



AMERICAN CIVIL LIBERTIES UNION OF UTAH
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103
(801) 521-9862 PHONE • (801) 532-2850 FAX
ACLU@ACLUUTAH.ORG • WWW.ACLUUTAH.ORG

Larry Marx
State of Utah
Division of Occupational and Professional Licensing
lm Marx@utah.gov

October 2, 2019

Re: R156-61-102, Psychologist Licensing Act Rule

Dear Mr. Marx,

The ACLU of Utah is a non-profit organization that operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. We submit the following statement in support of the rule change R156-61-102 ("The Rule"), which would amend the definition of unprofessional conduct to include "engaging in, or attempting to engage in the practice of sexual orientation change efforts or gender identity change efforts with a client who is less than 18 years old."

The Rule will protect minors in Utah from being subjected to the dangerous and debunked practice (sometimes referred to as conversion or reparative therapy) of trying to change a person's sexual orientation or gender identity by Utah-licensed health care professionals. Conversion therapy has been rejected as ineffective, harmful, and unethical by all of the nation's leading medical and mental health organizations.

Additionally, courts have recognized that the reasonable regulation of speech of medical providers is not barred by the First Amendment, and have recognized this specifically in the context of prohibition on conversion therapy for minors. See e.g. *King v. Governor of N.J.*, 767 F.3d 216 (3d Cir. 2014); *Pickup v. Brown*, 728 F.3d 1042, 1053 (9th Cir. 2013).

Therefore, and in light of both the danger that conversion therapy poses to LGBTQ minors in Utah, and given that First Amendment concerns are allayed, we would encourage your adoption of The Rule.

Sincerely,

Marina Lowe
Legislative & Policy Counsel