

SECOND REGULAR SESSION

SENATE BILL NO. 658

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4071S.011

AN ACT

To repeal sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, and to enact in lieu thereof five new sections relating to conversion therapy for minors, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 337.035, 337.330, 337.525, 337.630, and 337.730, to read as follows:

337.035. 1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the

19 qualifications, functions or duties of any profession licensed or regulated under
20 this chapter, for any offense an essential element of which is fraud, dishonesty
21 or an act of violence, or for any offense involving moral turpitude, whether or not
22 sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 certificate of registration or authority, permit or license issued pursuant to this
25 chapter or in obtaining permission to take any examination given or required
26 pursuant to this chapter;

27 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
28 compensation by fraud, deception or misrepresentation;

29 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
30 or dishonesty in the performance of the functions or duties of any profession
31 licensed or regulated by this chapter;

32 (6) Violation of, or assisting or enabling any person to violate, any
33 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
34 this chapter;

35 (7) Impersonation of any person holding a certificate of registration or
36 authority, permit or license or allowing any person to use his or her certificate of
37 registration or authority, permit, license or diploma from any school;

38 (8) Disciplinary action against the holder of a license or other right to
39 practice any profession regulated by this chapter granted by another state,
40 territory, federal agency or country upon grounds for which revocation or
41 suspension is authorized in this state;

42 (9) A person is finally adjudged insane or incapacitated by a court of
43 competent jurisdiction;

44 (10) Assisting or enabling any person to practice or offer to practice any
45 profession licensed or regulated by this chapter who is not registered and
46 currently eligible to practice as provided **in** this chapter;

47 (11) Issuance of a certificate of registration or authority, permit or license
48 based upon a material mistake of fact;

49 (12) Failure to display a valid certificate or license if so required by this
50 chapter or any rule promulgated pursuant to this chapter;

51 (13) Violation of any professional trust or confidence;

52 (14) Use of any advertisement or solicitation which is false, misleading or
53 deceptive to the general public or persons to whom the advertisement or
54 solicitation is primarily directed;

55 (15) Being guilty of unethical conduct as defined in "Ethical Rules of
56 Conduct" as adopted by the committee and filed with the secretary of state;

57 **(16) Engaging in conversion therapy with a minor. For purposes**
58 **of this subdivision, the term "conversion therapy" means any practices**
59 **or treatments that seek to change an individual's sexual orientation or**
60 **gender identity, including efforts to change behaviors or gender**
61 **expressions or to eliminate or reduce sexual or romantic attractions or**
62 **feelings toward individuals of the same gender. "Conversion therapy"**
63 **shall not include counseling that provides assistance to a person**
64 **undergoing gender transition or counseling that provides acceptance,**
65 **support, and understanding of a person or facilitates a person's coping,**
66 **social support, and identity exploration and development, including**
67 **sexual-orientation-neutral interventions to prevent or address unlawful**
68 **conduct or unsafe sexual practices, as long as such counseling does not**
69 **seek to change an individual's sexual orientation or gender identity.**

70 3. After the filing of such complaint, the proceedings shall be conducted
71 in accordance with the provisions of chapter 621. Upon a finding by the
72 administrative hearing commission that the grounds, provided in subsection 2,
73 for disciplinary action are met, the committee may, singly or in combination,
74 censure or place the person named in the complaint on probation on such terms
75 and conditions as the department deems appropriate for a period not to exceed
76 five years, or may suspend, for a period not to exceed three years, or revoke the
77 license, certificate, or permit.

78 4. An interested third party may file a complaint or appear or present
79 evidence relative to such complaint or another complaint filed pursuant to this
80 section. For purposes of this section, an interested third party includes a parent
81 or guardian of a person who received treatment by a psychologist or any person
82 who is related within the second degree of consanguinity or affinity and who is
83 financially responsible for the payment of such treatment.

337.330. 1. The committee may refuse to issue any license required under
2 this chapter for one or any combination of causes stated in subsection 2 of this
3 section. The committee shall notify the applicant in writing of the reasons for the
4 refusal and shall advise the applicant of the applicant's right to file a complaint
5 with the administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the
7 administrative hearing commission, as provided by chapter 621, against any

8 holder of any license required by this chapter or any person who has failed to
9 renew or has surrendered the person's license for any one or any combination of
10 the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
12 beverage to an extent that such use impairs a person's ability to perform the work
13 of any profession licensed or regulated by this chapter;

14 (2) The person has been finally adjudicated and found guilty, or entered
15 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
16 any state or of the United States, for any offense reasonably related to the
17 qualifications, functions, or duties of any profession licensed or regulated under
18 this chapter, for any offense an essential element of which is fraud, dishonesty
19 or an act of violence, or for any offense involving moral turpitude, whether or not
20 sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any
22 permit or license issued under this chapter or in obtaining permission to take any
23 examination given or required under sections 337.300 to 337.345;

