AN ACT

RELATING TO PROFESSIONAL SERVICES; ENACTING NEW SECTIONS OF
THE UNIFORM LICENSING ACT, THE NURSING PRACTICE ACT, THE
MEDICAL PRACTICE ACT, THE PROFESSIONAL PSYCHOLOGIST ACT, THE
OSTEOPATHIC MEDICINE ACT, THE COUNSELING AND THERAPY PRACTICE
ACT AND THE SOCIAL WORK PRACTICE ACT TO LIST CONVERSION
THERAPY AS GROUNDS FOR DISCIPLINARY ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Uniform Licensing Act
is enacted to read:

"CONVERSION THERAPY--GROUNDS FOR DISCIPLINARY ACTION.--

A. A person licensed pursuant to provisions of
Chapter 61 NMSA 1978 shall not provide conversion therapy to
any person under eighteen years of age. The provision of
conversion therapy in violation of the provisions of this
subsection shall be grounds for disciplinary action by a
board in accordance with the provisions of the Uniform
Licensing Act.

B. As used in this section:

(1) "conversion therapy" means any practice
or treatment that seeks to change a person's sexual
orientation or gender identity, including any effort to
change behaviors or gender expressions or to eliminate or
reduce sexual or romantic attractions or feelings toward
persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth; and

(3) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 2. Section 61-3-28 NMSA 1978 (being Laws 1968, Chapter 44, Section 24, as amended) is amended to read:

"61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--APPLICATION OF UNIFORM LICENSING ACT--LIMITATION.--

A. In accordance with the procedures contained in
the Uniform Licensing Act, the board may deny, revoke or
suspend any license held or applied for under the Nursing
Practice Act, reprimand or place a licensee on probation or
deny, limit or revoke the multistate licensure privilege of
a nurse desiring to practice or practicing professional
registered nursing or licensed practical nursing as provided
in the Nurse Licensure Compact upon grounds that the
licensee, applicant or nurse:

   (1) is guilty of fraud or deceit in
procuring or attempting to procure a license or certificate
of registration;

   (2) is convicted of a felony;

   (3) is unfit or incompetent;

   (4) is intemperate or is addicted to the use
of habit-forming drugs;

   (5) is mentally incompetent;

   (6) is guilty of unprofessional conduct as
defined by the rules and regulations adopted by the board
pursuant to the Nursing Practice Act;

   (7) has willfully or repeatedly violated any
provisions of the Nursing Practice Act, including any rule or
regulation adopted by the board pursuant to that act;

   (8) was licensed to practice nursing in any
jurisdiction, territory or possession of the United States or
another country and was the subject of disciplinary action as
a licensee for acts similar to acts described in this
subsection. A certified copy of the record of the
jurisdiction, territory or possession of the United States or
another country taking the disciplinary action is conclusive
evidence of the action; or

(9) uses conversion therapy on a minor.

B. Disciplinary proceedings may be instituted by
any person, shall be by complaint and shall conform with the
provisions of the Uniform Licensing Act. Any party to the
hearing may obtain a copy of the hearing record upon payment
of costs for the copy.

C. Any person filing a complaint shall be immune
from liability arising out of civil action if the complaint
is filed with reasonable care.

D. The board shall not initiate a disciplinary
action more than two years after the date that it receives a
complaint.

E. The time limitation contained in Subsection D
of this section shall not be tolled by any civil or criminal
litigation in which the licensee or applicant is a party,
arising substantially from the same facts, conduct,
transactions or occurrences that would be the basis for the
board's disciplinary action.

F. The board may recover the costs associated with
the investigation and disposition of a disciplinary
proceeding from the nurse who is the subject of the proceeding if the nurse is practicing professional registered nursing or licensed practical nursing pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact.

G. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

   (a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

   (b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the
person's appearance, behavior or physical characteristics
that are in accord or opposed to the person's physical
anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen
years of age; and

(4) "sexual orientation" means
heterosexuality, homosexuality or bisexuality, whether actual
or perceived."

