

Therapeutic Fraud Prevention Act of 2017

The First Federal Ban on Conversion Therapy

Senator Patty Murray (D-WA), Senator Cory Booker (D-NJ), and Congressman Ted Lieu (D-CA)

LEGISLATIVE SUMMARY

The *Therapeutic Fraud Prevention Act (TFPA)* would:

- Classify “conversion therapy,” as a fraudulent practice that would be subject to enforcement and rulemaking under the Federal Trade Commission’s authority.
- Clarify that providing or facilitating conversion therapy to any person in exchange for compensation, or facilitating or advertising such services, is an unfair and deceptive practice.
- Clarify that the Federal Trade Commission has the duty to enforce this provision, in accordance with the *Federal Trade Commission Act*.
- Provide State Attorneys General authority to enforce the *Therapeutic Fraud Prevention Act* in federal court.

BACKGROUND

Conversion therapy, also known as “reparative therapy,” “sexual orientation therapy,” or “sexual orientation change efforts” is a practice that has been widely discredited by nearly all major American medical, psychiatric, psychological, counseling, educational, and social work professional organizations. They are deceptive practices based on the false premise that being lesbian, gay, bisexual, transgender, or gender non-conforming (LGBTQ) is a mental illness that needs to be cured.

In 2009, the nation’s largest scientific and professional organization representing psychology, the American Psychological Association, conducted a systematic review of the evidence of conversion therapy and concluded that “efforts to change sexual orientation are unlikely to be successful and involve some risk of harm, contrary to the claims of [conversion therapy] practitioners and advocates.”¹ Many medical and mental health organizations have shown that use of these harmful practices can lead to depression, decreased self-esteem, substance abuse, homelessness, or suicidal behavior. In 2015, the U.S. Department of Health and Human Services announced “conversion therapy is not an appropriate therapeutic approach based on the evidence.”² Additionally, anecdotal information and court cases indicate many conversion therapy practitioners and advocates are not licensed mental health providers.

STATE ACTIONS TO STOP CONVERSION THERAPY

California, Illinois, New Jersey, New Mexico, New York, Oregon, Vermont, and the District of Columbia protect young people from these harmful practices by prohibiting licensed mental health practitioners from conducting conversion therapy on minors. More than 20 states have introduced, or are expected to introduce, similar legislation.

¹ American Psychological Association, Task Force on Appropriate Therapeutic Responses to Sexual Orientation. (2009). *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation*. Retrieved from <http://www.apa.org/pi/lgbq/publications/therapeutic-resp.html>.

² U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration. (2015). *Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth*. Retrieved from <http://store.samhsa.gov/product/SMA15-4928>