

118TH CONGRESS  
1ST SESSION

# H. R. 4340

To prohibit commercial sexual orientation conversion therapy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2023

Mr. LIEU (for himself, Mr. CASTEN, Mr. SABLAN, Ms. SÁNCHEZ, Ms. BONAMICI, Ms. PETTERSEN, Mr. STANTON, Mr. RASKIN, Ms. BARRAGÁN, Mr. MORELLE, Ms. DAVIDS of Kansas, Ms. TITUS, Ms. SCANLON, Mr. MULLIN, Mr. KIM of New Jersey, Mrs. TORRES of California, Ms. JACOBS, Ms. MOORE of Wisconsin, Mr. QUIGLEY, Ms. TOKUDA, Mr. DESAULNIER, Mr. EVANS, Ms. PINGREE, Mr. MFUME, Mrs. FLETCHER, Mr. DOGGETT, Mr. CORREA, Mr. LYNCH, Mr. PANETTA, Mrs. NAPOLITANO, Mr. MOULTON, Mr. SMITH of Washington, Mr. CARTWRIGHT, Mr. BERA, Ms. CROCKETT, Mr. PHILLIPS, Ms. DEGETTE, Mr. GOMEZ, Ms. CRAIG, Ms. JAYAPAL, Ms. BALINT, Ms. PRESSLEY, Mr. AUCHINCLOSS, Ms. GARCIA of Texas, Mr. KHANNA, Mr. SOTO, Ms. SCHAKOWSKY, Ms. NORTON, Mr. SCHNEIDER, Mr. ROBERT GARCIA of California, Ms. LEE of California, Mr. KILMER, Mr. BLUMENAUER, Ms. WEXTON, Ms. LEGER FERNANDEZ, Mr. TORRES of New York, Mr. FROST, Ms. DELBENE, Mr. ALLRED, Mr. PETERS, Ms. LOIS FRANKEL of Florida, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit commercial sexual orientation 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Therapeutic Fraud  
3 Prevention Act of 2023”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) Being lesbian, gay, bisexual, transgender, or  
7 gender nonconforming is not a disorder, disease, ill-  
8 ness, deficiency, or shortcoming.

9 (2) The national community of professionals in  
10 education, social work, health, mental health, and  
11 counseling has determined that there is no scientif-  
12 ically valid evidence that supports the practice of at-  
13 tempting to prevent a person from being lesbian,  
14 gay, bisexual, transgender, or gender nonconforming.

15 (3) Such professionals have determined that  
16 there is no evidence that conversion therapy is effec-  
17 tive or that an individual’s sexual orientation or gen-  
18 der identity can be changed by conversion therapy.

19 (4) Such professionals have also determined  
20 that the potential risks of conversion therapy are not  
21 only that it is ineffective, but also that it is substan-  
22 tially dangerous to an individual’s mental and phys-  
23 ical health, and has been shown to contribute to de-  
24 pression, self-harm, low self-esteem, family rejection,  
25 and suicide.

1           (5) It is in the interest of the Nation to prevent  
2           lesbian, gay, bisexual, transgender, and gender non-  
3           conforming people and their families from being de-  
4           frauded by persons seeking to profit by offering this  
5           harmful and wholly ineffective therapy.

6 **SEC. 3. DEFINITIONS.**

7           In this Act:

8           (1) **CONVERSION THERAPY.**—The term “conver-  
9           sion therapy”—

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

17           (i) receives monetary compensation in  
18           exchange for such practice or treatment; or

19           (ii) instead of, or in addition to, re-  
20           ceiving monetary compensation in ex-  
21           change for such practice or treatment di-  
22           rectly, receives monetary compensation in  
23           exchange for a product or service that is  
24           integral to the provision of such practice or  
25           treatment by such person, unless such

1 product or service is protected by the First  
2 Amendment to the Constitution; and

3 (B) does not include any practice or treat-  
4 ment, which does not seek to change sexual ori-  
5 entation or gender identity, that—

6 (i) provides assistance to an individual  
7 undergoing a gender transition; or

8 (ii) provides acceptance, support, and  
9 understanding of a client or facilitation of  
10 a client’s coping, social support, and iden-  
11 tity exploration and development, including  
12 sexual orientation-neutral interventions to  
13 prevent or address unlawful conduct or un-  
14 safe sexual practices.

15 (2) GENDER IDENTITY.—The term “gender  
16 identity” means the gender-related identity, appear-  
17 ance, mannerisms, or other gender-related character-  
18 istics of an individual, regardless of the individual’s  
19 designated sex at birth.

20 (3) PERSON.—The term “person” means any  
21 individual, partnership, corporation, cooperative, as-  
22 sociation, or any other entity.

23 (4) SEXUAL ORIENTATION.—The term “sexual  
24 orientation” means homosexuality, heterosexuality,  
25 or bisexuality.

1 **SEC. 4. UNLAWFUL CONDUCT RELATED TO CONVERSION**  
2 **THERAPY.**

3 (a) IN GENERAL.—It shall be unlawful for any per-  
4 son—

5 (1) to provide conversion therapy to any indi-  
6 vidual;

7 (2) to advertise for the provision of conversion  
8 therapy and claim in such advertising—

9 (A) to change another individual's sexual  
10 orientation or gender identity;

11 (B) to eliminate or reduce sexual or ro-  
12 mantic attractions or feelings toward individ-  
13 uals of the same gender; or

14 (C) that such efforts are harmless or with-  
15 out risk to individuals receiving such therapy;  
16 or

17 (3) to knowingly assist or facilitate the provi-  
18 sion of conversion therapy to an individual if such  
19 person receives compensation from any source in  
20 connection with providing conversion therapy.

