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## FISCAL IMPACT REPORT

SPONSOR Ortez LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 02/13/2023  
SHORT TITLE Disciplinary Action For Conversion Therapy BILL NUMBER House Bill 359  
ANALYST Chilton

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent version of this legislation.

Relates to 2023 Senate Bill 256 and 2017 Senate Bill 121

### Sources of Information

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

University of New Mexico (UNM)

Board of Nursing (BON)

#### No Response Received

Department of Health (DOH)

## SUMMARY

### Synopsis of House Bill 359

House Bill 359, Disciplinary Action for Conversion Therapy, establishes that there is to be a disciplinary penalty for members of healing professions (medicine, nursing, psychology, social work, counseling, or therapy) for performing so-called conversion, a discredited and now forbidden (in New Mexico) “therapy” for counteracting homosexual tendencies, not just on children, as before, but on people of all ages.

In each part of the bill, definitions sections add definitions of “gender” as referring to society’s perceptions of a person as male or female based on physical characteristics or behavior. “Gender identity” is referring to a person’s self-perception of his/her/their own masculinity, femininity, or neither of those.

Section 1 extends the prohibition of conversion therapy from just applying to children to

applying to all ages by amending Section 61-1-3.3 NMSA 1978.

Section 2 extends the prohibition that persons licensed under the Nurse Practice Act, Section 61-3 NMSA 1978) are to be disciplined for practicing “conversion therapy” at any age, not just on children.

Section 3 extends the same prohibition to physicians, physician assistants, anesthesiologist assistants, genetic counselors, naturopathic practitioner and naprapathic practitioners, pursuant to Section 61-7-3 NMSA 1978, at any patient age.

Section 4 extends the same prohibition, at any age, on psychologists and psychologist associates, according to amendments to the Uniform Licensing Act (Section 61-9-13 NMSA 1978).

Section 5 makes the same prohibition applicable to persons licensed under the Counseling and Therapy Practice Act, Section 61-9A NMSA 1978.

Section 6 amends Section 61-13-17 NMSA 1978 to specify that license denial, suspension, or revocation may be penalties exacted for licensees practicing conversion therapy on any age person.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

## **FISCAL IMPLICATIONS**

There is no appropriation in House Bill 359 and no anticipated fiscal impact.

## **SIGNIFICANT ISSUES**

Conversion therapy became popular in the U.S. in the early twentieth century, with a boost from prominent psychoanalyst Sigmund Freud. It became a standard means of attempting to “treat” homosexual men and women until losing favor in the late 1960s. By 1973, the American Academy of Psychiatry, had removed homosexuality from the influential Diagnostic and Statistical Manual. However, some groups continued to promote the use of conversion therapy through the end of the twentieth century.

In 2001, U.S. Surgeon General David Satcher issued a report stating that there was no scientific evidence that any type of therapy could change a person’s sexual orientation. Since that time, many professional organizations have taken a stance opposing conversion therapy, and six states (California, Illinois, New Jersey, New York, Oregon, and Vermont) and at least two Canadian provinces have banned its use, many jurisdictions and professional organizations and much research noting that harm often accompanies the use of conversion therapy.

Many groups have examined the efficacy and safety of conversion therapy, including the American Psychological Association. In a 2022 report (<https://www.health.state.mn.us/people/conversiontherapy.pdf>) commissioned by the Minnesota State Legislature, Minnesota’s Department of Health determined the following:

[Those in] the helping professions most likely to work with LGBTQ+ individuals, and

thus in the best position to observe individuals who have experienced conversion therapy, overwhelmingly reject the practice of conversion therapy as being neither effective nor harmless. Data establish that LGBTQ+ youth are a vulnerable population. Thus, public health should be even more vigilant in protecting this vulnerable population from harmful or even potentially harmful practices. While there are limited studies available on this topic, at least two cross-sectional studies confirmed an association between children and youth who had experienced conversion therapy and subsequently had increased suicidal ideation and suicide attempts. And a recent meta-analysis documented increased adverse effects for LGBTQ+ individuals who had experienced sexual orientation and gender identity change efforts than those who had not. It may be noted that regardless of whether scientific causality has been established, mainstream mental health, medical, and educational organizations do not support use of conversion therapy.

New Mexico’s 2017 law, Senate Bill 121 prescribed the same penalties for health professionals practicing conversion therapy on minors; this bill would extend those same disciplinary actions to those providing conversion therapy at any age.

## **RELATIONSHIP**

Related to 2017 Senate Bill 121, which banned conversion therapy. Relates to 2023 Senate Bill 256, which also establishes penalties for performing conversion therapy.

## **RELATIONSHIP**

Related to Senate Bill 256, which also provides penalties for performing conversion therapy, removes the limitation of age on prohibiting conversion therapy, but differs in some of the definitions applied to terms in several sections of the respective bills.

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