



Counseling Bans

KEY POINTS

Most counseling bans pertain to both **sexual orientation and gender identity**, effectively mandating that mental health care professionals use a “gender-affirming” model of care with their clients.

Counseling bans **restrict mental health care professionals and patients** from engaging in therapy consistent with their sincerely-held religious beliefs and worldview.

Counseling bans currently restrict mental health professional and patient rights in **nearly half of our nation's states**.

Family Research Council opposes counseling bans. As America’s youth grapple with confusion and distress related to same-sex attraction or gender dysphoria, the therapy they need is being outlawed. Counseling bans harm individuals with unwanted same-sex attraction or gender dysphoria by restricting how licensed mental health care professionals can counsel them and by imposing penalties on said professionals if they fail to comply.

Proponents of counseling bans claim that such legislation intends to protect youth from sexual orientation change efforts (SOCE), also known as “conversion therapy.” The term is typically defined in these bills as “any practice or treatment by a mental health professional that seeks to change an individual’s sexual orientation or gender identity. . .” The problem lies in the obtuse way “conversion therapy” is defined, which results in legislation targeting talk therapy (including talk therapy sought out by the patient) and placing content and viewpoint-based restrictions on constitutionally protected speech. Furthermore, counseling bans restrict mental health care professionals and patients from engaging in therapy consistent with their sincerely-held religious beliefs and worldview.

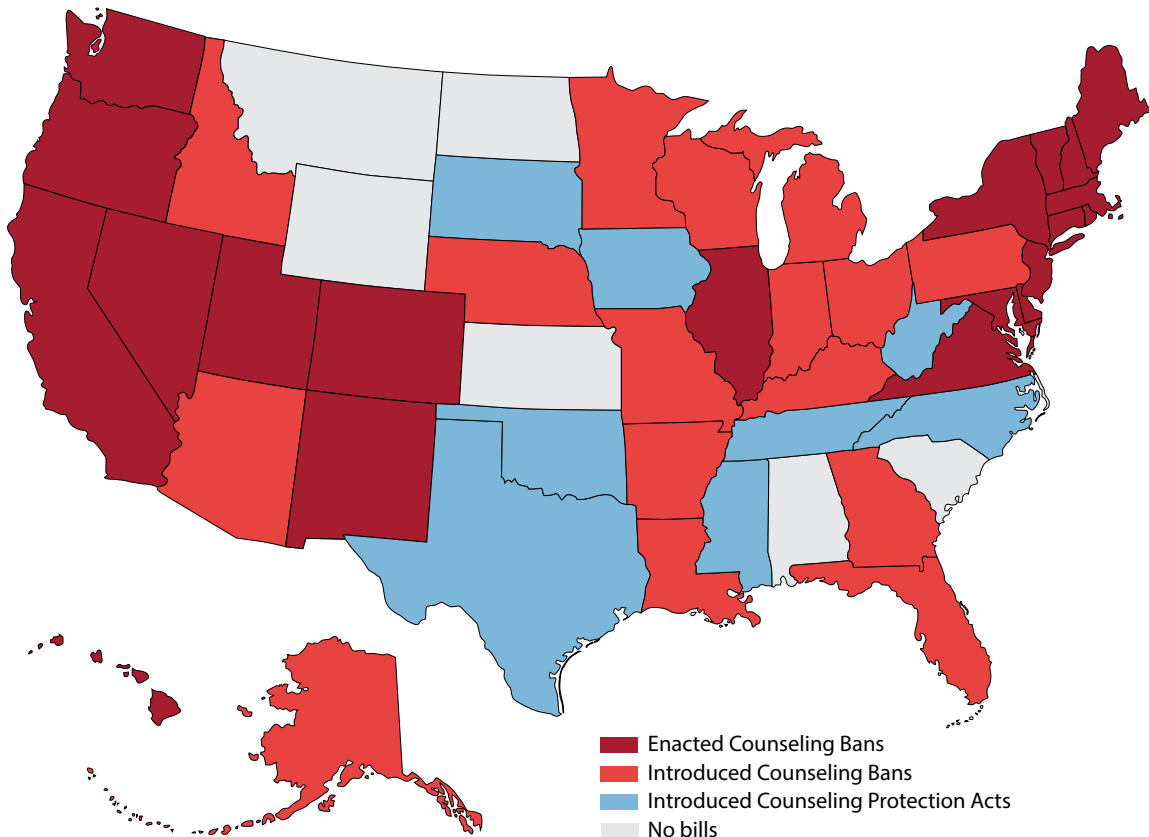
Most counseling bans pertain to both sexual orientation and gender identity, effectively mandating that mental health care professionals use a “gender-affirming” model of care with their clients. The use of this language outlaws any form of therapy that doesn’t affirm one’s self-prescribed gender.

Since 2011, 265 counseling bans have been introduced in 43 states. Currently, 20 states have counseling bans in effect. Fortunately, some state legislators are pushing back by introducing counseling protection acts. Such bills prohibit the state from restricting the rights of mental health care professionals to counsel patients with unwanted same-sex attraction and/or gender dysphoria. They also protect the right of patients and/or their parents to choose such counseling.

Since 2015, 20 counseling protection acts have been introduced in nine different states. So far, one bill to protect counselors has been enacted: A 2016 Tennessee law that protects mental health professionals from being forced to provide counsel that contradicts their religious beliefs. However, no law has yet been passed that protects the right of mental health professionals to counsel patients with unwanted same-sex attraction or gender dysphoria and the right of patients to choose such counseling.

Legislative Intent: Counseling bans prohibit licensed mental health care professionals from counseling individuals for the purpose of helping them cope with unwanted same-sex attraction or gender dysphoria. These laws also impose professional penalties (i.e., revocation or suspension of licensure or certification) for noncompliance. Most counseling bans only apply to minors, although some include adults (some specify “vulnerable adults” or “adults with disabilities”).

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Counseling bans currently restrict mental health professional and patient rights in nearly half of our nation's states. Counseling protection acts must be enacted to ensure freedom and autonomy for both mental health professionals and patients—the alternative might be a country where struggling minors are denied proper care because of their personal beliefs and goals.

Key Provisions:

Prohibits licensed mental health care professionals from counseling individuals for the purpose of helping them cope with unwanted same-sex attraction or gender dysphoria (could apply to minors only or individuals of all ages).

Imposes a penalty for noncompliance.

Ensures that no state funds will be expended for “conversion therapy.”