

[DISCUSSION DRAFT]

MAY 13, 2015

114TH CONGRESS
1ST SESSION

H. R. _____

To prohibit, as an unfair and deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LIEU of California introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit, as an unfair and deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Therapeutic Fraud
5 Prevention Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) being lesbian, gay, bisexual, transgender, or
2 gender nonconforming is not a disorder, disease, ill-
3 ness, deficiency, or shortcoming;

4 (2) the national community of professionals in
5 education, social work, health, mental health, and
6 counseling has determined that there is no scientif-
7 ically valid evidence for attempting to prevent a per-
8 son from being lesbian, gay, bisexual, transgender,
9 or gender nonconforming;

10 (3) such professionals have determined that
11 there is no evidence that conversion therapy is effec-
12 tive or that an individual's sexual orientation or gen-
13 der identity can be changed by conversion therapy;

14 (4) such professionals have also determined
15 that the potential risks of conversion therapy are not
16 only that it is ineffective, but also substantially dan-
17 gerous to an individuals's mental and physical
18 health, and has been shown to contribute to depres-
19 sion, self-harm, low self-esteem, family rejection, and
20 suicide; and

21 (5) it is in the interest of the Nation to make
22 sure that lesbian, gay, bisexual, and transgender
23 people and their families are not defrauded by per-
24 sons seeking to profit by offering this harmful and
25 wholly ineffective therapy.

1 **SEC. 3. UNFAIR OR DECEPTIVE ACTS AND PRACTICES RE-**
2 **LATED TO CONVERSION THERAPY.**

3 (a) UNLAWFUL CONDUCT.—It shall be unlawful for
4 any person to—

5 (1) provide conversion therapy to any individual
6 if such person receives monetary compensation in ex-
7 change for such services; or

8 (2) advertise for the provision of conversion
9 therapy where such advertising claims—

10 (A) to change another individual's sexual
11 orientation or gender identity;

12 (B) to eliminate or reduce sexual or ro-
13 mantic attractions or feelings toward individ-
14 uals of the same gender; or

15 (C) that such efforts are harmless or with-
16 out risk to individuals receiving such therapy.

17 (b) VIOLATION OF RULE.—A violation of subsection
18 (a) shall be treated as a violation of a rule defining an
19 unfair or deceptive act or practice prescribed under section
20 18(a)(1)(B) of the Federal Trade Commission Act (15
21 U.S.C. 57a(a)(1)(B)).

22 (c) POWERS OF COMMISSION.—The Commission shall
23 enforce this section in the same manner, by the same
24 means, and with the same jurisdiction, powers, and duties
25 as though all applicable terms and provisions of the Fed-
26 eral Trade Commission Act (15 U.S.C. 41 et seq.) were

1 incorporated into and made a part of this Act. Any person
2 who violates subsection (a) shall be subject to the penalties
3 and entitled to the privileges and immunities provided in
4 the Federal Trade Commission Act.

5 **SEC. 4. CONVERSION THERAPY DEFINED.**

6 The term “conversion therapy”—

7 (1) means any practices or treatments by any
8 person that seek to change another individual’s sex-
9 ual orientation or gender identity, including efforts
10 to change behaviors or gender expressions, or to
11 eliminate or reduce sexual or romantic attractions or
12 feelings toward individuals of the same gender if
13 such person receives monetary compensation in ex-
14 change for such services; and

15 (2) does not include practices that—

16 (A) provide assistance to an individual un-
17 dergoing a gender transition, or

18 (B) provide acceptance, support, and un-
19 derstanding of clients or facilitation of clients’
20 coping, social support, and identity exploration
21 and development, including sexual orientation-
22 neutral interventions to prevent or address un-
23 lawful conduct or unsafe sexual practices,
24 so long as such efforts do not seek to change sexual
25 orientation or gender identity.

1 **SEC. 5. SEVERABILITY.**

2 If any provision of this Act, or the application of such
3 provision to any person or circumstance, is held to be un-
4 constitutional, the remainder of this Act, and its applica-
5 tion to any person or circumstance shall not be affected
6 thereby.