

SENATE BILL 950

D3, C4

EMERGENCY BILL

6lr3558
CF HB 1209

By: **Senator Kagan**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Conversion Therapy – Prohibitions and Causes of Action**

3 FOR the purpose of clarifying that injury resulting from conversion therapy is cognizable
4 for purposes of a health care malpractice action; establishing certain procedures in
5 an action for health care malpractice resulting from conversion therapy; removing
6 the limitation on noneconomic damages to a claimant in an action for health care
7 malpractice resulting from conversion therapy; prohibiting a certain individual from
8 providing conversion therapy or making, advertising, publishing, displaying,
9 broadcasting, soliciting, or representing false, misleading, or deceptive statements
10 relating to conversion therapy for a certain purpose; establishing a certain private
11 cause of action for an injury resulting from conversion therapy; requiring a
12 professional liability insurer that provides an insurance policy to a licensed health
13 care provider that engages in conversion therapy to charge the provider with a
14 certain surcharge on the provider's premiums; establishing the Conversion Therapy
15 Surcharge Fund as a special, nonlapsing fund; and generally relating to conversion
16 therapy.

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–2A–01, 3–2A–02, and 5–109
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2025 Supplement)

22 BY adding to
23 Article – Courts and Judicial Proceedings
24 Section 3–2A–02.1; and 3–2701 through 3–2704 to be under the new subtitle
25 “Subtitle 27. Liability for Provision of Conversion Therapy”
26 Annotated Code of Maryland
27 (2020 Replacement Volume and 2025 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

Section 3–1301 through 3–1303 to be under the new subtitle “Subtitle 13. Conversion Therapy”

Annotated Code of Maryland

(2021 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 1–101(a) and (b)

Annotated Code of Maryland

(2017 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–117

Annotated Code of Maryland

(2017 Replacement Volume and 2025 Supplement)

BY adding to

Article – Insurance

Section 19–118 and 19–119

Annotated Code of Maryland

(2017 Replacement Volume and 2025 Supplement)

Preamble

WHEREAS, The American Psychological Association, the American Psychiatric Association, the American Academy of Pediatrics, the American Medical Association, the American Counseling Association, the American Academy of Child and Adolescent Psychiatry, the American School Counselor Association, the National Association of Social Workers, and every other mainstream mental health and medical organization in the United States have determined that efforts to change an individual’s sexual orientation or gender identity are harmful and ineffective; and

WHEREAS, In 2009, the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation conducted a systematic review of peer-reviewed research and concluded that sexual orientation change efforts are unlikely to be successful and involve some risk of harm, including depression, suicidality, and anxiety; and

WHEREAS, In 2021, the American Psychological Association adopted a resolution concluding that gender identity change efforts are harmful and ineffective and calling for their elimination; and

WHEREAS, The scientific and clinical consensus establishes that conversion therapy poses serious risks of harm to patients, including depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, self-blame,

1 decreased self-esteem, feelings of anger and betrayal, loss of religious faith, alienation from
2 family, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual
3 behaviors, feelings of being dehumanized, and a sense of having wasted time and resources;
4 and

5 WHEREAS, The psychological harms caused by conversion therapy often do not
6 manifest until years or decades after the conduct occurred and survivors frequently do not
7 recognize their experience as conversion therapy, initially fail to recognize such treatment
8 as harmful, fail to connect their psychological injuries to the treatment until much later in
9 life, or are deterred from coming forward by shame instilled by the treatment itself; and

10 WHEREAS, The dynamics of the therapeutic relationship, including the trust placed
11 in mental health providers, the age and vulnerability of patients, the authority exercised
12 by providers, and the shame and internalized stigma resulting from such treatment, create
13 barriers to timely disclosure and recognition of harm similar to those recognized by this
14 State in the context of childhood sexual abuse; and

15 WHEREAS, The existing statute of limitations for professional negligence does not
16 adequately account for the delayed recognition of psychological injury that is characteristic
17 of harm caused by conversion therapy; and

