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Explanation of Changes in HB 43, Version B

House Bill 43 “Conversion Therapy Prohibitions”

In Version B, Section 1 of the bill amends AS 08.01.077 rather than repeals and reenacts it. The bill sponsor feels this provides greater clarity.

Thus, this section amends AS 08.01.077 to include treating an individual under the age of 18 or a vulnerable adult with a “conversion therapy” as among the grounds a department or board may consider for disciplining or sanctioning a person licensed, certified, or regulated by that department or board.

In Section 2 of Version B, language was added to make clear that religious healing practitioners are exempt from the prohibition, described in this section, on treating an individual under the age of 18 with a “conversion therapy.”

Specifically, on page 2, line 4, “, other than a religious healing practitioner,” was inserted after “healing arts.”

Also in Section 2, a requirement for persons mandated to report child abuse and neglect to the state to report an instance where they suspected or received a report of harm for a minor being treated with conversion therapy by a licensed practitioner of the healing arts is removed.

This change is to confine the purpose of the act to regulating practitioners licensed, certified, or regulated by the state. The reporting requirement had the potential create to ambiguous legal circumstances for a parent or guardian of the minor in question.

In Section 3 of Version B, a requirement for persons mandated to report instances of vulnerable adult abuse to the state to report an instance where they suspected or received a report of a vulnerable adult being treated with conversion therapy by a licensed practitioner of the healing arts is removed.

Like the change in Section 2, this is to confine the purpose of the act to regulating practitioners licensed, certified, or regulated by the state. The reporting requirement had the potential to create ambiguous legal circumstances for guardians and other caregivers of vulnerable adults.

Also in Section 3 of Version B, religious healing practitioners are exempted from the prohibition on treating a vulnerable adult with a “conversion therapy.”

The similar exemption in Section 2 had to be limited to paragraph (c) of AS 47.17.024 because in paragraph (a) of that section of statute, religious healing practitioners are not exempt from a reporting requirement described there.

Because Section 3 is a new section of statute, the religious healing practitioner exemption is accomplished using a different structure, in which the definition of practitioner of the healing arts is cited, but with religious healing practitioners excluded.

Specifically, on page 2, line 5, AS. 47.24.14 (2) reads “‘practitioner of the healing arts’ has the meaning given in AS 47.17.209 but does not include a religious healing practitioner.”