

CHAPTER 260

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 26-1322

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AN ACT**CONCERNING CIVIL ACTIONS AGAINST CERTAIN INDIVIDUALS ENGAGING IN CONVERSION THERAPY EFFORTS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) 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 other mental health and medical organizations in the United States have determined that efforts to change an individual's sexual orientation or gender identity are harmful and ineffective;

(b) 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 risk of harm, including depression, suicidality, and anxiety;

(c) In 2021, the American Psychological Association adopted a resolution calling for the elimination of sexual orientation and gender identity change efforts, concluding that sexual orientation and gender identity change efforts are harmful and ineffective in changing a person's sexual orientation or gender identity;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) The scientific and clinical consensus establishes that sexual orientation or gender identity change efforts pose serious risks of harm to patients, including depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, self-blame, decreased self-esteem, feelings of anger and betrayal, loss of religious faith, alienation from family, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, feelings of being dehumanized, and a sense of having wasted time and resources;

(e) The psychological harm caused by sexual orientation or gender identity change efforts often do not manifest until years or decades after the efforts occurred. Survivors frequently fail to recognize such treatment as harmful and fail to connect their psychological injuries to the treatment until much later in life or are deterred from coming forward by shame instilled by the treatment itself.

(f) The dynamics of the therapeutic relationship, including the trust placed on mental health professionals, the age and vulnerability of patients, the authority exercised by professionals, and the shame and internalized stigma resulting from such treatment, create barriers to timely disclosure and recognition of harm similar to those recognized by this state in the context of childhood sexual abuse;

(g) The existing statute of limitations for professional negligence does not adequately account for the delayed recognition of psychological injury that is characteristic of harm caused by sexual orientation or gender identity change efforts;

(h) The psychological harms described in this declaration result from efforts to direct a patient toward a predetermined outcome regarding the patient's sexual orientation or gender identity, regardless of the nature of that predetermined outcome;

(i) The general assembly has previously recognized, in enacting Senate Bill 21-073, that survivors of sexual misconduct frequently do not recognize or connect their psychological injuries to the underlying conduct until well into adulthood and that an extended limitations period is appropriate to account for this delayed recognition. The same considerations apply to survivors of sexual orientation or gender identity change efforts.

(j) It is the intent of the general assembly to provide individuals who suffer harm as a result of sexual orientation or gender identity change efforts with adequate time to seek civil remedies for the harms they have suffered.

SECTION 2. In Colorado Revised Statutes, **add** 13-20-1302 as follows:

13-20-1302. Actions based on sexual orientation or gender identity change efforts - limitation - damages - legislative intent - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH PROVIDER WHO HOLDS OR HELD A VALID LICENSE, CERTIFICATION, OR REGISTRATION ISSUED PURSUANT TO ARTICLE 245 OF TITLE 12 AT THE TIME THE SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS OCCURRED.

(b) (I) "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS" MEANS ANY PRACTICE BY A LICENSED MENTAL HEALTH PROFESSIONAL THAT SEEKS TO DIRECT A PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME, OR TO ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF A PARTICULAR SEX OR GENDER, REGARDLESS OF THE SEXUAL ORIENTATION OR GENDER IDENTITY THE PATIENT IS DIRECTED TOWARD.

(II) "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS" DOES NOT INCLUDE:

(A) COUNSELING OR THERAPY THAT PROVIDES ACCEPTANCE, SUPPORT, AND UNDERSTANDING OF A PATIENT OR FACILITATES A PATIENT'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, WITHOUT SEEKING TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME;

(B) COUNSELING OR THERAPY THAT IS NEUTRAL WITH RESPECT TO SEXUAL ORIENTATION AND GENDER IDENTITY AND THAT DOES NOT SEEK TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME; OR

(C) COUNSELING OR THERAPY RELATED TO A PATIENT'S SEXUAL BEHAVIORS, PRACTICES, OR RELATIONSHIPS, PROVIDED THAT THE COUNSELING OR THERAPY DOES NOT SEEK TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY.

(2) (a) A PERSON WHO SUFFERED AN INJURY AS A RESULT OF SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS MAY BRING A CIVIL ACTION FOR DAMAGES.

(b) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS SPECIFIED IN ARTICLE 80 OF THIS TITLE 13 OR ANY OTHER PROVISION OF LAW THAT CAN BE CONSTRUED TO LIMIT THE TIME PERIOD TO COMMENCE AN ACTION DESCRIBED IN THIS SECTION, A CIVIL ACTION TO RECOVER DAMAGES FOR THE PROVISION OF SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS MAY BE COMMENCED AT ANY TIME WITHOUT LIMITATION.