18 WHEREAS, Psychological harms caused by conversion therapy result from efforts to
19 direct a patient toward a predetermined outcome regarding the patient's sexual orientation
20 or gender identity, regardless of the nature of that predetermined outcome; and

21 WHEREAS, In cases involving latent injuries where there is scientific consensus
22 regarding harmfulness, courts have recognized that plaintiffs may establish causation by
23 demonstrating that exposure to the harmful conduct was, in reasonable medical
24 probability, a substantial factor contributing to the risk of developing the injury or illness,
25 without requiring proof of the precise mechanism by which the harm occurred; and

26 WHEREAS, This causation framework is appropriate for claims arising from sexual
27 orientation or gender identity change efforts, given the scientific consensus regarding the
28 harmfulness of such efforts and the latent nature of the resulting psychological injuries;
29 and

30 WHEREAS, It is the intent of the General Assembly to provide individuals who have
31 suffered harm as a result of conversion therapy by licensed mental health providers with
32 adequate time to seek civil remedies for harm they have suffered; now, therefore,

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
34 That the Laws of Maryland read as follows:

35 **Article – Courts and Judicial Proceedings**

36 3–2A–01.

(a) In this subtitle the following terms have the meanings indicated unless the context of their use requires otherwise.

(b) “Arbitration panel” means the arbitrators selected to determine a health care malpractice claim in accordance with this subtitle.

(c) **(1) “CONVERSION THERAPY” MEANS A PRACTICE OR TREATMENT BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT SEEKS TO CHANGE AN INDIVIDUAL’S SEXUAL ORIENTATION OR GENDER IDENTITY.**

(2) “CONVERSION THERAPY” INCLUDES ANY EFFORT TO CHANGE THE BEHAVIORAL EXPRESSION OF AN INDIVIDUAL’S SEXUAL ORIENTATION, CHANGE GENDER EXPRESSION, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME GENDER.

(3) “CONVERSION THERAPY” DOES NOT INCLUDE A PRACTICE BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT:

(I) PROVIDES ACCEPTANCE, SUPPORT, AND UNDERSTANDING, OR THE FACILITATION OF COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION–NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES; AND

(II) DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY.

(D) “Court” means a circuit court for a county.

[(d)] (E) “Director” means the Director of the Health Care Alternative Dispute Resolution Office.

[(e)] (F) “Economic damages” retains its judicially determined meaning.

[(f)] (G) (1) “Health care provider” means a hospital, a related institution as defined in § 19–301 of the Health – General Article, a medical day care center, a hospice care program, an assisted living program, a freestanding ambulatory care facility as defined in § 19–3B–01 of the Health – General Article, a physician, a physician assistant, an osteopath, an optometrist, a chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist, a licensed certified social worker–clinical, and a physical therapist, licensed or authorized to provide one or more health care services in Maryland.

(2) “Health care provider” does not include any nursing institution conducted by and for those who rely upon treatment by spiritual means through prayer

1 alone in accordance with the tenets and practices of a recognized church or religious
2 denomination.

3 ~~[(g)]~~ **(H)** **(1)** “Medical injury” means injury arising or resulting from the
4 rendering or failure to render health care.

5 **(2) “MEDICAL INJURY” INCLUDES PSYCHOLOGICAL INJURY**
6 **ARISING OR RESULTING FROM CONVERSION THERAPY PROVIDED IN THE STATE.**

7 ~~[(h)]~~ **(I)** “Noneconomic damages” means:

8 (1) In a claim for personal injury, pain, suffering, inconvenience, physical
9 impairment, disfigurement, loss of consortium, or other nonpecuniary injury; or

10 (2) In a claim for wrongful death, mental anguish, emotional pain and
11 suffering, loss of society, companionship, comfort, protection, care, marital care, parental
12 care, filial care, attention, advice, counsel, training, guidance, or education, or other
13 noneconomic damages authorized under Subtitle 9 of this title.