24 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other
25 compensation by fraud, deception or misrepresentation;

26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation,
27 or dishonesty in the performance of the functions or duties of any profession
28 licensed by sections 337.300 to 337.345;

29 (6) Violation of, or assisting or enabling any person to violate, any
30 provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;

31 (7) Impersonation of any person holding a certificate of registration or
32 authority, permit or license or allowing any person to use his or her certificate of
33 registration or authority, permit, license, or diploma from any school;

34 (8) Disciplinary action against the holder of a license or other right to
35 practice any profession regulated by sections 337.300 to 337.345 granted by
36 another state, territory, federal agency, or country upon grounds for which
37 revocation or suspension is authorized in this state;

38 (9) A person is finally adjudged insane or incapacitated by a court of
39 competent jurisdiction;

40 (10) Assisting or enabling any person to practice or offer to practice any
41 profession licensed or regulated by sections 337.300 to 337.345 who is not
42 registered and currently eligible to practice as provided in sections 337.300 to
43 337.345;

44 (11) Issuance of a certificate of registration or authority, permit, or license
45 based upon a material mistake of fact;

46 (12) Failure to display a valid certificate or license if so required by
47 sections 337.300 to 337.345 or any rule promulgated thereunder;

48 (13) Violation of any professional trust or confidence;

49 (14) Use of any advertisement or solicitation which is false, misleading,
50 or deceptive to the general public or persons to whom the advertisement or
51 solicitation is primarily directed;

52 (15) Being guilty of unethical conduct as defined in the code of conduct as
53 adopted by the committee and filed with the secretary of state;

54 **(16) Engaging in conversion therapy with a minor. For purposes**
55 **of this subdivision, the term "conversion therapy" means any practices**
56 **or treatments that seek to change an individual's sexual orientation or**
57 **gender identity, including efforts to change behaviors or gender**
58 **expressions or to eliminate or reduce sexual or romantic attractions or**
59 **feelings toward individuals of the same gender. "Conversion therapy"**
60 **shall not include counseling that provides assistance to a person**
61 **undergoing gender transition or counseling that provides acceptance,**
62 **support, and understanding of a person or facilitates a person's coping,**
63 **social support, and identity exploration and development, including**
64 **sexual-orientation-neutral interventions to prevent or address unlawful**
65 **conduct or unsafe sexual practices, as long as such counseling does not**
66 **seek to change an individual's sexual orientation or gender identity.**

67 3. After the filing of such complaint, the proceedings shall be conducted
68 in accordance with the provisions of chapter 621. Upon a finding by the
69 administrative hearing commission that the grounds, provided in subsection 2 of
70 this section, for disciplinary action are met, the committee may, singly or in
71 combination, censure or place the person named in the complaint on probation on
72 such terms and conditions as the department deems appropriate for a period not
73 to exceed five years, or may suspend, for a period not to exceed three years, or
74 revoke the license, certificate, or permit.

337.525. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.500 to 337.540 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of his right to file a complaint with the administrative hearing

6 commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.500 to 337.540 or any person who has
10 failed to renew or has surrendered his license for any one or any combination of
11 the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of professional counselor;

15 (2) The person has been finally adjudicated and found guilty, or entered
16 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
17 any state or of the United States, for any offense reasonably related to the
18 qualifications, functions or duties of a professional counselor; for any offense an
19 essential element of which is fraud, dishonesty or an act of violence; or for any
20 offense involving moral turpitude, whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any
22 license issued pursuant to the provisions of sections 337.500 to 337.540 or in
23 obtaining permission to take any examination given or required pursuant to the
24 provisions of sections 337.500 to 337.540;

25 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
26 compensation by fraud, deception or misrepresentation;

27 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
28 the performance of the functions or duties of a professional counselor;

29 (6) Violation of, or assisting or enabling any person to violate, any
30 provision of sections 337.500 to 337.540, or of any lawful rule or regulation
31 adopted pursuant to sections 337.500 to 337.540;

32 (7) Impersonation of any person holding a license or allowing any person
33 to use his or her license or diploma from any school;

34 (8) Revocation or suspension of a license or other right to practice
35 counseling granted by another state, territory, federal agency or country upon
36 grounds for which revocation or suspension is authorized in this state;

37 (9) A person is finally adjudged incapacitated by a court of competent
38 jurisdiction;

39 (10) Assisting or enabling any person to practice or offer to practice
40 professional counseling who is not licensed and currently eligible to practice
41 under the provisions of sections 337.500 to 337.540;

42 (11) Issuance of a license based upon a material mistake of fact;
43 (12) Failure to display a valid license if so required by sections 337.500
44 to 337.540 or any rule promulgated hereunder;

