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## FISCAL IMPACT REPORT

**SPONSOR** Candelaria **ORIGINAL DATE** 02/09/15  
**LAST UPDATED** 2/11/15 **HB** \_\_\_\_\_

**SHORT TITLE** Gender Change Efforts Working Group **SB** SM 42

**ANALYST** Hanika-Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Children, Youth and Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

Senate Memorial 42 asks DOH to convene a working group to survey reparative, conversion and other change efforts under way in the State to change the sexual orientation, gender identity or gender expression of New Mexico's homosexual and transgendered youth.

SM 42 provisions include:

- "conversion" or "reparative" therapy is a practice to change the sexual orientation, gender identity or gender orientation of homosexual or transgendered minors;
- according to the American Psychological Association, forcing gender-diverse and transgender youths to change behavior stifles development of youth into healthy adults;
- the American Psychological Association reports that sexual orientation change efforts pose critical health risks to lesbian, gay and bisexual people;
- the American Psychological Association and many other mental health organizations have taken positions in opposition to attempts to "convert" or "repair" homosexuality;
- laws in other states have banned the practice of using conversion or reparative therapy to change a minor's sexual orientation or gender identity or expression; and
- New Mexico has a compelling interest in protecting its minors against exposure to harm that is caused by sexual orientation, gender identity and gender expression change efforts.

## **FISCAL IMPLICATIONS**

The working group together will compile a public report. This will be accomplished with existing staff and resources and with help from the various key stakeholders identified in the bill.

## **SIGNIFICANT ISSUES**

DOH states numerous studies have documented health disparities among lesbian, gay, bisexual, transgender (LGBT) and questioning youth compared to straight youth. Despite these documented health disparities, the State still does not collect any youth sexual orientation data.

Data is collected on sexual orientation via CDC's Youth Risk and Resiliency Survey for NM. The latest data is from 2013, which was the first year a question on sexual orientation was included.

The working group will also review whether any sexual orientation, gender identity or gender expression change efforts attempted on a patient under 18 years of age by a person who is licensed in New Mexico to provide professional counseling or a person who performs counseling as a part of the person's professional training should be considered unprofessional conduct.

## **PERFORMANCE IMPLICATIONS**

DOH notes laws in California, New Jersey, and Washington, D.C. have banned the practice of reparative therapy to change a minor's sexual orientation or gender identity expression. In 2014, the Supreme Court refused to hear legal challenges against the bans and upheld these state laws.

## **ADMINISTRATIVE IMPLICATIONS**

CYFD says this topic is an area staff have requested more training on and resource information.

## **TECHNICAL ISSUES**

The memorial does not provide a date to finish the work of the group and publish a report.

## **OTHER SUBSTANTIVE ISSUES**

In 2009, the American Psychological Association issued a resolution advising parents, guardians, young people and their families to "avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support and reduce rejection of sexual minority youth".

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Lack of information on practices providing inaccurate information on sexual orientation.

AHO/aml/je/aml