14 3–2A–02.

15 (a) (1) All claims, suits, and actions, including cross claims, third-party
16 claims, and actions under Subtitle 9 of this title, by a person against a health care provider
17 for medical injury allegedly suffered by the person in which damages of more than the limit
18 of the concurrent jurisdiction of the District Court are sought are subject to and shall be
19 governed by the provisions of this subtitle.

20 (2) An action or suit of that type may not be brought or pursued in any
21 court of this State except in accordance with this subtitle.

22 (3) Except for the procedures stated in § 3–2A–06(f) of this subtitle, an
23 action within the concurrent jurisdiction of the District Court is not subject to the
24 provisions of this subtitle.

25 (b) A claim filed under this subtitle and an initial pleading filed in any subsequent
26 action may not contain a statement of the amount of damages sought other than that they
27 are more than a required jurisdictional amount.

28 (c) (1) In any action for damages filed under this subtitle, the health care
29 provider is not liable for the payment of damages unless it is established that the care given
30 by the health care provider is not in accordance with the standards of practice among
31 members of the same health care profession with similar training and experience situated
32 in the same or similar communities at the time of the alleged act giving rise to the cause of
33 action.

34 (2) (i) This paragraph applies to a claim or action filed on or after
35 January 1, 2005.

(ii) 1. **[In] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH,** IN addition to any other qualifications, a health care provider who attests in a certificate of a qualified expert or testifies in relation to a proceeding before a panel or court concerning a defendant's compliance with or departure from standards of care:

A. Shall have had clinical experience, provided consultation relating to clinical practice, or taught medicine in the defendant's specialty or a related field of health care, or in the field of health care in which the defendant provided care or treatment to the plaintiff, within 5 years of the date of the alleged act or omission giving rise to the cause of action; and

B. Except as provided in **[subsubparagraph 2] SUBSUBPARAGRAPHS 2 AND 3** of this subparagraph, if the defendant is board certified in a specialty, shall be board certified in the same or a related specialty as the defendant.

2. Subsubparagraph 1B of this subparagraph does not apply if:

A. The defendant was providing care or treatment to the plaintiff unrelated to the area in which the defendant is board certified; or

B. The health care provider taught medicine in the defendant's specialty or a related field of health care.

3. IN ADDITION TO ANY OTHER QUALIFICATIONS, IN AN ACTION FOR DAMAGES RELATING TO CONVERSION THERAPY UNDER § 3-2A-02.1 OF THIS SUBTITLE, A HEALTH CARE PROVIDER WHO ATTESTS IN A CERTIFICATE OF A QUALIFIED EXPERT, OR TESTIFIES IN RELATION TO A PROCEEDING BEFORE A PANEL OR COURT CONCERNING A DEFENDANT'S COMPLIANCE WITH OR DEPARTURE FROM STANDARDS OF CARE, MAY BE ANY LICENSED MENTAL HEALTH PROVIDER OR RESEARCHER WITH EXPERTISE IN THE PSYCHOLOGICAL EFFECTS OF CONVERSION THERAPY.

(d) Except as otherwise provided, the Maryland Rules shall apply to all practice and procedure issues arising under this subtitle.

3-2A-02.1.

(A) AN INDIVIDUAL MAY FILE AN ACTION FOR DAMAGES FOR INJURY CAUSED BY THE PROVISION OF CONVERSION THERAPY TO THE INDIVIDUAL AGAINST:

1 **(1) THE LICENSED HEALTH CARE PROVIDER WHO PROVIDED THE**
2 **CONVERSION THERAPY;**

3 **(2) A PERSON THAT EMPLOYED, SUPERVISED, OR OTHERWISE**
4 **EXERCISED AUTHORITY OVER THE LICENSED HEALTH CARE PROVIDER WHO**
5 **PROVIDED THE CONVERSION THERAPY IF THE PERSON:**