45 (13) Violation of any professional trust or confidence;

46 (14) Use of any advertisement or solicitation which is false, misleading or
47 deceptive to the general public or persons to whom the advertisement or
48 solicitation is primarily directed;

49 (15) Being guilty of unethical conduct as defined in the ethical standards
50 for counselors adopted by the division and filed with the secretary of state;

51 **(16) Engaging in conversion therapy with a minor. For purposes**
52 **of this subdivision, the term "conversion therapy" means any practices**
53 **or treatments that seek to change an individual's sexual orientation or**
54 **gender identity, including efforts to change behaviors or gender**
55 **expressions or to eliminate or reduce sexual or romantic attractions or**
56 **feelings toward individuals of the same gender. "Conversion therapy"**
57 **shall not include counseling that provides assistance to a person**
58 **undergoing gender transition or counseling that provides acceptance,**
59 **support, and understanding of a person or facilitates a person's coping,**
60 **social support, and identity exploration and development, including**
61 **sexual-orientation-neutral interventions to prevent or address unlawful**
62 **conduct or unsafe sexual practices, as long as such counseling does not**
63 **seek to change an individual's sexual orientation or gender identity.**

64 3. Any person, organization, association or corporation who reports or
65 provides information to the committee pursuant to the provisions of this chapter
66 and who does so in good faith shall not be subject to an action for civil damages
67 as a result thereof.

68 4. After the filing of such complaint, the proceedings shall be conducted
69 in accordance with the provisions of chapter 621. Upon a finding by the
70 administrative hearing commission that the grounds, provided in subsection 2 of
71 this section, for disciplinary action are met, the committee may censure or place
72 the person named in the complaint on probation on such terms and conditions as
73 the committee deems appropriate for a period not to exceed five years, or may
74 suspend, for a period not to exceed three years, or revoke the license.

337.630. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.600 to 337.689 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall

4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.600 to 337.689 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of social work licensed under this chapter; except that the fact that a
15 person has undergone treatment for past substance or alcohol abuse and/or has
16 participated in a recovery program, shall not by itself be cause for refusal to issue
17 or renew a license;

18 (2) The person has been finally adjudicated and found guilty, or entered
19 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
20 of any state or of the United States, for any offense reasonably related to the
21 qualifications, functions or duties of a social worker licensed under this chapter;
22 for any offense an essential element of which is fraud, dishonesty or an act of
23 violence; or for any offense involving moral turpitude, whether or not sentence is
24 imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any
26 license issued pursuant to the provisions of sections 337.600 to 337.689 or in
27 obtaining permission to take any examination given or required pursuant to the
28 provisions of sections 337.600 to 337.689;

29 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
30 compensation by fraud, deception or misrepresentation;

31 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
32 the performance of the functions or duties of a social worker licensed pursuant
33 to this chapter;

34 (6) Violation of, or assisting or enabling any person to violate, any
35 provision of sections 337.600 to 337.689, or of any lawful rule or regulation
36 adopted pursuant to sections 337.600 to 337.689;

37 (7) Impersonation of any person holding a license or allowing any person
38 to use the person's license or diploma from any school;

39 (8) Revocation or suspension of a license or other right to practice social

40 work licensed pursuant to this chapter granted by another state, territory, federal
41 agency or country upon grounds for which revocation or suspension is authorized
42 in this state;

43 (9) Final adjudication as incapacitated by a court of competent
44 jurisdiction;

45 (10) Assisting or enabling any person to practice or offer to practice social
46 work licensed pursuant to this chapter who is not licensed and currently eligible
47 to practice pursuant to the provisions of sections 337.600 to 337.689;

48 (11) Obtaining a license based upon a material mistake of fact;

49 (12) Failure to display a valid license if so required by sections 337.600
50 to 337.689 or any rule promulgated hereunder;

51 (13) Violation of any professional trust or confidence;

52 (14) Use of any advertisement or solicitation which is false, misleading or
53 deceptive to the general public or persons to whom the advertisement or
54 solicitation is primarily directed;

55 (15) Being guilty of unethical conduct as defined in the ethical standards
56 for clinical social workers adopted by the committee by rule and filed with the
57 secretary of state;

58 **(16) Engaging in conversion therapy with a minor. For purposes**
59 **of this subdivision, the term "conversion therapy" means any practices**
60 **or treatments that seek to change an individual's sexual orientation or**
61 **gender identity, including efforts to change behaviors or gender**
62 **expressions or to eliminate or reduce sexual or romantic attractions or**
63 **feelings toward individuals of the same gender. "Conversion therapy"**
64 **shall not include counseling that provides assistance to a person**
65 **undergoing gender transition or counseling that provides acceptance,**
66 **support, and understanding of a person or facilitates a person's coping,**
67 **social support, and identity exploration and development, including**
68 **sexual-orientation-neutral interventions to prevent or address unlawful**
69 **conduct or unsafe sexual practices, as long as such counseling does not**
70 **seek to change an individual's sexual orientation or gender identity.**

71 3. Any person, organization, association or corporation who reports or
72 provides information to the committee pursuant to the provisions of sections
73 337.600 to 337.689 and who does so in good faith shall not be subject to an action
74 for civil damages as a result thereof.

