

SECOND REGULAR SESSION

# SENATE BILL NO. 1541

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MCCREERY.

4843S.01I

KRISTINA MARTIN, Secretary

### 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.

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*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,  
2 and 337.730, RSMo, are repealed and five new sections enacted  
3 in lieu thereof, to be known as sections 337.035, 337.330,  
4 337.525, 337.630, and 337.730, to read as follows:

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

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

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

47 (8) Disciplinary action against the holder of a  
48 license or other right to practice any profession regulated

49 by this chapter granted by another state, territory, federal  
50 agency or country upon grounds for which revocation or  
51 suspension is authorized in this state;

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

54 (10) Assisting or enabling any person to practice or  
55 offer to practice any profession licensed or regulated by  
56 this chapter who is not registered and currently eligible to  
57 practice as provided this chapter;

58 (11) Issuance of a certificate of registration or  
59 authority, permit or license based upon a material mistake  
60 of fact;

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

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

65 (14) Use of any advertisement or solicitation which is  
66 false, misleading or deceptive to the general public or  
67 persons to whom the advertisement or solicitation is  
68 primarily directed;

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

72 **(16) Engaging in conversion therapy with a minor. For**  
73 **purposes of this subdivision, the term "conversion therapy"**  
74 **means any practices or treatments that seek to change an**  
75 **individual's sexual orientation or gender identity,**  
76 **including efforts to change behaviors or gender expressions**  
77 **or to eliminate or reduce sexual or romantic attractions or**  
78 **feelings toward individuals of the same gender. The term**  
79 **"conversion therapy" shall not include counseling that**  
80 **provides assistance to a person undergoing gender transition**

81 or counseling that provides acceptance, support, and  
82 understanding of a person or facilitates a person's coping,  
83 social support, and identity exploration and development,  
84 including sexual-orientation-neutral interventions to  
85 prevent or address unlawful conduct or unsafe sexual  
86 practices, as long as such counseling does not seek to  
87 change an individual's sexual orientation or gender identity.

88 3. After the filing of such complaint, the proceedings  
89 shall be conducted in accordance with the provisions of  
90 chapter 621. Upon a finding by the administrative hearing  
91 commission that the grounds, provided in subsection 2 **of**  
92 **this section**, for disciplinary action are met, the committee  
93 may, singly or in combination, censure or place the person  
94 named in the complaint on probation on such terms and  
95 conditions as the department deems appropriate for a period  
96 not to exceed five years, or may suspend, for a period not  
97 to exceed three years, or revoke the license, certificate,  
98 or permit.

99 4. An interested third party may file a complaint or  
100 appear or present evidence relative to such complaint or  
101 another complaint filed pursuant to this section. For  
102 purposes of this section, an interested third party includes  
103 a parent or guardian of a person who received treatment by a  
104 psychologist or any person who is related within the second  
105 degree of consanguinity or affinity and who is financially  
106 responsible for the payment of such treatment.

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

7 the administrative hearing commission as provided by chapter  
8 621.

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

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

19       (2) The person has been finally adjudicated and found  
20 guilty, or entered a plea of guilty or nolo contendere, in a  
21 criminal prosecution under the laws of any state, of the  
22 United States, or of any country for any offense directly  
23 related to the duties and responsibilities of the  
24 occupation, as set forth in section 324.012, regardless of  
25 whether or not sentence is imposed;

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

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

33       (5) Incompetency, misconduct, gross negligence, fraud,  
34 misrepresentation, or dishonesty in the performance of the  
35 functions or duties of any profession licensed by sections  
36 337.300 to 337.345;

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

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

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

51 (10) Assisting or enabling any person to practice or  
52 offer to practice any profession licensed or regulated by  
53 sections 337.300 to 337.345 who is not registered and  
54 currently eligible to practice as provided in sections  
55 337.300 to 337.345;

56 (11) Issuance of a certificate of registration or  
57 authority, permit, or license based upon a material mistake  
58 of fact;

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

62 (13) violation of any professional trust or confidence;

63 (14) Use of any advertisement or solicitation which is  
64 false, misleading, or deceptive to the general public or  
65 persons to whom the advertisement or solicitation is  
66 primarily directed;

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

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

86           3. After the filing of such complaint, the proceedings  
87 shall be conducted in accordance with the provisions of  
88 chapter 621. Upon a finding by the administrative hearing  
89 commission that the grounds, provided in subsection 2 of  
90 this section, for disciplinary action are met, the committee  
91 may, singly or in combination, censure or place the person  
92 named in the complaint on probation on such terms and  
93 conditions as the department deems appropriate for a period  
94 not to exceed five years, or may suspend, for a period not  
95 to exceed three years, or revoke the license, certificate,  
96 or permit.

337.525. 1. The committee may refuse to issue or  
2 renew any license required by the provisions of sections

3 337.500 to 337.540 for one or any combination of causes  
4 stated in subsection 2 of this section. The committee shall  
5 notify the applicant in writing of the reasons for the  
6 refusal and shall advise the applicant of his or her right  
7 to file a complaint with the administrative hearing  
8 commission as provided by chapter 621.