6 **(I) KNEW OR HAD REASON TO KNOW THAT THE LICENSED**
7 **HEALTH CARE PROVIDER PROVIDED CONVERSION THERAPY; AND**

8 **(II) FAILED TO TAKE REASONABLE STEPS TO PREVENT THE**
9 **LICENSED HEALTH CARE PROVIDER FROM PROVIDING CONVERSION THERAPY; OR**

10 **(3) A PERSON THAT NEGLIGENTLY HIRED, SUPERVISED, OR**
11 **RETAINED THE LICENSED HEALTH CARE PROVIDER WHO PROVIDED THE**
12 **CONVERSION THERAPY.**

13 **(B) (1) IN AN ACTION FOR DAMAGES FOR MEDICAL INJURY AS A RESULT**
14 **OF CONVERSION THERAPY, A PLAINTIFF MAY SEEK:**

15 **(I) ECONOMIC DAMAGES;**

16 **(II) NONECONOMIC DAMAGES;**

17 **(III) PUNITIVE DAMAGES; AND**

18 **(IV) ATTORNEY'S FEES AND COURT COSTS.**

19 **(2) NOTWITHSTANDING § 11-108 OF THIS ARTICLE, THERE IS NO**
20 **LIMITATION ON THE TOTAL AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE**
21 **AWARDED TO A SINGLE CLAIMANT IN AN ACTION AGAINST A SINGLE DEFENDANT**
22 **UNDER THIS SECTION.**

23 **(C) (1) IN AN ACTION UNDER THIS SECTION FOR DAMAGES FOR MEDICAL**
24 **INJURY CAUSED BY THE PROVISION OF CONVERSION THERAPY, THE PLAINTIFF HAS**
25 **THE BURDEN OF PROOF TO DEMONSTRATE THROUGH EXPERT TESTIMONY,**
26 **SCIENTIFIC LITERATURE, AND OTHER EVIDENCE, THAT CONVERSION THERAPY IS**
27 **CAPABLE OF CAUSING THE MEDICAL INJURY SUFFERED BY THE PLAINTIFF.**

28 **(2) IF A PLAINTIFF MEETS THE BURDEN OF PROOF UNDER**
29 **PARAGRAPH (1) OF THIS SUBSECTION, THE DEFENDANT HAS THE BURDEN OF PROOF**
30 **TO SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE PLAINTIFF'S MEDICAL**

INJURY IS SOLELY A RESULT OF OTHER FACTORS UNRELATED TO THE CONVERSION THERAPY.

SUBTITLE 27. LIABILITY FOR PROVISION OF CONVERSION THERAPY.

3-2701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "CONVERSION THERAPY" MEANS A PRACTICE OR TREATMENT THAT SEEKS TO CHANGE AN INDIVIDUAL'S SEXUAL ORIENTATION OR GENDER IDENTITY.

(2) "CONVERSION THERAPY" INCLUDES ANY EFFORT TO CHANGE THE BEHAVIORAL EXPRESSION OF AN INDIVIDUAL'S SEXUAL ORIENTATION, CHANGE GENDER EXPRESSION, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME GENDER.

(C) "MENTAL HEALTH OR CHILD CARE PRACTITIONER" MEANS:

(1) A PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE 14, 17, 18, 19, OR 20 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(2) ANY OTHER PRACTITIONER LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE WHO IS AUTHORIZED TO PROVIDE COUNSELING BY THE PRACTITIONER'S LICENSING OR CERTIFYING BOARD.

(D) "PERSON" INCLUDES A NONPROFIT ENTITY.

3-2702.

THIS SUBTITLE DOES NOT APPLY TO A MENTAL HEALTH OR CHILD CARE PRACTITIONER.

3-2703.