75 4. After the filing of such complaint, the proceedings shall be conducted

76 in accordance with the provisions of chapter 621. Upon a finding by the
77 administrative hearing commission that the grounds, provided in subsection 2 of
78 this section, for disciplinary action are met, the committee may censure or place
79 the person named in the complaint on probation on such terms and conditions as
80 the committee deems appropriate for a period not to exceed five years, or may
81 suspend, for a period not to exceed three years, or revoke the license.

337.730. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.700 to 337.739 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.700 to 337.739 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of marital and family therapist; except the fact that a person has
15 undergone treatment for past substance or alcohol abuse or has participated in
16 a recovery program, shall not by itself be cause for refusal to issue or renew a
17 license;

18 (2) The person has been finally adjudicated and found guilty, or entered
19 a plea of guilty in a criminal prosecution under the laws of any state or of the
20 United States, for any offense reasonably related to the qualifications, functions
21 or duties of a marital and family therapist; for any offense an essential element
22 of which is fraud, dishonesty or an act of violence; or for any offense involving
23 moral turpitude, whether or not sentence is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any
25 license issued pursuant to the provisions of sections 337.700 to 337.739 or in
26 obtaining permission to take any examination given or required pursuant to the
27 provisions of sections 337.700 to 337.739;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
29 compensation by fraud, deception or misrepresentation;

30 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in

- 31 the performance of the functions or duties of a marital and family therapist;
- 32 (6) Violation of, or assisting or enabling any person to violate, any
33 provision of sections 337.700 to 337.739 or of any lawful rule or regulation
34 adopted pursuant to sections 337.700 to 337.739;
- 35 (7) Impersonation of any person holding a license or allowing any person
36 to use the person's license or diploma from any school;
- 37 (8) Revocation or suspension of a license or other right to practice marital
38 and family therapy granted by another state, territory, federal agency or country
39 upon grounds for which revocation or suspension is authorized in this state;
- 40 (9) Final adjudication as incapacitated by a court of competent
41 jurisdiction;
- 42 (10) Assisting or enabling any person to practice or offer to practice
43 marital and family therapy who is not licensed and is not currently eligible to
44 practice under the provisions of sections 337.700 to 337.739;
- 45 (11) Obtaining a license based upon a material mistake of fact;
- 46 (12) Failure to display a valid license if so required by sections 337.700
47 to 337.739 or any rule promulgated hereunder;
- 48 (13) Violation of any professional trust or confidence;
- 49 (14) Use of any advertisement or solicitation which is false, misleading or
50 deceptive to the general public or persons to whom the advertisement or
51 solicitation is primarily directed;
- 52 (15) Being guilty of unethical conduct as defined in the ethical standards
53 for marital and family therapists adopted by the committee by rule and filed with
54 the secretary of state;
- 55 **(16) Engaging in conversion therapy with a minor. For purposes**
56 **of this subdivision, the term "conversion therapy" means any practices**
57 **or treatments that seek to change an individual's sexual orientation or**
58 **gender identity, including efforts to change behaviors or gender**
59 **expressions or to eliminate or reduce sexual or romantic attractions or**
60 **feelings toward individuals of the same gender. "Conversion therapy"**
61 **shall not include counseling that provides assistance to a person**
62 **undergoing gender transition or counseling that provides acceptance,**
63 **support, and understanding of a person or facilitates a person's coping,**
64 **social support, and identity exploration and development, including**
65 **sexual-orientation-neutral interventions to prevent or address unlawful**
66 **conduct or unsafe sexual practices, as long as such counseling does not**

67 **seek to change an individual's sexual orientation or gender identity.**

68 3. Any person, organization, association or corporation who reports or
69 provides information to the committee under sections 337.700 to 337.739 and who
70 does so in good faith shall not be subject to an action for civil damages as a result
71 thereof.

72 4. After filing of such complaint, the proceedings shall be conducted in
73 accordance with the provisions of chapter 621. Upon a finding by the
74 administrative hearing commission that the grounds provided in subsection 2 of
75 this section for disciplinary action are met, the division may censure or place the
76 person named in the complaint on probation on such terms and conditions as the
77 committee deems appropriate for a period not to exceed five years, or may
78 suspend for a period not to exceed three years, or revoke the license.

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