

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 808

AMENDMENT NO. A3
(to be filled in by
Principal Clerk)

H808-ABC-51 [v.5]

Page 1 of 3

Amends Title [YES]
Fifth Edition

Date _____, 2023

Senator Marcus

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moves to amend the bill on page 1, line 2, by inserting the following before the period:
"AND TO PROTECT MINORS AND ADULTS WHO HAVE DISABILITIES FROM
CONVERSION THERAPY";

and on page 4, lines 45-46, by inserting the following between the lines:
SECTION 3.2.(a) Chapter 90 of the General Statutes is amended by adding a new
Article to read:

"Article 10.
"Mental Health Protection Act.

"§ 90-21.160. Short title.

This Article shall be known as the "Mental Health Protection Act."

"§ 90-21.161. Definitions.

The following definitions apply in this Article:

- (1) Adult under guardianship. – An adult who has been adjudicated incompetent, in accordance with Chapter 35A of the General Statutes, and who is incapable of providing consent for conversion therapy or a similar course of therapy or treatment.
- (2) Conversion therapy. – Any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to (i) change behaviors and gender expressions or (ii) 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 an individual undergoing gender transition or counseling that provides acceptance, support, and understanding of an individual or facilitates an individual'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.



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1 **"§ 90-21.162. Conversion therapy prohibited.**

2 (a) The following professionals shall not engage in conversion therapy with an individual
3 under 18 years of age or an adult under guardianship:

4 (1) Licensed clinical social worker as defined in G.S. 90B-3.

5 (2) Licensed marriage and family therapist as defined in G.S. 90-270.47.

6 (3) Licensed clinical mental health counselor as defined in G.S. 90-330.

7 (4) Psychiatrist licensed in accordance with Article 1 of Chapter 90 of the General
8 Statutes.

9 (5) Licensed psychologist as defined in G.S. 90-270.136.

10 (b) Conversion therapy practiced by any professional listed in subsection (a) of this
11 section shall be considered unprofessional conduct and shall subject each licensed professional
12 who engages in the practice of conversion therapy to discipline under the licensed professional's
13 respective licensing entity.

14 (c) The Department of Health and Human Services shall report to the appropriate
15 licensing entity any professional found to be in violation of this section. The Department may
16 adopt rules to set forth and implement reporting requirements of violations of this section.

17 **"§ 90-21.163. Prohibited State funding.**

18 No State funds, nor any funds belonging to a municipality, agency, or political subdivision
19 of this State, shall be expended for the purpose of conducting conversion therapy, referring an
20 individual for conversion therapy, health benefits coverage for conversion therapy, or a grant or
21 contract with any entity that conducts conversion therapy or refers individuals for conversion
22 therapy.

23 **"§ 90-21.164. Civil remedies.**

24 (a) Any (i) professional listed in G.S. 90-21.162(a) who engages in conversion therapy
25 with a minor or adult under guardianship and (ii) any entity that employs or has an employment
26 contract with a professional listed in G.S. 90-21.162(a) who engages in conversion therapy with
27 a minor or adult under guardianship, shall be liable to the minor or adult under guardianship for
28 any physical, psychological, emotional, or physiological harms the minor or adult under
29 guardianship suffers as a result of the conversion therapy.

30 (b) An individual who suffers an injury described in subsection (a) of this section, or the
31 individual's legal representative, may bring a civil action within 25 years from the day the
32 conversion therapy ended against the offending professional or entity. The time limitation in this
33 subsection does not begin to run until any legal disability is removed. An individual commencing
34 an action under this section may seek the following relief:

35 (1) Declaratory or injunctive relief.

36 (2) Compensatory damages, including pain and suffering, loss of reputation, loss
37 of income, and loss of consortium, which includes the loss of expectation of
38 sharing parenthood.

39 (3) Punitive damages.

40 (4) Attorneys' fees and court costs.

41 (5) Any other appropriate relief.

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1 (c) Professionals listed in G.S. 90-21.162(a) and entities employing or in an employment
2 contract with professionals listed in G.S. 90-21.162(a) may not seek a contractual waiver of the
3 liability imposed under this section. Any attempted waiver is null and void."

4 **SECTION 3.2.(b)** This section is effective when it becomes law and applies to acts
5 on or after that date."
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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____