(A) AN INDIVIDUAL MAY BRING AN ACTION FOR DAMAGES FOR INJURY CAUSED BY THE PROVISION OF CONVERSION THERAPY TO THE INDIVIDUAL IN VIOLATION OF § 3-1303(A)(1) OF THE CRIMINAL LAW ARTICLE AGAINST:

(1) THE INDIVIDUAL WHO PROVIDED THE CONVERSION THERAPY;

1 **(2) A PERSON THAT EMPLOYED, SUPERVISED, OR OTHERWISE**
2 **EXERCISED AUTHORITY OVER THE INDIVIDUAL WHO PROVIDED THE CONVERSION**
3 **THERAPY IF THE PERSON:**

4 **(I) KNEW OR HAD REASON TO KNOW THAT CONVERSION**
5 **THERAPY WAS PROVIDED; AND**

6 **(II) FAILED TO TAKE REASONABLE STEPS TO PREVENT THE**
7 **PROVISION OF CONVERSION THERAPY; OR**

8 **(3) A PERSON THAT NEGLIGENTLY HIRED, SUPERVISED, OR**
9 **RETAINED THE INDIVIDUAL WHO PROVIDED THE CONVERSION THERAPY.**

10 **(B) IN AN ACTION FOR DAMAGES FOR INJURY CAUSED BY THE PROVISION**
11 **OF CONVERSION THERAPY, A PLAINTIFF MAY SEEK:**

12 **(1) ECONOMIC DAMAGES;**

13 **(2) NONECONOMIC DAMAGES;**

14 **(3) PUNITIVE DAMAGES; AND**

15 **(4) ATTORNEY'S FEES AND COURT COSTS.**

16 **(C) NOTWITHSTANDING § 11-108 OF THIS ARTICLE, THERE IS NO**
17 **LIMITATION ON THE TOTAL AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE**
18 **AWARDED TO A SINGLE CLAIMANT IN AN ACTION AGAINST A SINGLE DEFENDANT**
19 **UNDER THIS SECTION.**

20 **(D) (1) IN AN ACTION UNDER THIS SECTION FOR DAMAGES FOR INJURY**
21 **CAUSED BY THE PROVISION OF CONVERSION THERAPY, THE PLAINTIFF HAS THE**
22 **BURDEN OF PROOF TO DEMONSTRATE THROUGH EXPERT TESTIMONY, SCIENTIFIC**
23 **LITERATURE, AND OTHER EVIDENCE, THAT CONVERSION THERAPY IS CAPABLE OF**
24 **CAUSING THE MEDICAL INJURY SUFFERED BY THE PLAINTIFF.**

25 **(2) IF A PLAINTIFF MEETS THE BURDEN OF PROOF UNDER**
26 **PARAGRAPH (1) OF THIS SUBSECTION, THE DEFENDANT HAS THE BURDEN OF PROOF**
27 **TO SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE PLAINTIFF'S INJURY**
28 **IS SOLELY A RESULT OF OTHER FACTORS UNRELATED TO THE CONVERSION**
29 **THERAPY.**

30 **3-2704.**

1 **(A) NOTWITHSTANDING A TIME LIMITATION UNDER A STATUTE OF**
2 **LIMITATIONS, STATUTE OF REPOSE, OR ANY OTHER LAW, AN ACTION FOR DAMAGES**
3 **UNDER THIS SUBTITLE FOR INJURY CAUSED BY THE PROVISION OF CONVERSION**
4 **THERAPY THAT OCCURRED WHILE THE PLAINTIFF WAS A MINOR MAY BE FILED AT**
5 **ANY TIME.**

6 **(B) NOTWITHSTANDING ANY TIME LIMITATION UNDER THIS SECTION OR**
7 **ANY OTHER STATUTE OF LIMITATIONS, STATUTE OF REPOSE, OR ANY OTHER LAW,**
8 **AN ACTION FOR DAMAGES FOR MEDICAL INJURY DUE TO CONVERSION THERAPY**
9 **THAT OCCURRED WHILE THE PLAINTIFF WAS AN ADULT SHALL BE FILED WITHIN 20**
10 **YEARS AFTER THE PLAINTIFF'S LAST CONVERSION THERAPY SESSION.**

