



**HOUSE USE ONLY**

**CHAIR:**

WITH  / WITHOUT

---

1st SESSION, 66th GENERAL ASSEMBLY  
Province of Prince Edward Island  
68 ELIZABETH II, 2019

---

(Bill No. 24)

**Sexual Orientation and Gender Identity Protection in  
Health Care Act**

---

Hon. James Aylward  
Minister of Health and Wellness

---

GOVERNMENT BILL

---

Carol Mayne  
Acting Queen's Printer  
Charlottetown, Prince Edward Island

**For House  
Use Only**

**Prince Edward Island  
Legislative Assembly**

**ASSEMBLY / SESSION / YEAR**  
66th General Assembly / 1st / 2019

**AMENDMENTS**

**BILL NUMBER: 24** PAGE No. 2 of 8 PAGES

**TITLE: Sexual Orientation and Gender Identity Protection in Health Care Act**

#	SECTION	AMENDMENT	DATE

**NOTED:**  
\_\_\_\_\_  
**COMMITTEE CLERK**

**CERTIFIED CORRECT:**  
\_\_\_\_\_  
**CHAIR, IN COMMITTEE**



## SEXUAL ORIENTATION AND GENDER IDENTITY PROTECTION IN HEALTH CARE ACT

**BILL NO. 24**

**2019**

---

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. Consent to Treatment and Health Care Directives Act**

(1) **The *Consent to Treatment and Health Care Directives Act* R.S.P.E.I. 1988, Cap. H-17.2, is amended as provided by this section.**

(2) **Section 1 of the Act is amended by the addition of the following after clause (b):**

(b.1) “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include

- (i) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development, or
- (ii) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery;

(3) **The Act is amended by the addition of the following after section 1:**

**1.1 Treatment includes conversion therapy**

For greater certainty, treatment includes conversion therapy under this Act and the regulations.

(4) **Section 12 of the Act is amended by the addition of the following after clause (d):**

(d.1) the provision of conversion therapy;

**2. Health Services Payment Act**

(1) **The *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2, is amended as provided by this section.**

(2) **The Act is amended by the addition of the following after section 1:**

**1.1 Meaning of “conversion therapy”**

- (1) In this section, “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

**Conversion therapy not a basic health service**

- (2) Conversion therapy is not a basic health service and no payment in respect of conversion therapy shall be made from the plan.

**3. Hospital and Diagnostic Services Insurance Act**

- (1) **The *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8, is amended as provided by this section.**

(2) **The Act is amended by the addition of the following after section 1:**

**1.1 Meaning of “conversion therapy”**

- (1) In this section, “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

**Conversion therapy not an insured service**

- (2) Conversion therapy is not an insured service and no payment in respect of conversion therapy shall be made under this Act or the regulations.

**4. Medical Act**

- (1) **The *Medical Act* R.S.P.E.I. 1988, Cap. M-5, is amended as provided by this section.**

(2) **The Act is amended by the addition of the following after section 56:**

**56.1 Meaning of “conversion therapy”**

- (1) In this section, “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

**Conversion therapy prohibited**

- (2) No person shall, in the course of practising medicine, provide conversion therapy to a person under the age of 18 years.

**5. Mental Health Act**

- (1) **The *Mental Health Act* R.S.P.E.I. 1988, Cap. M-6.1, is amended as provided by this section.**

- (2) **The Act is amended by the addition of the following after subsection 23(12):**

**No substitute consent to conversion therapy**

- (12.1) Notwithstanding subsections (2), (6), (7) and (8), no person may give consent in respect of the provision of conversion therapy on behalf of a patient who is incapable.

**Meaning of “conversion therapy”**

- (12.2) In this section, “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

**6. Psychologists Act**

- (1) **The *Psychologists Act* R.S.P.E.I. 1988, Cap. P-27.2, is amended as provided by this section.**

- (2) **The Act is amended by the addition of the following after section 58.1:**

**58.2 Meaning of “conversion therapy”**

- (1) In this section, “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

**Conversion therapy prohibited**

- (2) No registrant or professional psychology corporation shall, in the course of practicing psychology, provide conversion therapy to a person under the age of 18 years.

