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Dear Committee Member – Children, Families and Persons with Disabilities,

H1190, titled “An Act relative to abusive practices to change sexual orientation and gender identity in minors,” otherwise referred to as ‘Counseling Ban Bill’ is an excessively broad piece of legislation that would prohibit an entire class of patients from accessing the talk therapy they desire. I encourage you to give this legislation an unfavorable report based on these four points.

- First, this Counseling Ban Bill is potentially harmful because it intrudes into the details of the counselor-patient relationship, restricting the speech between the patient and his therapist. By prohibiting all “attempts...change an individual’s sexual orientation or gender identity,” this legislation interferes with the speech rights of both the therapists who wish to talk to patients and the patients who, although under 18, wish to speak with the doctors about overcoming unwanted same-sex attraction.
- Second, this act as proposed is deceptive because it restricts medical responses to transgenderism, which is defined as an incongruity or disconnect between one’s biological sex and psychological gender of choice. It is currently legal to address transgenderism through either physical (i.e., sexual reassignment procedures) or psychological solutions. This legislation would prevent any therapist or counselor from pursuing *any* psychological solution, even if such treatment is according to the desires of the patient.
- Third, the targets of the legislation—licensed mental health professionals who recognize that sexual orientation can be modified—do not, as the title of the act suggests, engage in any sort of abusive practices. There is no credible evidence of abuse of this nature occurring in the Commonwealth of Massachusetts. Thus, the legislation solves nothing, and instead prevents patients from accessing the talk therapy they desire.
- Finally, it is likely that the law would be struck down on a Constitutional challenge, as it is overly broad and infringes on constitutionally protected speech. It violates the First Amendment as it utilizes the force of law to muzzle a client’s conversation with her therapist. It also acts against the Massachusetts Constitution’s guarantee of parental rights. If a mother seeks out talk therapy for her son, who is struggling with same sex attractions that he does not want, she could be prosecuted by the State and permanently lose custody of her child, even though no abuse, physical or otherwise, ever took place.

In conclusion, H1190 is an excessive and dangerously broad piece of legislation which drastically restricts patients from receiving the treatment they desire. As you consider this bill I encourage you to prioritize (1) the unwanted sexual desires some patients attempt to reorient, (2) the right and duty of Massachusetts therapists to help patients achieve the goal of psychological well-being, (3) and address the inherent errors in constructing a law which violates constitutionally protected fundamental rights. This proposed law is deficient by these standards. Therefore, I urge you to give this legislation an unfavorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Alexandre".

Jonathan Alexandre, J.D.

Policy Director, Liberty Counsel Action