11 **(C) (1) FOR PURPOSES OF DETERMINING THE DATE AN INJURY WAS**
12 **DISCOVERED UNDER SUBSECTION (B) OF THIS SECTION, IN AN ACTION FOR**
13 **DAMAGES FOR MEDICAL INJURY RESULTING FROM CONVERSION THERAPY UNDER**
14 **THIS SUBTITLE, A CLAIMANT DISCOVERS THE INJURY WHEN THE CLAIMANT FIRST**
15 **KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE PSYCHOLOGICAL INJURY**
16 **WAS CAUSED, IN WHOLE OR IN PART, BY THE CONVERSION THERAPY.**

17 **(2) IT IS NOT SUFFICIENT TO DEMONSTRATE THAT A CLAIMANT KNEW**
18 **ABOUT THE PSYCHOLOGICAL INJURY WITHOUT ALSO DEMONSTRATING THAT THE**
19 **CLAIMANT KNEW OR HAD REASON TO KNOW THAT THE PSYCHOLOGICAL INJURY WAS**
20 **CAUSED, IN WHOLE OR IN PART, BY THE CONVERSION THERAPY.**

21 5–109.

22 **(a) [An] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, AN**
23 **action for damages for an injury arising out of the rendering of or failure to render**
24 **professional services by a health care provider, as defined in § 3–2A–01 of this article, shall**
25 **be filed within the earlier of:**

26 (1) Five years of the time the injury was committed; or

27 (2) Three years of the date the injury was discovered.

28 **(b) Except as provided in subsection (c) of this section, if the claimant was under**
29 **the age of 11 years at the time the injury was committed, the time limitations prescribed**
30 **in subsection (a) of this section shall commence when the claimant reaches the age of 11**
31 **years.**

32 **(c) (1) The provisions of subsection (b) of this section may not be applied to an**
33 **action for damages for an injury:**

34 (i) To the reproductive system of the claimant; or

(ii) Caused by a foreign object negligently left in the claimant's body.

(2) In an action for damages for an injury described in this subsection, if the claimant was under the age of 16 years at the time the injury was committed, the time limitations prescribed in subsection (a) of this section shall commence when the claimant reaches the age of 16 years.

(d) For the purposes of this section, the filing of a claim with the Health Care Alternative Dispute Resolution Office in accordance with § 3-2A-04 of this article shall be deemed the filing of an action.

(e) The provisions of § 5-201 of this title that relate to a cause of action of a minor may not be construed as limiting the application of subsection (b) or (c) of this section.

(f) Nothing contained in this section may be construed as limiting the application of the provisions of:

(1) § 5-201 of this title that relate to a cause of action of a mental incompetent; or

(2) § 5-203 of this title.

(G) (1) NOTWITHSTANDING A TIME LIMITATION UNDER THIS SECTION OR ANY OTHER TIME LIMITATION UNDER A STATUTE OF LIMITATIONS, STATUTE OR REPOSE, OR ANY OTHER LAW, AN ACTION FOR DAMAGES FOR MEDICAL INJURY CAUSED BY THE PROVISION OF CONVERSION THERAPY UNDER § 3-2A-02.1 OF THIS ARTICLE MAY BE FILED:

(I) IF THE CONVERSION THERAPY OCCURRED WHILE THE PLAINTIFF WAS A MINOR, AT ANY TIME; AND

(II) IF THE CONVERSION THERAPY OCCURRED WHILE THE PLAINTIFF WAS AN ADULT, WITHIN 20 YEARS AFTER THE PLAINTIFF'S LAST CONVERSION THERAPY SESSION.

(2) (I) FOR PURPOSES OF DETERMINING THE DATE AN INJURY WAS DISCOVERED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, IN AN ACTION FOR DAMAGES FOR MEDICAL INJURY CAUSED BY THE PROVISION OF CONVERSION THERAPY, A CLAIMANT DISCOVERS THE INJURY WHEN THE CLAIMANT FIRST KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE PSYCHOLOGICAL INJURY WAS CAUSED, IN WHOLE OR IN PART, BY THE CONVERSION THERAPY.

