

117TH CONGRESS  
1ST SESSION

# H. R. 2328

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

APRIL 1, 2021

Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. AUCHINCLOSS, Mr. AGUILAR, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BERA, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BROWNLEY, Ms. BUSH, Mr. CARSON, Ms. CHU, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. DANNY K. DAVIS of Illinois, Ms. DEGETTE, Ms. DELBENE, Mr. DESAULNIER, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ESPAILLAT, Mr. FOSTER, Mr. GALLEGO, Mr. GRIJALVA, Mrs. HAYES, Mr. HIMES, Ms. HOULAHAN, Ms. JACKSON LEE, Ms. JACOBS of California, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KAHELE, Mr. KILDEE, Mr. KILMER, Ms. KUSTER, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN of California, Mr. LIEU, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MANNING, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Mr. MORELLE, Ms. MOORE of Wisconsin, Mr. MOULTON, Mrs. NAPOLITANO, Ms. NEWMAN, Ms. NORTON, Mr. O'HALLERAN, Mr. PANETTA, Mr. PASCRELL, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. RASKIN, Ms. ROSS, Ms. ROYBAL-ALLARD, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SEWELL, Ms. SPEIER, Mr. SWALWELL, Mr. TAKANO, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mr. TORRES of New York, Mrs. TRAHAN, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, Ms. WILSON of Florida, and Mr. YARMUTH) 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 (86), by striking “and”  
12               at the end;

13               (B) in paragraph (87), by striking the pe-  
14               riod at the end and inserting “; and”; and

15               (C) by inserting after paragraph (87) the  
16               following new paragraph:

17               “(88) 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 (tt)) furnished to an  
22               individual enrolled under the plan (or a waiver of  
23               such plan).”; and

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

3           “(tt) CONVERSION THERAPY; GENDER IDENTITY;  
4           PERSON; SEXUAL ORIENTATION.—For purposes of sub-  
5           section (a)(88) and this subsection:

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

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

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

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

22                          “(ii) provides acceptance, support,  
23                          and understanding of a client or facilita-  
24                          tion of a client’s coping, social support,  
25                          and identity exploration and development,

1 including sexual orientation-neutral inter-  
2 ventions to prevent or address unlawful  
3 conduct or unsafe sexual practices.

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

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

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

15 (b) CONFORMING AMENDMENT.—Section 1903(i) of  
16 the Social Security Act (42 U.S.C. 1396b(i)) is amend-  
17 ed—

18 (1) in paragraph (26), by striking “or” at the  
19 end;

20 (2) in paragraph (27), by striking the period at  
21 the end and inserting “; or”; and

22 (3) by inserting after paragraph (27) the fol-  
23 lowing new paragraph:

24 “(28) with respect to any amount expended for  
25 conversion therapy (as defined in section 1902(tt))

1 on or after the date described in section  
2 1902(a)(88).”.

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