SECTION 3. Section 61-6-15 NMSA 1978 (being Laws 1969,
Chapter 46, Section 6, as amended by Laws 2008, Chapter 53,
Section 12 and by Laws 2008, Chapter 54, Section 13) is
amended to read:

"61-6-15. LICENSE MAY BE REFUSED, REVOKED OR
SUSPENDED--LICENSEE MAY BE FINED, CENSURED OR REPRIMANDED--
PROCEDURE--PRACTICE AFTER SUSPENSION OR REVOCATION--PENALTY--
UNPROFESSIONAL AND DISHONORABLE CONDUCT DEFINED--FEES AND
EXPENSES.--

A. The board may refuse to license and may revoke
or suspend a license that has been issued by the board or a
previous board and may fine, censure or reprimand a licensee
upon satisfactory proof being made to the board that the
applicant for or holder of the license has been guilty of
unprofessional or dishonorable conduct. The board may also
refuse to license an applicant who is unable to practice
medicine, practice as a physician assistant or an
anesthesiologist assistant, practice genetic counseling or
engage in the practice of polysomnography, pursuant to
Section 61-7-3 NMSA 1978. All proceedings shall be as
required by the Uniform Licensing Act or the Impaired Health
Care Provider Act.

B. The board may, in its discretion and for good
cause shown, place the licensee on probation on the terms and
conditions it deems proper for protection of the public, for
the purpose of rehabilitation of the probationer or both.
Upon expiration of the term of probation, if a term is set,
further proceedings may be abated by the board if the holder
of the license furnishes the board with evidence that the
licensee is competent to practice, is of good moral character
and has complied with the terms of probation.

C. If evidence fails to establish to the
satisfaction of the board that the licensee is competent and
is of good moral character or if evidence shows that the
licensee has not complied with the terms of probation, the
board may revoke or suspend the license. If a license to
practice in this state is suspended, the holder of the
license may not practice during the term of suspension. A
person whose license has been revoked or suspended by the
board and who thereafter practices or attempts or offers to
practice in New Mexico, unless the period of suspension has
expired or been modified by the board or the license
reinstated, is guilty of a felony and shall be punished as
provided in Section 61-6-20 NMSA 1978.

D. "Unprofessional or dishonorable conduct", as
used in this section, means, but is not limited to because of
enumeration, conduct of a licensee that includes the
following:

(1) procuring, aiding or abetting a criminal
abortion;

(2) employing a person to solicit patients
for the licensee;

(3) representing to a patient that a
manifestly incurable condition of sickness, disease or injury
can be cured;

(4) obtaining a fee by fraud or
misrepresentation;

(5) willfully or negligently divulging a
professional confidence;

(6) conviction of an offense punishable by
incarceration in a state penitentiary or federal prison or
conviction of a misdemeanor associated with the practice of
the licensee. A copy of the record of conviction, certified
by the clerk of the court entering the conviction, is
conclusive evidence;

(7) habitual or excessive use of intoxicants
or drugs;
(8) fraud or misrepresentation in applying for or procuring a license to practice in this state or in connection with applying for or procuring renewal, including cheating on or attempting to subvert the licensing examinations;

(9) making false or misleading statements regarding the skill of the licensee or the efficacy or value of the medicine, treatment or remedy prescribed or administered by the licensee or at the direction of the licensee in the treatment of a disease or other condition of the human body or mind;

(10) impersonating another licensee, permitting or allowing a person to use the license of the licensee or practicing as a licensee under a false or assumed name;

(11) aiding or abetting the practice of a person not licensed by the board;

(12) gross negligence in the practice of a licensee;

(13) manifest incapacity or incompetence to practice as a licensee;

(14) discipline imposed on a licensee by another state, including denial, probation, suspension or revocation, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of
suspension or revocation of the state making the suspension
or revocation is conclusive evidence;

   (15) the use of a false, fraudulent or
deceptive statement in a document connected with the practice
of a licensee;

   (16) fee splitting;