(II) IT IS NOT SUFFICIENT TO DEMONSTRATE THAT A CLAIMANT KNEW ABOUT THE PSYCHOLOGICAL INJURY WITHOUT ALSO DEMONSTRATING THAT

1 THE CLAIMANT KNEW OR HAD REASON TO KNOW THAT THE PSYCHOLOGICAL INJURY
2 WAS CAUSED, IN WHOLE OR IN PART, BY THE CONVERSION THERAPY.

3 Article – Criminal Law

4 SUBTITLE 13. CONVERSION THERAPY.

5 3–1301.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) (1) “CONVERSION THERAPY” MEANS A PRACTICE OR TREATMENT
9 THAT SEEKS TO CHANGE AN INDIVIDUAL’S SEXUAL ORIENTATION OR GENDER
10 IDENTITY.

11 (2) “CONVERSION THERAPY” INCLUDES ANY EFFORT TO CHANGE THE
12 BEHAVIORAL EXPRESSION OF AN INDIVIDUAL’S SEXUAL ORIENTATION, CHANGE
13 GENDER EXPRESSION, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC
14 ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME GENDER.

15 (C) “MENTAL HEALTH OR CHILD CARE PRACTITIONER” MEANS:

16 (1) A PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE 14, 17,
17 18, 19, OR 20 OF THE HEALTH OCCUPATIONS ARTICLE; OR

18 (2) ANY OTHER PRACTITIONER LICENSED OR CERTIFIED UNDER THE
19 HEALTH OCCUPATIONS ARTICLE WHO IS AUTHORIZED TO PROVIDE COUNSELING BY
20 THE PRACTITIONER’S LICENSING OR CERTIFYING BOARD.

21 (D) “PERSON” INCLUDES A NONPROFIT ENTITY.

22 3–1302.

23 THIS SUBTITLE DOES NOT APPLY TO A MENTAL HEALTH OR CHILD CARE
24 PRACTITIONER.

25 3–1303.

26 (A) A PERSON MAY NOT:

27 (1) FOR COMPENSATION, PROVIDE CONVERSION THERAPY; OR

(2) FOR PROFESSIONAL, COMMERCIAL, OR MONETARY GAIN, ADVERTISE, PUBLISH, DISPLAY, BROADCAST, SOLICIT, REPRESENT, OR MAKE ANY FALSE, MISLEADING, OR DECEPTIVE STATEMENT RELATING TO THE PROVISION OF CONVERSION THERAPY, INCLUDING CLAIMS REGARDING THE EFFICACY OF CONVERSION THERAPY IN ALTERING THE SEXUAL ORIENTATION OR GENDER IDENTITY OF AN INDIVIDUAL.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

Article – Insurance

1–101.

(a) In this article the following words have the meanings indicated.

(b) “Administration” means the Maryland Insurance Administration.

19–117.

(a) (1) In this section[, “adverse”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) (I) “ADVERSE action” includes:

[(i)] 1. refusing to renew or execute a contract or agreement with a health care practitioner;

[(ii)] 2. making a report or commenting to an appropriate private or governmental entity regarding practices of legally protected health care as defined in § 2–312 of the State Personnel and Pensions Article; and

[(iii)] 3. increasing a premium for or making another type of unfavorable change regarding terms of coverage under a medical professional liability insurance contract agreement with a health care practitioner.

[(2)] (II) “Adverse action” does not include making a rate filing in accordance with § 11–206 of this article.

(3) “LEGALLY PROTECTED HEALTH CARE” DOES NOT INCLUDE CONVERSION THERAPY, AS DEFINED IN § 1–212.1 OF THE HEALTH OCCUPATIONS ARTICLE.