**7. Registered Health Professions Act**

- (1) **The *Registered Health Professions Act* R.S.P.E.I. 1988, Cap. R-8.01, is amended as provided by this section.**

(2) **The Act is amended by the addition of the following after section 66:**

**66.1 Meaning of “conversion therapy”**

- (1) In this section, “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

**Conversion therapy prohibited**

- (2) No registrant or health profession corporation shall, in the course of practising a registered health profession or carrying on the business of providing the professional services of a registrant, as the case may be, provide conversion therapy to a person under the age of 18 years.

**8. Regulated Health Professions Act**

- (1) **The *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, is amended as provided by this section.**

(2) **The Act is amended by the addition of the following after subsection 90(3):**

**Conversion therapy prohibited**

- (4) No member or health profession corporation shall, in the course of practising a regulated health profession or carrying on the business of providing the professional services of a member, as the case may be, provide conversion therapy to a person under the age of 18 years.

**Meaning of “conversion therapy”**

- (5) In subsection (4), “**conversion therapy**” means any practice, treatment or service provided for the purpose of changing a person’s sexual orientation or gender identity, but does not include
- (a) a practice, treatment or service providing acceptance, understanding or support to a person or assisting a person with identity exploration or development; or
  - (b) gender-confirming surgery or a practice, treatment or service related to gender-confirming surgery.

## EXPLANATORY NOTES

**SECTION 1** amends the *Consent to Treatment and Health Care Directives Act* by adding: a definition of “conversion therapy”; a new section 1.1 clarifying that treatment includes conversion therapy under the Act and regulations; and a new clause to section 12 providing that a substitute decision-maker is not authorized to make a decision on behalf of an incapable patient in respect of the provision of conversion therapy.

**SECTION 2** amends the *Health Services Payment Act* by adding a new section 1.1 that defines “conversion therapy” and states that it is not a basic health service and the cost of it will not be covered under the Health Services Payment Plan.

**SECTION 3** amends the *Hospital and Diagnostic Services Insurance Act* by adding a new section 1.1 that defines “conversion therapy” and states that it is not an insured service and the cost of it will not be covered under the Act or regulations.

**SECTION 4** amends the *Medical Act* by adding a new section 56.1 that defines “conversion therapy” and prohibits a person practising medicine from providing conversion therapy to a person under the age of 18.

**SECTION 5** amends the *Mental Health Act* by adding new subsections 23(12.1) and (12.2) that define “conversion therapy” and prohibit a person from giving consent in respect of the provision of conversion therapy on behalf of a patient who is incapable.

**SECTION 6** amends the *Psychologists Act* by adding a new section 58.2 that defines “conversion therapy” and prohibits a registrant or a professional psychology corporation practicing psychology from providing conversion therapy to a person under the age of 18.

**SECTION 7** amends the *Registered Health Professions Act* by adding a new section 66.1 that defines “conversion therapy” and prohibits a registrant or a health profession corporation from, in the course of practising a registered health profession or carrying on the business of providing the professional services of a registrant, as the case may be, providing conversion therapy to a person under the age of 18.

**SECTION 8** amends the *Regulated Health Professions Act* by adding new subsections to section 90 that define “conversion therapy” and prohibit a member or a health profession corporation from, in the course of practising a registered health profession or carrying on the business of providing the professional services of a member, as the case may be, providing conversion therapy to a person under the age of 18.

---

---

(Bill No. 24)

**Sexual Orientation and Gender Identity Protection in  
Health Care Act**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 12, 2019
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

**SIGNATURES:**

---

Honourable Antoinette Perry, Lieutenant Governor

---

Honourable Colin LaVie, Speaker

---

Joseph Jeffrey, Clerk

---

Hon. James Aylward  
Minister of Health and Wellness

---

GOVERNMENT BILL

---

---

2019  
1st SESSION, 66th GENERAL ASSEMBLY