

SENATE BILL NO. 353—SENATORS PARKS,  
SPEARMAN AND ATKINSON

MARCH 16, 2015

JOINT SPONSOR: ASSEMBLYWOMAN SWANK

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Enacts provisions relating to sexual orientation conversion therapy. (BDR 54-748)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mental health professionals; prohibiting certain practitioners from providing sexual orientation conversion therapy to a minor; providing a civil cause of action relating to the prohibition; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law regulates certain mental health professionals including psychiatrists, psychologists, licensed marriage and family therapists, certain registered nurses and certain licensed clinical or independent social workers. (Chapters 630, 632, 633 and 641-641B of NRS) **Section 1** of this bill prohibits certain mental health professionals from providing sexual orientation conversion therapy to a person who is under 18 years of age. **Section 2** of this bill provides that a person who received such therapy when the person was under the age of 18 years may bring a cause of action against the mental health professional who provided the therapy and may collect actual or presumed damages.

Existing law provides that an action based upon liability created by statute be commenced within 3 years. (NRS 11.190) **Section 2** provides that the statute of limitations for a claim provided for under this bill does not begin to run until the person who received the therapy reaches the age of 18 years or until the person discovers or reasonably should have discovered that he or she received such therapy when the person was under the age of 18 years.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 629 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *A psychotherapist shall not provide any sexual orientation*  
4 *conversion therapy to a person who is under 18 years of age*  
5 *regardless of the willingness of the person or his or her parent or*  
6 *legal guardian to authorize such therapy.*

7       2. *As used in this section:*

8       (a) *"Psychotherapist" means:*

9           (1) *A psychiatrist licensed to practice medicine in this State*  
10 *and certified by the American Board of Psychiatry and Neurology,*  
11 *Inc. or the American Osteopathic Board of Neurology and*  
12 *Psychiatry of the American Osteopathic Association;*

13           (2) *A psychologist licensed to practice in this State pursuant*  
14 *to chapter 641 of NRS;*

15           (3) *A social worker holding a master's degree in social*  
16 *work and licensed in this State as an independent social worker or*  
17 *a clinical social worker pursuant to chapter 641B of NRS;*

18           (4) *A registered nurse holding a master's degree in the field*  
19 *of psychiatric nursing and licensed to practice professional*  
20 *nursing in this State pursuant to chapter 632 of NRS; or*

21           (5) *A marriage and family therapist or clinical professional*  
22 *counselor licensed in this State pursuant to chapter 641A of NRS.*

23       (b) *"Sexual orientation conversion therapy" means any*  
24 *psychotherapy, counseling, hypnosis or other treatment or therapy*  
25 *aimed at altering the sexual or romantic attraction, desire or*  
26 *conduct of a person toward persons of the same sex so that such*  
27 *sexual or romantic attraction, desire or conduct is eliminated,*  
28 *reduced or redirected toward persons of the opposite sex. The term*  
29 *does not include treatment aimed at altering the sexual or*  
30 *romantic attraction, desire or conduct of a person towards*  
31 *children or persons related by consanguinity.*

32       **Sec. 2.** Chapter 41 of NRS is hereby amended by adding  
33 thereto a new section to read as follows:

34       1. *Any person who received sexual orientation conversion*  
35 *therapy from a psychotherapist in violation of section 1 of this act*  
36 *may bring a cause of action against the psychotherapist if the*  
37 *person was under the age of 18 years during any period of the*  
38 *sexual orientation conversion therapy.*

39       2. *A plaintiff who prevails in an action brought pursuant to*  
40 *this section may recover the plaintiff's actual damages, which*  
41 *shall be deemed to be at least \$5,000, plus costs and reasonable*  
42 *attorney's fees.*



1       3.   *The statute of limitations for an action brought under this*  
2   *section does not commence until the later of the date on which:*

3       (a) *The person discovers or reasonably should have discovered*  
4   *that he or she received sexual orientation conversion therapy*  
5   *when he or she was under the age of 18 years; or*

6       (b) *The person reaches 18 years of age.*

7       4.   *As used in this section:*

8       (a) *“Psychotherapist” has the meaning ascribed to it in section*  
9   *1 of this act.*

10      (b) *“Sexual orientation conversion therapy” has the meaning*  
11   *ascribed to it in section 1 of this act.*

12      **Sec. 3.**   This act becomes effective:

13      1.   Upon passage and approval for the purpose of adopting any  
14   regulations and performing any other preparatory administrative  
15   tasks necessary to carry out the provisions of this act; and

16      2.   On January 1, 2016, for all other purposes.

