regardless of the age of the patient who is receiving
34 such treatment, it is both reasonable and necessary for the State to
35 extend the existing prohibition on this practice to cases where it is
36 used on adults.