

## **Testimony in Opposition to Senate Bill 1028 (regarding practices to change sexual orientation or gender identity in minors)**

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Education, Health, and Environmental Affairs Committee  
Maryland State Senate  
Annapolis, Maryland  
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I urge you to oppose Senate Bill 1028.

This type of legislation is unprecedented in nature. It violates several core principles of the counseling profession, and of our constitutional order.

Until the first bill of this nature was enacted in California just a few years ago, there had never been—in all of history—a form of talk therapy prohibited by law solely because of the goal which the client seeks to achieve. The state may regulate the qualifications of a therapist, or even the procedures they use. But it has no business telling either a therapy client or a therapist that they may not pursue a personal goal of their own choosing.

Indeed, this violates not only legal precedent, but a longstanding ethical principle of the counseling profession itself. This principle is known as “client autonomy.” It states that the client has the right to choose the goal of therapy. A therapist has no right to override the client’s goal, nor to impose one of his or her own choosing. It is inconceivable that the state should have such a right.

The proposed bill also violates the confidentiality of the relationship between therapist and client—which is a longstanding principle of both ethics and the law. The legal principle is that the state has no right or power to even inquire into—let alone interfere with or punish—the verbal communication that takes place within certain special relationships. Those include the relationship of attorney and client, of priest and confessor, or of doctor and patient—as well as within the relationship of therapist and client.

A strong argument also can be made that this bill violates the First Amendment guarantee of free speech. At its most basic level, what this bill does is prohibit licensed professionals from saying certain words to their clients. Such verbal expression may not be punished by the state merely because some people may disagree with the viewpoint being expressed.

Finally, this bill poses a threat to religious liberty as well. Although the current bill does not apply to purely religious counselors such as pastors, it is probably fair to say that most licensed mental health practitioners who participate in sexual orientation change efforts are motivated at least in part by their religious faith. The same is true of many (but not all) clients who voluntarily seek professional help to overcome unwanted same-sex attractions. The free exercise of religion, guaranteed by the First Amendment to the Constitution, surely includes the right to live in a manner consistent with the teachings of one’s faith—and to seek and receive the help of others in doing so.

I urge you to oppose SB 1028.