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

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

19 (2) The person has been finally adjudicated and found  
20 guilty, or entered a plea of guilty or nolo contendere, in a  
21 criminal prosecution under the laws of any state, of the  
22 United States, or of any country, for any offense directly  
23 related to the duties and responsibilities of the  
24 occupation, as set forth in section 324.012, regardless of  
25 whether or not sentence is imposed;

26 (3) Use of fraud, deception, misrepresentation or  
27 bribery in securing any license issued pursuant to the  
28 provisions of sections 337.500 to 337.540 or in obtaining  
29 permission to take any examination given or required  
30 pursuant to the provisions of sections 337.500 to 337.540;

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

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

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

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

54 (11) Issuance of a license based upon a material  
55 mistake of fact;

56 (12) Failure to display a valid license if so required  
57 by sections 337.500 to 337.540 or any rule promulgated  
58 hereunder;

59 (13) violation of any professional trust or confidence;

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

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

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

88           4. After the filing of such complaint, the proceedings  
89 shall be conducted in accordance with the provisions of  
90 chapter 621. Upon a finding by the administrative hearing  
91 commission that the grounds, provided in subsection 2 of  
92 this section, for disciplinary action are met, the committee  
93 may censure or place the person named in the complaint on  
94 probation on such terms and conditions as the committee  
95 deems appropriate for a period not to exceed five years, or

96 may suspend, for a period not to exceed three years, or  
97 revoke the license.

337.630. 1. The committee may refuse to issue or  
2 renew any license required by the provisions of sections  
3 337.600 to 337.689 for one or any combination of causes  
4 stated in subsection 2 of this section. The committee shall  
5 notify the applicant in writing of the reasons for the  
6 refusal and shall advise the applicant of the applicant's  
7 right to file a complaint with the administrative hearing  
8 commission as provided by chapter 621.

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

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

23 (2) The person has been finally adjudicated and found  
24 guilty, or entered a plea of guilty or nolo contendere, in a  
25 criminal prosecution pursuant to the laws of any state, of  
26 the United States, or of any country, for any offense  
27 directly related to the duties and responsibilities of the  
28 occupation, as set forth in section 324.012, regardless of  
29 whether or not sentence is imposed;

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

41 (6) Violation of, or assisting or enabling any person  
42 to violate, any provision of sections 337.600 to 337.689, or  
43 of any lawful rule or regulation adopted pursuant to  
44 sections 337.600 to 337.689;

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

48 (8) Revocation or suspension of a license or other  
49 right to practice social work licensed pursuant to this  
50 chapter granted by another state, territory, federal agency  
51 or country upon grounds for which revocation or suspension  
52 is authorized in this state;

53 (9) Final adjudication as incapacitated by a court of  
54 competent jurisdiction;

55 (10) Assisting or enabling any person to practice or  
56 offer to practice social work licensed pursuant to this  
57 chapter who is not licensed and currently eligible to  
58 practice pursuant to the provisions of sections 337.600 to  
59 337.689;

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

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

65 (13) violation of any professional trust or confidence;

66 (14) Use of any advertisement or solicitation which is  
67 false, misleading or deceptive to the general public or  
68 persons to whom the advertisement or solicitation is  
69 primarily directed;

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

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

89           3. Any person, organization, association or  
90 corporation who reports or provides information to the  
91 committee pursuant to the provisions of sections 337.600 to  
92 337.689 and who does so in good faith shall not be subject  
93 to an action for civil damages as a result thereof.

94       4. After the filing of such complaint, the proceedings  
95 shall be conducted in accordance with the provisions of  
96 chapter 621. Upon a finding by the administrative hearing  
97 commission that the grounds, provided in subsection 2 of  
98 this section, for disciplinary action are met, the committee  
99 may censure or place the person named in the complaint on  
100 probation on such terms and conditions as the committee  
101 deems appropriate for a period not to exceed five years, or  
102 may suspend, for a period not to exceed three years, or  
103 revoke the license.

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

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

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

29 (3) Use of fraud, deception, misrepresentation or  
30 bribery in securing any license issued pursuant to the  
31 provisions of sections 337.700 to 337.739 or in obtaining  
32 permission to take any examination given or required  
33 pursuant to the provisions of sections 337.700 to 337.739

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

40 (6) Violation of, or assisting or enabling any person  
41 to violate, any provision of sections 337.700 to 337.739 or  
42 of any lawful rule or regulation adopted pursuant to  
43 sections 337.700 to 337.739;

47 (8) Revocation or suspension of a license or other  
48 right to practice marital and family therapy granted by  
49 another state, territory, federal agency or country upon  
50 grounds for which revocation or suspension is authorized in  
51 this state;

52 (9) Final adjudication as incapacitated by a court of  
53 competent jurisdiction;

54 (10) Assisting or enabling any person to practice or  
55 offer to practice marital and family therapy who is not  
56 licensed and is not currently eligible to practice under the  
57 provisions of sections 337.700 to 337.739;

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

60 (12) Failure to display a valid license if so required  
61 by sections 337.700 to 337.739 or any rule promulgated  
62 hereunder;

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

64 (14) Use of any advertisement or solicitation which is  
65 false, misleading or deceptive to the general public or  
66 persons to whom the advertisement or solicitation is  
67 primarily directed;

68 (15) Being guilty of unethical conduct as defined in  
69 the ethical standards for marital and family therapists  
70 adopted by the committee by rule and filed with the  
71 secretary of state;

(16) Engaging in conversion therapy with a minor. For purposes of this subdivision, the term "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. The term "conversion therapy" shall not include counseling that provides assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual

86 **practices, as long as such counseling does not seek to**  
87 **change an individual's sexual orientation or gender identity.**

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

93       4. After filing of such complaint, the proceedings  
94 shall be conducted in accordance with the provisions of  
95 chapter 621. Upon a finding by the administrative hearing  
96 commission that the grounds provided in subsection 2 of this  
97 section for disciplinary action are met, the division may  
98 censure or place the person named in the complaint on  
99 probation on such terms and conditions as the committee  
100 deems appropriate for a period not to exceed five years, or  
101 may suspend for a period not to exceed three years, or  
102 revoke the license.

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