   (17) the prescribing, administering or
dispersing of narcotic, stimulant or hypnotic drugs for other
than accepted therapeutic purposes;

   (18) conduct likely to deceive, defraud or
harm the public;

   (19) repeated similar negligent acts;

   (20) employing abusive billing practices;

   (21) failure to report to the board any
adverse action taken against the licensee by:

      (a) another licensing jurisdiction;

      (b) a peer review body;

      (c) a health care entity;

      (d) a professional or medical society
or association;

      (e) a governmental agency;

      (f) a law enforcement agency; or

      (g) a court for acts or conduct similar
to acts or conduct that would constitute grounds for action

as defined in this section;
failure to report to the board
surrender of a license or other authorization to practice in
another state or jurisdiction or surrender of membership on
any medical staff or in any medical or professional
association or society following, in lieu of and while under
disciplinary investigation by any of those authorities or
bodies for acts or conduct similar to acts or conduct that
would constitute grounds for action as defined in this
section;

failure to furnish the board, its
investigators or representatives with information requested
by the board;

abandonment of patients;
being found mentally incompetent or
insane by a court of competent jurisdiction;

injudicious prescribing, administering
or dispensing of a drug or medicine;

failure to adequately supervise, as
provided by board rule, a medical or surgical assistant or
technician or professional licensee who renders health care;

sexual contact with a patient or person
who has authority to make medical decisions for a patient,
other than the spouse of the licensee;

conduct unbecoming in a person licensed
to practice or detrimental to the best interests of the
public;

(30) the surrender of a license or withdrawal of an application for a license before another state licensing board while an investigation or disciplinary action is pending before that board for acts or conduct similar to acts or conduct that would constitute grounds for action pursuant to this section;

(31) sexual contact with a former mental health patient of the licensee, other than the spouse of the licensee, within one year from the end of treatment;

(32) sexual contact with a patient when the licensee uses or exploits treatment, knowledge, emotions or influence derived from the previous professional relationship;

(33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;

(34) failure to provide pertinent and necessary medical records to a physician or patient of the physician in a timely manner when legally requested to do so by the patient or by a legally designated representative of the patient;

(35) undertreatment of pain as provided by board rule;

(36) interaction with physicians, hospital
personnel, patients, family members or others that interferes
with patient care or could reasonably be expected to
adversely impact the quality of care rendered to a patient;

(37) soliciting or receiving compensation by
a physician assistant or anesthesiologist assistant from a
person who is not an employer of the assistant;

(38) willfully or negligently divulging
privileged information or a professional secret; or

(39) the use of conversion therapy on a
minor.

E. As used in this section:

(1) "conversion therapy" means any practice
or treatment that seeks to change a person's sexual
orientation or gender identity, including any effort to
change behaviors or gender expressions or to eliminate or
reduce sexual or romantic attractions or feelings toward
persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health
services that provide acceptance, support and understanding
of a person without seeking to change gender identity or
sexual orientation; or

(b) mental health services that
facilitate a person's coping, social support, sexual
orientation or gender identity exploration and development,
including an intervention to prevent or address unlawful
conduct or unsafe sexual practices, without seeking to change
gender identity or sexual orientation;

(2) "fee splitting" includes offering,
delivering, receiving or accepting any unearned rebate,
refunds, commission preference, patronage dividend, discount
or other unearned consideration, whether in the form of money
or otherwise, as compensation or inducement for referring
patients, clients or customers to a person, irrespective of
any membership, proprietary interest or co-ownership in or
with a person to whom the patients, clients or customers are
referred;

(3) "gender identity" means a person's
self-perception, or perception of that person by another, of
the person's identity as a male or female based upon the
person's appearance, behavior or physical characteristics
that are in accord with or opposed to the person's physical
anatomy, chromosomal sex or sex at birth;

(4) "minor" means a person under eighteen
years of age; and

(5) "sexual orientation" means
heterosexuality, homosexuality or bisexuality, whether actual
or perceived.

F. Licensees whose licenses are in a probationary
status shall pay reasonable expenses for maintaining
probationary status, including laboratory costs when
laboratory testing of biological fluids are included as a condition of probation."

