

116TH CONGRESS  
1ST SESSION

# H. R. 1981

To amend title XIX of the Social Security Act to prohibit payments under the Medicaid program for conversion therapy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2019

Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. TED LIEU of California, Ms. GABBARD, Mr. TAKANO, Ms. BONAMICI, Ms. NORTON, Mr. LOWENTHAL, Mr. CRIST, Mr. ESPAILLAT, Mr. ENGEL, Mr. CARSON of Indiana, Mr. GRIJALVA, Mr. COHEN, Mr. KILMER, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. MUCARSEL-POWELL, Mr. GOMEZ, Ms. MCCOLLUM, Mr. SMITH of Washington, Mr. MCGOVERN, Mr. GARAMENDI, Mr. KENNEDY, Ms. VELÁZQUEZ, Ms. MATSUI, Mr. QUIGLEY, Mr. RYAN, Mr. CICILLINE, Mrs. NAPOLITANO, Mr. FOSTER, Mr. PAPPAS, Mr. BLUMENAUER, Mr. SWALWELL of California, Mr. TONKO, Mr. MEEKS, Mr. VARGAS, Mr. HIGGINS of New York, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. POCAN, Ms. JAYAPAL, Mr. HASTINGS, Mr. MOULTON, Ms. TITUS, Mrs. TORRES of California, Mr. HIMES, Mr. RUSH, Ms. BROWNLEY of California, Mr. KILDEE, Mrs. CRAIG, Ms. JACKSON LEE, Ms. WASSERMAN SCHULTZ, Mr. PETERS, Ms. OMAR, Ms. WEXTON, Mr. DEFazio, Mr. NADLER, Ms. DELAURO, Ms. WILD, Mr. HECK, Mrs. WATSON COLEMAN, Ms. LEE of California, Mr. PANETTA, Ms. KELLY of Illinois, and Mr. BROWN of Maryland) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to prohibit payments under the Medicaid program for conversion therapy, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Prohibition of Med-  
5 icaid Funding for Conversion Therapy Act”.

6 **SEC. 2. PROHIBITION ON MEDICAID PAYMENTS FOR CON-**  
7 **VERSION THERAPY.**

8       (a) IN GENERAL.—Section 1902 of the Social Secu-  
9 rity Act (42 U.S.C. 1396a) is amended—

10           (1) in subsection (a)—

11                   (A) in paragraph (85), by striking “and”  
12                   at the end;

13                   (B) in paragraph (86), by striking the pe-  
14                   riod at the end and inserting “; and”; and

15                   (C) by inserting after paragraph (86) the  
16                   following new paragraph:

17                   “(87) provide that, beginning with the first day  
18                   of the first quarter that begins on or after the date  
19                   of enactment of this paragraph, no payment may be  
20                   made under the plan with respect to conversion ther-  
21                   apy (as defined in subsection (qq)) furnished to an  
22                   individual enrolled under the plan (or a waiver of  
23                   such plan).”; and

24                   (2) by adding at the end the following new sub-  
25                   section:

1       “(qq) CONVERSION THERAPY; GENDER IDENTITY;  
2 PERSON; SEXUAL ORIENTATION.—For purposes of sub-  
3 section (a)(87) and this subsection:

4           “(1) CONVERSION THERAPY.—The term ‘con-  
5 version therapy’—

6           “(A) means any practice or treatment by  
7 any person that seeks to change another indi-  
8 vidual’s sexual orientation or gender identity,  
9 including efforts to change behaviors or gender  
10 expressions, or to eliminate or reduce sexual or  
11 romantic attractions or feelings toward individ-  
12 uals of the same gender, if such person receives  
13 monetary compensation in exchange for any  
14 such practice or treatment; and

15           “(B) does not include any practice or  
16 treatment, which does not seek to change sexual  
17 orientation or gender identity, that—

18           “(i) provides assistance to an indi-  
19 vidual undergoing a gender transition; or

20           “(ii) provides acceptance, support,  
21 and understanding of a client or facilita-  
22 tion of a client’s coping, social support,  
23 and identity exploration and development,  
24 including sexual orientation-neutral inter-

1                   ventions to prevent or address unlawful  
2                   conduct or unsafe sexual practices.

3                   “(2) GENDER IDENTITY.—The term ‘gender  
4                   identity’ means the gender-related identity, appear-  
5                   ance, mannerisms, or other gender-related character-  
6                   istics of an individual, regardless of the individual’s  
7                   designated sex at birth.

8                   “(3) PERSON.—The term ‘person’ means any  
9                   individual, partnership, corporation, cooperative, as-  
10                  sociation, or any other entity.

11                  “(4) SEXUAL ORIENTATION.—The term ‘sexual  
12                  orientation’ means homosexuality, heterosexuality, or  
13                  bisexuality.”.

14                  (b) CONFORMING AMENDMENT.—Section 1903(i) of  
15                  the Social Security Act (42 U.S.C. 1396b(i)) is amended  
16                  by inserting after paragraph (8) the following new para-  
17                  graph:

18                  “(9) with respect to any amount expended for  
19                  conversion therapy (as defined in section 1902(qq))  
20                  on or after the date described in section  
21                  1902(a)(87); or”.

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