(b) An insurer that issues to, delivers to, or renews medical professional liability insurance for a health care practitioner licensed, certified, or otherwise authorized by law to practice in the State may not take adverse action against a health care practitioner in whole or in part because the health care practitioner provides legally protected health care or makes a referral for legally protected health care.

(c) This section does not prohibit the medical professional liability insurer from taking adverse action against a health care practitioner for conduct that would otherwise constitute professional misconduct.

19–118.

(A) (1) IN THIS SECTION, “CONVERSION THERAPY” MEANS A PRACTICE OR TREATMENT BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT SEEKS TO CHANGE AN INDIVIDUAL’S SEXUAL ORIENTATION OR GENDER IDENTITY.

(2) “CONVERSION THERAPY” INCLUDES ANY EFFORT TO CHANGE THE BEHAVIORAL EXPRESSION OF AN INDIVIDUAL’S SEXUAL ORIENTATION, CHANGE GENDER EXPRESSION, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME GENDER.

(3) “CONVERSION THERAPY” DOES NOT INCLUDE A PRACTICE BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT:

(I) PROVIDES ACCEPTANCE, SUPPORT, AND UNDERSTANDING, OR THE FACILITATION OF COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION–NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES; AND

(II) DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY.

(B) AN INSURER THAT ISSUES TO, DELIVERS TO, OR RENEWS MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PRACTICE IN THE STATE SHALL IMPOSE A 35% SURCHARGE ON THE PREMIUMS CHARGED TO A HEALTH CARE PRACTITIONER THAT PRACTICES CONVERSION THERAPY IN THE STATE.

(C) THE REVENUES FROM THE SURCHARGE IMPOSED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE DISTRIBUTED TO THE CONVERSION THERAPY SURCHARGE FUND, UNDER § 19–119 OF THIS SUBTITLE.

1 **19-119.**

2 (A) IN THIS SECTION, "FUND" MEANS THE CONVERSION THERAPY
3 SURCHARGE FUND.

4 (B) THERE IS A CONVERSION THERAPY SURCHARGE FUND.

5 (C) THE PURPOSE OF THE FUND IS TO REIMBURSE A PLAINTIFF THAT
6 SUCCESSFULLY RECOVERS DAMAGES FROM A HEALTH CARE PRACTITIONER FOR
7 HEALTH CARE MALPRACTICE AS A RESULT OF CONVERSION THERAPY UNDER TITLE
8 3, SUBTITLE 2A OF THE COURTS ARTICLE.

9 (D) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

10 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
11 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
13 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

14 (F) THE FUND CONSISTS OF:

15 (1) REVENUE DISTRIBUTED TO THE FUND FROM REVENUES
16 GENERATED FROM THE SURCHARGE IMPOSED UNDER § 19-118 OF THIS SUBTITLE;

17 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

18 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
19 THE BENEFIT OF THE FUND.

20 (G) THE FUND MAY BE USED ONLY FOR REIMBURSING A SUCCESSFUL
21 PLAINTIFF IN AN ACTION AGAINST A PROVIDER FOR HEALTH CARE MALPRACTICE
22 ARISING FROM CONVERSION THERAPY UNDER TITLE 3, SUBTITLE 2A OF THE
23 COURTS ARTICLE FOR COSTS INCURRED BY THE PLAINTIFF AS A RESULT OF
24 RECEIVING CONVERSION THERAPY.

25 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
26 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

27 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
28 THE GENERAL FUND OF THE STATE.

1 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
2 **WITH THE STATE BUDGET.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
4 the application of any provision of this Act to any person or circumstance is held invalid for
5 any reason in a court of competent jurisdiction, the invalidity does not affect other
6 provisions or any other application of this Act that can be given effect without the invalid
7 provision or application, and for this purpose the provisions of this Act are declared
8 severable.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
10 measure, is necessary for the immediate preservation of the public health or safety, has
11 been passed by a yea and nay vote supported by three-fifths of all the members elected to
12 each of the two Houses of the General Assembly, and shall take effect from the date it is
13 enacted.