SECTION 4. Section 61-9-13 NMSA 1978 (being Laws 1963, Chapter 92, Section 12, as amended) is amended to read:

"61-9-13. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.--

A. The board, by an affirmative vote of at least five of its eight members, shall withhold, deny, revoke or suspend a psychologist or psychologist associate license issued or applied for in accordance with the provisions of the Professional Psychologist Act or otherwise discipline a licensed psychologist or psychologist associate upon proof that the applicant, licensed psychologist or psychologist associate:

(1) has been convicted of a felony or an offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

(2) is using a drug, substance or alcoholic beverage to an extent or in a manner dangerous to the psychologist or psychologist associate, any other person or the public or to an extent that the use impairs the psychologist's or psychologist associate's ability to perform the work of a professional psychologist or psychologist associate with safety to the public;

(3) has impersonated another person holding
a psychologist or psychologist associate license or allowed
another person to use the psychologist's or psychologist
associate's license;

   (4) has used fraud or deception in applying
for a license or in taking an examination provided for in the
Professional Psychologist Act;

   (5) has accepted commissions or rebates or
other forms of remuneration for referring clients to other
professional persons;

   (6) has allowed the psychologist's or
psychologist associate's name or license issued under the
Professional Psychologist Act to be used in connection with a
person who performs psychological services outside of the
area of that person's training, experience or competence;

   (7) is legally adjudicated insane or
mentally incompetent, the record of such adjudication being
conclusive evidence thereof;

   (8) has willfully or negligently violated
the provisions of the Professional Psychologist Act;

   (9) has violated any code of conduct adopted
by the board;

   (10) has been disciplined by another state
for acts similar to acts described in this subsection, and a
certified copy of the record of discipline of the state
imposing the discipline is conclusive evidence;
(11) is incompetent to practice psychology;
(12) has failed to furnish to the board or its representative information requested by the board;
(13) has abandoned patients or clients;
(14) has failed to report to the board adverse action taken against the licensee by:
   (a) another licensing jurisdiction;
   (b) a professional psychologist association of which the psychologist or psychologist associate is or has been a member;
   (c) a government agency; or
   (d) a court for actions or conduct similar to acts or conduct that would constitute grounds for action as described in this subsection;
(15) has failed to report to the board surrender of a license or other authorization to practice psychology in another jurisdiction or surrender of membership on a health care staff or in a professional association following a disciplinary investigation, or in lieu of or while under a disciplinary investigation, by any of those authorities for acts or conduct that would constitute grounds for action as defined in this subsection;
(16) has failed to adequately supervise a psychologist associate;
(17) has employed abusive billing practices;
(18) has aided or abetted the practice of psychology by a person not licensed by the board; or
(19) uses conversion therapy on a minor.

B. A person who has been refused a license or whose license has been restricted or suspended under the provisions of this section may reapply for licensure after more than two years have elapsed from the date the restriction or suspension is terminated.

C. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or
(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;
(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 5. Section 61-9A-26 NMSA 1978 (being Laws 1993, Chapter 49, Section 26, as amended) is amended to read:

"61-9A-26. LICENSE AND REGISTRATION--DENIAL, SUSPENSION AND REVOCATION.--

A. In accordance with the procedures established by the Uniform Licensing Act, the board may deny, suspend or revoke any license or registration held or applied for under the Counseling and Therapy Practice Act, or take any other action provided for in the Uniform Licensing Act, upon grounds that the licensee, registrant or applicant:

(1) is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure any license or registration provided for in the Counseling and Therapy Practice Act;
(2) is adjudicated mentally incompetent by regularly constituted authorities;

(3) is found guilty of a felony or misdemeanor involving moral turpitude;

(4) is found guilty of unprofessional or unethical conduct;

(5) has illicitly been using any controlled substances, as defined in the Controlled Substances Act, or using a mood-altering substance or alcoholic beverage to an extent or in a manner dangerous to the licensee, registrant or applicant or any other person or the public or to an extent that the use impairs the licensee's, registrant's or applicant's ability to perform the work of a counselor or therapist practitioner;

