

AN BILLE TOIRMEASC AR THEIRIPÍ IOMPATHE 2018
PROHIBITION OF CONVERSION THERAPIES BILL 2018

Mar a tionscnaíodh

As initiated

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO
Mercantile Marine Act 1955

AN BILLE TOIRMEASC AR THEIRIPÍ IOMPAITHE 2018
PROHIBITION OF CONVERSION THERAPIES BILL 2018

Bill

entitled

An Act to prohibit conversion therapy, as a deceptive and harmful act or practice against a person's sexual orientation, gender identity and, or gender expression.

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act:

“conversion therapy”,

- (a) means any practice or treatment by any person that seeks to change, suppress and, or eliminate a person's sexual orientation, gender identity and, or gender expression; and
- (b) does not include any practice or treatment, which does not seek to change a person's sexual orientation, gender identity and, or gender expression, or which—
 - (i) provides assistance to an individual undergoing a gender transition; or
 - (ii) provides acceptance, support and understanding of a person, or a facilitation of a person's coping, social support and identity exploration and development, including sexual orientation-neutral interventions

“sexual orientation” refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, persons of a different gender or the same gender or more than one gender;

“gender identity” refers to each person's internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance and, or functions by medical, surgical or other means) and other expressions of gender, including name, dress, speech and mannerisms;

“gender expression” refers to each person’s manifestation of their gender identity, and/or the one that is perceived by others;

“professional” refers to a person who is in possession of an official qualification and, or a warrant to practice as a care worker, counsellor, educator, family therapist, medical practitioner, pathologist, psychologist, psychotherapist, psychiatrist, social worker and, or youth worker;

Prohibition of Conversion Therapy

2. (1) It shall be unlawful-

(a) For any person to:

- (i) Perform or offer to perform conversion therapy on a person;
- (ii) Advertise conversion therapy;

(b) For any person to:

- (i) Remove a person from the state for the purposes of conversion therapy.

(c) For a professional to:

- (i) Perform or offer to perform conversion therapy on a person, irrespective of whether monetary compensation is received in exchange;
- (ii) Refer a person to other professionals and, or to any other person to perform conversion therapy.

Criminalisation of Conversion Therapies

1. (1) A person found guilty of an offence under either section 2 (a) of this Act shall on conviction be liable to a fine of not less than one thousand Euros (€1,000) and not exceeding five thousand Euros (€5,000) or to imprisonment for a maximum period of 6 months, or both such fine and imprisonment;

(2) A person found guilty of an offence under section 2 (b) of this Act shall on conviction be liable to a fine of not less than two thousand (€2,000) and not more than ten thousand Euros (€10,000) or to a maximum term of imprisonment of 12 months, or both such fine and imprisonment;

(3) A person found guilty of an offence under section 2 (c) of this Act shall on conviction be liable to a fine of not less than two thousand (€2,000) and not more than ten thousand Euros (€10,000) or to a maximum term of imprisonment of 12 months, or both such fine and imprisonment;

(4) In determining the sentence to be imposed following conviction under this Act the court shall have regard to the circumstances under which the conversion therapy was performed.

(5) A person is guilty of an offence if the person removes a person from the State where one of the purposes for the removal is to have conversion therapy performed upon that person.

(6) A person is guilty of an offence if the person does or attempts to perform conversion therapy on another person in a place other than the State, but only if it is done or attempted to be done—

(a) on board an Irish ship within the meaning of section 9 of the Mercantile Marine Act 1955,

(b) on an aircraft registered in the State, or

(c) by a person who is a citizen of Ireland or is ordinarily resident in the State, and would constitute an offence in the place in which it is done.

(7) If a professional is found guilty of any offence under section 2 of this Act, the Court shall direct that the body regulating that profession, or any other regulatory body as deemed necessary, are notified of the conviction.

Short title and Commencement

2. (1) This Act may be cited as the Prohibition of Conversion Therapies Bill 2018

(2) This Act shall come into operation one month from the date of its passing.