FIRST REGULAR SESSION

SENATE BILL NO. 285

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

0558S.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.

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- 2 and 337.730, RSMo, are repealed and five new sections enacted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:

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(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, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;
- 28 (3) Use of fraud, deception, misrepresentation or 29 bribery in securing any certificate of registration or 30 authority, permit or license issued pursuant to this chapter 31 or in obtaining permission to take any examination given or 32 required pursuant to this chapter;
- (4) Obtaining or attempting to obtain any fee, charge,
 tuition or other compensation by fraud, deception or
 misrepresentation;
- 36 (5) Incompetency, misconduct, gross negligence, fraud,
 37 misrepresentation or dishonesty in the performance of the
 38 functions or duties of any profession licensed or regulated
 39 by this chapter;
- 40 (6) Violation of, or assisting or enabling any person 41 to violate, any provision of this chapter, or of any lawful 42 rule or regulation adopted pursuant to this chapter;
- 43 (7) Impersonation of any person holding a certificate 44 of registration or authority, permit or license or allowing 45 any person to use his or her certificate of registration or 46 authority, permit, license or diploma from any school;
- 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
- incapacitated by a court of competent jurisdiction;
- 54 (10) Assisting or enabling any person to practice or
- 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

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or permit.

or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development,

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- 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 commission that the grounds, provided in subsection 2 of 91 92 this section, for disciplinary action are met, the committee 93 may, singly or in combination, censure or place the person named in the complaint on probation on such terms and 94 conditions as the department deems appropriate for a period 95 not to exceed five years, or may suspend, for a period not 96

to exceed three years, or revoke the license, certificate,

- 99 4. An interested third party may file a complaint or appear or present evidence relative to such complaint or 100 101 another complaint filed pursuant to this section. For purposes of this section, an interested third party includes 102 a parent or guardian of a person who received treatment by a 103 104 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

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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;
- (4) Obtaining or attempting to obtain any fee, charge,tuition, or other compensation by fraud, deception ormisrepresentation;
- 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;

- 40 (7) Impersonation of any person holding a certificate 41 of registration or authority, permit or license or allowing 42 any person to use his or her certificate of registration or 43 authority, permit, license, or diploma from any school;
- 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 or50 incapacitated by a court of competent jurisdiction;
- offer to practice any profession licensed or regulated by sections 337.300 to 337.345 who is not registered and currently eligible to practice as provided in sections 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;

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- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

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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;

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

337.525. 1. The committee may refuse to issue or 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
- 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
- occupation, as set forth in section 324.012, regardless of
- 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;

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

- 37 (6) Violation of, or assisting or enabling any person 38 to violate, any provision of sections 337.500 to 337.540, or 39 of any lawful rule or regulation adopted pursuant to 40 sections 337.500 to 337.540;
- 41 (7) Impersonation of any person holding a license or 42 allowing any person to use his or her license or diploma 43 from any school;
- 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;
- offer to practice professional counseling who is not licensed and currently eligible to practice under the provisions of sections 337.500 to 337.540;
- 54 (11) Issuance of a license based upon a material 55 mistake of fact;

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- 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;
 - (13) Violation of any professional trust or confidence;
- 60 (14) Use of any advertisement or solicitation which is 61 false, misleading or deceptive to the general public or 62 persons to whom the advertisement or solicitation is 63 primarily directed;

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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;

- Engaging in conversion therapy with a minor. 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.
- 3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.
- 4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or

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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 renew any license required by the provisions of sections 2 3 337.600 to 337.689 for one or any combination of causes 4 stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the 5 refusal and shall advise the applicant of the applicant's 6 7 right to file a complaint with the administrative hearing 8 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 license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:
- Use of any controlled substance, as defined in 15 chapter 195, or alcoholic beverage to an extent that such 16 17 use impairs a person's ability to engage in the occupation of social work licensed under this chapter; except that the 18 fact that a person has undergone treatment for past 19 substance or alcohol abuse and/or has participated in a 20 recovery program, shall not by itself be cause for refusal 21 to issue or renew a license; 22
- 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;

- 30 (3) Use of fraud, deception, misrepresentation or
 31 bribery in securing any license issued pursuant to the
 32 provisions of sections 337.600 to 337.689 or in obtaining
 33 permission to take any examination given or required
- pursuant to the provisions of sections 337.600 to 337.689;
- (4) Obtaining or attempting to obtain any fee, charge,tuition or other compensation by fraud, deception or
- 37 misrepresentation;
- 38 (5) Incompetency, misconduct, fraud, misrepresentation 39 or dishonesty in the performance of the functions or duties 40 of a social worker licensed pursuant to this chapter;
- 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 competent jurisdiction;
- offer to practice social work licensed pursuant to this chapter who is not licensed and currently eligible to practice pursuant to the provisions of sections 337.600 to 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;

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- 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;
 - Engaging in conversion therapy with a minor. (16)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. "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.
- 3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 337.600 to 337.689 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

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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 commission that the grounds, provided in subsection 2 of 97 this section, for disciplinary action are met, the committee 98 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 337.700 to 337.739 for one or any combination of causes 3 stated in subsection 2 of this section. The committee shall 4 notify the applicant in writing of the reasons for the 5 6 refusal and shall advise the applicant of the applicant's 7 right to file a complaint with the administrative hearing commission as provided by chapter 621. 8

- 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 license required by sections 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's 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 engage in the occupation of marital and family therapist; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

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- (2) The person has been finally adjudicated and found
- 23 guilty, or entered a plea of guilty in a criminal
- 24 prosecution under the laws of any state, of the United
- 25 States, or of any country, for any offense directly related
- 26 to the duties and responsibilities of the occupation, as set
- 27 forth in section 324.012, regardless of whether or not
- 28 sentence is imposed;
- 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;
- 37 (5) Incompetency, misconduct, fraud, misrepresentation
- 38 or dishonesty in the performance of the functions or duties
- 39 of a marital and family therapist;
- 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;
- 44 (7) Impersonation of any person holding a license or
- 45 allowing any person to use the person's license or diploma
- 46 from any school;
- 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
- offer to practice marital and family therapy who is not
- 16 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
- 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;
- 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

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

- 3. Any person, organization, association or corporation who reports or provides information to the committee under sections 337.700 to 337.739 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.
- 4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years, or revoke the license.

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