(6) has violated any provision of the Counseling and Therapy Practice Act or regulations adopted by the board;

(7) is grossly negligent in practice as a professional counselor or therapist practitioner;

(8) willfully or negligently divulges a professional confidence;

(9) demonstrates marked incompetence in practice as a professional counselor or therapist practitioner;

(10) has had a license or registration to
practice as a counselor, therapist or other mental health practitioner revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee or registrant similar to acts described in this subsection;

(11) knowingly and willfully practices beyond the scope of practice, as defined by the board; or

(12) uses conversion therapy on a minor.

B. A certified copy of the record of conviction shall be conclusive evidence of such conviction.

C. Disciplinary proceedings may be instituted by the sworn complaint of any person, including members of the board, and shall conform to the provisions of the Uniform Licensing Act. Any party to a hearing may obtain a copy of the hearing record upon payment of costs for such copy.

D. A person who violates any provision of the Counseling and Therapy Practice Act is guilty of a misdemeanor and upon conviction shall be punished as provided in Section 31-19-1 NMSA 1978.

E. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward
persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 6. Section 61-10-15.1 NMSA 1978 (being Laws 2016, Chapter 90, Section 20) is amended to read:

"61-10-15.1. LICENSURE--SUMMARY SUSPENSION--SUMMARY
RESTRICTION--GROUNDS.--

A. The board may suspend or restrict a license to
practice osteopathic medicine in New Mexico issued by the
board without a hearing, simultaneously or at any time after
the initiation of proceedings for a hearing provided pursuant
to the Uniform Licensing Act, if the board finds that
evidence in its possession indicates that the licensee:

(1) poses a clear and immediate danger to
the public health and safety if the licensee continues to
practice;

(2) has been adjudged mentally incompetent
by a final order or adjudication by a court of competent
jurisdiction;

(3) has pled guilty to or has been found
guilty of any offense relating to the practice of osteopathic
medicine or any violent criminal offense in this state or a
substantially equivalent criminal offense in another
jurisdiction; or

(4) uses conversion therapy on a minor.

B. A licensee shall not be required to comply with
a summary suspension or restriction of a license until notice
has been served in accordance with procedures established in
board rules or the licensee has actual knowledge of an order
of suspension or restriction, whichever occurs first.

C. A licensee whose license is suspended or
restricted pursuant to this section shall be entitled to a hearing before the board pursuant to the Uniform Licensing Act within fifteen days from the date the licensee requests a hearing.

D. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics
that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 7. Section 61-31-17 NMSA 1978 (being Laws 1989, Chapter 51, Section 17) is amended to read:

"61-31-17. LICENSE DENIAL, SUSPENSION OR REVOCATION.--

A. In accordance with procedures contained in the Uniform Licensing Act, the board may deny, revoke or suspend any license held or applied for under the Social Work Practice Act, upon grounds that the licensee or applicant:

(1) is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure any license or certification provided for in the Social Work Practice Act;

(2) has been adjudicated as mentally incompetent by regularly constituted authorities;

(3) has been convicted of a felony;

(4) is guilty of unprofessional or unethical conduct;

(5) is habitually or excessively using controlled substances or alcohol;
(6) has repeatedly and persistently violated any of the provisions of the Social Work Practice Act or regulations of New Mexico or any other state or territory and has been convicted thereof;

(7) has been convicted of the commission of any illegal operation;

(8) is grossly negligent or incompetent in the practice of social work;

(9) has had a license to practice social work revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this subsection. A certified copy of the record of the jurisdiction, territory or possession of the United States or another country making such revocation, suspension or denial shall be conclusive evidence thereof; or

(10) uses conversion therapy on a minor.

B. Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the board, and shall conform with the provisions of the Uniform Licensing Act. Any party to a hearing may obtain a copy of the hearing record upon payment of costs for the copy.

C. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual
orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."