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September 18, 2024

RELATING TO PROTECTING MINORS FROM CONVERSION THERAPY

The Commonwealth of Kentucky cannot reach its full potential until and unless it is free from discrimination by or against any citizen. Team Kentucky must exhibit the diversity and resilience of the people of the Commonwealth. Discrimination against our LGBTQ+ brothers and sisters, including our LGBTQ+ youth, is unacceptable in this Commonwealth.

Kentucky law recognizes that “children are the Commonwealth’s greatest natural resource and that individuals and their families are the most critical component of a strong society.” KRS 194A.010(2). The Cabinet for Health and Family Services is thus required to deliver social services to promote the safety and security of Kentuckians and their dignity. Section 1 of the Kentucky Constitution provides that everyone enjoys the “right of seeking and pursuing their safety and happiness.”

According to a 2021 survey by The Trevor Project, 75% of LGBTQ+ youth in America reported that they had experienced discrimination based on their sexual orientation or gender identity at least once in their lifetime. The Trevor Project’s 2023 survey reported that 60% of LGBTQ+ youth in America reported that they had experienced discrimination based on their sexual orientation or gender identity within the prior year. The Centers for Disease Control and Prevention and the American Academy of Pediatrics reported that LGBTQ+ youth face significant health disparities compared to their peers. The Kentucky Medical Association opposes conversion therapy in its Policy Manual.

In the 2023 survey by the Trevor Project, 15% of LGBTQ+ youth reported being threatened with or subjected to conversion therapy. In that same survey, 41% of LGBTQ+ youth reported seriously considering attempting suicide in the past year and 14% reported they had attempted suicide in the past year. Of those LGBTQ+ who had attempted suicide, 28% reported having been threatened with conversion therapy and 28% reported having been subjected to conversion therapy.

The practice of so-called “conversion therapy” or “reparative therapy” is particularly harmful to LGBTQ+ youth. The intent of this practice is to change an individual’s sexual orientation or gender identity, and methods include aversion therapy, talk therapy, shaming, and hypnosis, among other techniques. Conversion therapy rests on the premise that an LGBTQ+ individual’s identity is pathological and can be “repaired” or “fixed.” This false premise has no basis in medicine or science.

According to such organizations as the American Medical Association, the American College of Physicians and the American Psychiatric Association, the dangerous practice of conversion therapy can cause significant long-term harm to LGBTQ+ youth, including anxiety, depression, internalized homophobia, lowered self-esteem, self-blame, alienation, loneliness, social isolation, loss of social supports and suicidal behaviors. The Trevor Project’s 2023 survey showed that LGBTQ+ youth who were subjected to conversion therapy reported more than twice the rate of suicide attempts in the past year compared to those who were not subjected to it.

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The leading medical and mental health organizations in the United States oppose the practice of conversion therapy. The American Psychological Association and the American Counseling Association have stated the practice is unethical for certain licensed professionals to engage in. The Kentucky Psychological Association, the National Association of Social Workers-Kentucky, the Kentucky Mental Health Coalition, and the Fairness Campaign have each written to voice opposition to the dangerous practice.

At least 23 states and the District of Columbia prohibit the use of conversion therapy with minors in some way, either through barring its agencies from spending state and federal dollars for conversion therapy with minors, or by making engaging in conversion therapy a prohibited act or unprofessional conduct for licensed practitioners and subjecting them to disciplinary action for violating the prohibition. Some of these states have acted through executive order, but many of them have passed bipartisan legislation to prohibit the harmful practice of conversion therapy.

The Commonwealth has a strong interest in protecting the health, safety, and welfare of all its citizens, including LGBTQ+ youth. The Commonwealth also has a significant interest in ensuring that state and federal funds are used for evidence-based services, and not for unethical, dangerous, and contraindicated practices that medical professionals find are not credible and oppose. Practices like conversion therapy risk harm to our youth.

NOW THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution and KRS 12.020, do hereby Declare, Order and Direct the following:

- I. The Cabinet for Health and Family Services shall take all actions necessary to prohibit the direct or indirect use of state and federal funds for the practice of conversion therapy on minors, referring a minor for conversion therapy, or extending health benefits coverage for conversion therapy with a minor. This includes, but is not limited to, funding relating to the Kentucky Medical Assistance Program (Medicaid) and Kentucky Children's Health Insurance Program (K-CHIP), child welfare services, and juvenile justice programs.
- II. Any state agency that discovers or receives a report that a provider certified or licensed to practice in Kentucky engages in conversion therapy efforts with a person under 18 years of age or performs counseling on conversion therapy as part of his training for any profession licensed under a professional certification or licensing board within the Commonwealth of Kentucky shall report that provider to the appropriate professional certification or licensing board within the Commonwealth for potential disciplinary action.
- III. The Cabinet for Health and Family Services and all departments and agencies within the Cabinet shall update any relevant policies, procedures,

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standards, manuals, treatment guidance, and other materials related to child health care, child welfare, and juvenile justice services to reflect the prohibition on the use of state and federal funds for the practice of conversion therapy on minors and to convey, where appropriate, the dangers associated with the practice of conversion therapy on minors, to the extent allowable by state and federal law.

- IV. All departments and autonomous agencies subject to the supervision of the Governor that regulate, provide, procure, or pay for medical or mental health services on behalf of Kentucky residents shall explore what further actions they can lawfully take to protect minors from the practice of conversion therapy.
- V. All professional certification or licensing boards, departments and autonomous agencies within the Commonwealth of Kentucky that are not subject to the supervision of the Governor are encouraged to explore and implement all options to prohibit the practice of conversion therapy on minors and the referral of minors for conversion therapy, including, but not limited to, making engaging in conversion therapy on minors or referring minors for conversion therapy unprofessional conduct subject to disciplinary action.
- VI. For purposes of this order:
 - A. “Conversion therapy” means any practice, treatment, or intervention that seeks or purports to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.
 - B. “Conversion therapy” does not include:
 - i. any practice, treatment, or intervention that provides acceptance, support, or understanding to an individual, or any practice, treatment, or intervention that facilitates an individual’s coping, social support, and identity exploration and development, so long as such practice, treatment, or intervention does not seek to change an individual’s sexual orientation or gender identity; and
 - ii. Any practice, treatment, or intervention that is neutral with regard to sexual orientation or gender identity and seeks to prevent or address unlawful conduct or unsafe practices; and

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iii. Any practice, treatment, or intervention that assists an individual seeking to undergo a gender transition or an individual who is in the process of undergoing a gender transition.

C. “Minor” means an individual under age 18.

This Order shall be effective September 18, 2024.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State