21 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
22 SION.—

23 (1) VIOLATION OF RULE.—A violation of sub-  
24 section (a) shall be treated as a violation of a rule  
25 defining an unfair or deceptive act or practice pre-

1 scribed under section 18(a)(1)(B) of the Federal  
2 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 (2) POWERS OF COMMISSION.—

4 (A) IN GENERAL.—The Federal Trade  
5 Commission shall enforce this section in the  
6 same manner, by the same means, and with the  
7 same jurisdiction, powers, and duties as though  
8 all applicable terms and provisions of the Fed-  
9 eral Trade Commission Act (15 U.S.C. 41 et  
10 seq.) were incorporated into and made a part of  
11 this Act.

12 (B) PRIVILEGES AND IMMUNITIES.—Any  
13 person who violates subsection (a) shall be sub-  
14 ject to the penalties, and entitled to the privi-  
15 leges and immunities, provided in the Federal  
16 Trade Commission Act (15 U.S.C. 41 et seq.).  
17 Nothing in this paragraph shall be construed to  
18 limit the authority of the Federal Trade Com-  
19 mission under any other provision of law.

20 (3) REGULATIONS.—The Federal Trade Com-  
21 mission may promulgate, in accordance with section  
22 553 of title 5, United States Code, such regulations  
23 as the Commission considers appropriate to carry  
24 out this section.

1           (c) ENFORCEMENT BY ATTORNEY GENERAL.—The  
2 Attorney General may bring a civil action in the courts  
3 of the United States against a person who engages in a  
4 violation of subsection (a), for appropriate relief.

5           (d) ENFORCEMENT BY STATES.—

6               (1) IN GENERAL.—If the attorney general of a  
7 State has reason to believe that an interest of the  
8 residents of the State has been or is being threat-  
9 ened or adversely affected by a practice that violates  
10 subsection (a), the attorney general of the State  
11 may, as *parens patriae*, bring a civil action on behalf  
12 of the residents of the State in an appropriate dis-  
13 trict court of the United States to obtain appro-  
14 priate relief.

15               (2) RIGHTS OF FEDERAL TRADE COMMIS-  
16 SION.—

17                   (A) NOTICE TO FEDERAL TRADE COMMIS-  
18 SION.—

19                       (i) IN GENERAL.—Except as provided  
20 in clause (iii), the attorney general of a  
21 State, before initiating a civil action under  
22 paragraph (1), shall provide written notifi-  
23 cation to the Federal Trade Commission  
24 that the attorney general intends to bring  
25 such civil action.

1 (ii) CONTENTS.—The notification re-  
2 quired under clause (i) shall include a copy  
3 of the complaint to be filed to initiate the  
4 civil action.

5 (iii) EXCEPTION.—If it is not feasible  
6 for the attorney general of a State to pro-  
7 vide the notification required under clause  
8 (i) before initiating a civil action under  
9 paragraph (1), the attorney general shall  
10 notify the Commission immediately upon  
11 instituting the civil action.

12 (B) INTERVENTION BY FEDERAL TRADE  
13 COMMISSION.—The Commission may—

14 (i) intervene in any civil action  
15 brought by the attorney general of a State  
16 under paragraph (1); and

17 (ii) upon intervening—

18 (I) be heard on all matters aris-  
19 ing in the civil action; and

20 (II) file petitions for appeal of a  
21 decision in the civil action.

22 (3) INVESTIGATORY POWERS.—Nothing in this  
23 subsection may be construed to prevent the attorney  
24 general of a State from exercising the powers con-  
25 ferred on the attorney general by the laws of the

1 State to conduct investigations, to administer oaths  
2 or affirmations, or to compel the attendance of wit-  
3 nesses or the production of documentary or other  
4 evidence.

5 (4) PREEMPTIVE ACTION BY FEDERAL TRADE  
6 COMMISSION.—If the Federal Trade Commission in-  
7 stitutes a civil action or an administrative action  
8 with respect to a violation of subsection (a), the at-  
9 torney general of a State may not, during the pend-  
10 ency of such action, bring a civil action under para-  
11 graph (1) against any defendant named in the com-  
12 plaint of the Commission for the violation with re-  
13 spect to which the Commission instituted such ac-  
14 tion.

15 (5) VENUE; SERVICE OF PROCESS.—

16 (A) VENUE.—Any action brought under  
17 paragraph (1) may be brought in—

18 (i) the district court of the United  
19 States that meets applicable requirements  
20 relating to venue under section 1391 of  
21 title 28, United States Code; or

22 (ii) another court of competent juris-  
23 diction.

1 (B) SERVICE OF PROCESS.—In an action  
2 brought under paragraph (1), process may be  
3 served in any district in which—

4 (i) the defendant is an inhabitant,  
5 may be found, or transacts business; or

6 (ii) venue is proper under section  
7 1391 of title 28, United States Code.

8 (6) ACTIONS BY OTHER STATE OFFICIALS.—

9 (A) IN GENERAL.—In addition to a civil  
10 action brought by an attorney general under  
11 paragraph (1), any other officer of a State who  
12 is authorized by the State to do so may bring  
13 a civil action under paragraph (1), subject to  
14 the same requirements and limitations that  
15 apply under this subsection to civil actions  
16 brought by attorneys general.

17 (B) SAVINGS PROVISION.—Nothing in this  
18 subsection may be construed to prohibit an au-  
19 thorized official of a State from initiating or  
20 continuing any proceeding in a court of the  
21 State for a violation of any civil or criminal law  
22 of the State.

23 **SEC. 5. SEVERABILITY.**

24 If any provision of this Act, or the application of such  
25 provision to any person or circumstance, is held to be un-

1 constitutional, the remainder of this Act, and its applica-  
2 tion to any person or circumstance shall not be affected  
3 thereby.

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