(3) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION, THE PLAINTIFF MAY RECOVER DAMAGES THAT INCLUDE:

(a) ECONOMIC DAMAGES;

(b) NONECONOMIC DAMAGES;

(c) EXEMPLARY DAMAGES IF THE CONDUCT OF THE DEFENDANT WAS WILLFUL OR WANTON, AS PROVIDED IN SECTION 13-21-102; AND

(d) ANY OTHER DAMAGES DEEMED APPROPRIATE BY THE COURT.

(4) IN AN ACTION BROUGHT PURSUANT TO THIS SECTION, THE TRIER OF FACT MAY

CONSIDER THE NATURE, DURATION, AND INTENSITY OF THE SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS, THE AGE AND VULNERABILITY OF THE PLAINTIFF AT THE TIME THE SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS TOOK PLACE, THE RELATIONSHIP BETWEEN THE PLAINTIFF AND THE MENTAL HEALTH PROFESSIONAL, THE TEMPORAL RELATIONSHIP BETWEEN THE SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS AND THE ONSET OR EXACERBATION OF SYMPTOMS, AND ANY OTHER RELEVANT FACTORS.

(5) (a) THE CAUSE OF ACTION DESCRIBED IN THIS SECTION SURVIVES THE DEATH OF THE PERSON WHO UNDERWENT SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS AND MAY BE BROUGHT OR MAINTAINED BY THE PERSON'S PERSONAL REPRESENTATIVE OR ESTATE.

(b) NOTWITHSTANDING THE STATUTE OF LIMITATIONS DESCRIBED IN SECTION 13-80-112, AN ACTION BROUGHT AS A SURVIVAL ACTION PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION MUST BE BROUGHT WITHIN FIVE YEARS AFTER THE PERSON'S DEATH.

(c) NOTWITHSTANDING THE LIMITATION ON DAMAGES IN SECTION 13-20-101 (1), THE PERSON'S PERSONAL REPRESENTATIVE OR ESTATE MAY RECOVER ALL DAMAGES AVAILABLE PURSUANT TO SUBSECTION (3) OF THIS SECTION IN AN ACTION BROUGHT OR MAINTAINED PURSUANT TO THIS SUBSECTION (5).

(6) THIS SECTION DOES NOT CREATE A NEW CAUSE OF ACTION.

(7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS SECTION BE INTERPRETED BROADLY TO EFFECTUATE ITS REMEDIAL PURPOSE OF PROVIDING CIVIL REMEDIES TO PERSONS HARMED BY SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS.

(8) THIS SECTION APPLIES TO CAUSES OF ACTION ACCRUING ON OR AFTER JULY 1, 2026, AND TO CAUSES OF ACTION ACCRUING BEFORE JULY 1, 2026, IF THE APPLICABLE STATUTE OF LIMITATIONS, AS IT EXISTED PRIOR TO JULY 1, 2026, HAS NOT YET RUN ON JULY 1, 2026.

SECTION 3. In Colorado Revised Statutes, 12-245-202, **amend** (3.5) as follows:

12-245-202. Definitions.

As used in this article 245, unless the context otherwise requires:

(3.5) (a) ~~"Conversion therapy" means any practice or treatment by a licensee, registrant, or certificate holder that attempts 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 attraction or feelings toward individuals of the same sex~~ MEANS ANY PRACTICE OR TREATMENT BY A LICENSED MENTAL HEALTH-CARE PROVIDER THAT SEEKS TO DIRECT A PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF A PARTICULAR SEX OR GENDER, REGARDLESS OF THE SEXUAL ORIENTATION OR GENDER IDENTITY THE PATIENT IS DIRECTED TOWARD.

(b) "Conversion therapy" does not include practices or treatments that provide INCLUDE:

~~(I) Acceptance, support, and understanding for the facilitation of an individual's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change sexual orientation or gender identity, or~~

~~(II) Assistance to a person undergoing gender transition. COUNSELING OR THERAPY THAT PROVIDES ACCEPTANCE, SUPPORT, AND UNDERSTANDING OF A PATIENT OR FACILITATES A PATIENT'S COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, WITHOUT SEEKING TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME;~~

~~(III) COUNSELING OR THERAPY THAT IS NEUTRAL WITH RESPECT TO SEXUAL ORIENTATION AND GENDER IDENTITY AND THAT DOES NOT SEEK TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY OUTCOME; OR~~

~~(IV) COUNSELING OR THERAPY RELATED TO A PATIENT'S SEXUAL BEHAVIORS, PRACTICES, OR RELATIONSHIPS, PROVIDED THAT THE COUNSELING OR THERAPY DOES NOT SEEK TO DIRECT THE PATIENT TOWARD A PREDETERMINED SEXUAL ORIENTATION OR GENDER IDENTITY.~~

SECTION 4. Effective date - applicability. This act takes effect July 1, 2026, and applies to a cause of action filed on or after said date.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 1, 2026