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
# AMENDMENTS

**BILL NUMBER:** 24

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

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**NOTED:**

**CERTIFIED CORRECT:**

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COMMITTEE CLERK           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.
Sexual Orientation and Gender Identity Protection in Health Care Act

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SIGNATURES:

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Honourable Antoinette Perry, Lieutenant Governor

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Honourable Colin LaVie, Speaker

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Joseph Jeffrey, Clerk

Hon. James Aylward
Minister of Health and Wellness

GOVERNMENT BILL

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