

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 7 ]

[ EXECUTIVE ORDER 2022-02 ]

## Protecting Pennsylvanians from Conversion Therapy and Supporting LGBTQIA+ Pennsylvanians

August 16, 2022

*Whereas*, lesbian, gay, bisexual, transgender, queer/questioning, intersex and asexual (“LGBTQIA+”) Pennsylvanians make valuable, unique, and diverse contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

*Whereas*, the Commonwealth is committed to providing equitable opportunities for all its residents and increasing access for LGBTQIA+ persons to civic, economic, and educational opportunities in Pennsylvania; and

*Whereas*, the Commonwealth acknowledges the many contributions of LGBTQIA+ Pennsylvanians, while also recognizing that LGBTQIA+ Pennsylvanians still experience various challenges; and

*Whereas*, the Commonwealth will benefit from defining and addressing the unique needs and concerns of LGBTQIA+ persons and communities, in order to support the lives of all Pennsylvanians; and

*Whereas*, according to a Gallup poll conducted in 2021, an estimated 7.1 percent of people in the United States self-identify as LGBTQIA+, including one in five “Gen Z” adults; and

*Whereas*, there continues to be a harmful trend of attacking the rights and opportunities of LGBTQIA+ persons in the Commonwealth and across this country, with an especially disturbing and harmful focus on transgender and nonbinary persons and children; and

*Whereas*, LGBTQIA+ persons and communities, especially children and young adults, are at risk of serious negative physical and mental health outcomes associated with family rejection and lack of access to medically necessary, science and evidence-based gender affirming care; and

*Whereas*, LGBTQIA+ persons, and especially LGBTQIA+ persons of color, report higher rates of trauma, including self-harm, suicidal ideation, and substance use; and

*Whereas*, “conversion therapy,” which is sometimes referred to as “reparative therapy,” “sexual orientation or gender identity change efforts,” or “sexuality counseling,” means any practice or treatment that seeks or purports to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions, or eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender. Conversion therapy does not include: any practice or treatment that provides acceptance, support, or understanding to an individual, or any practice or treatment that facilitates an individual’s coping, social support, or identity exploration and development, so long as such practices or treatments do not seek to change sexual orientation or gender identity; any practice or treatment that is neutral with regard to sexual orientation or gender identity and that seeks to prevent or address unlawful conduct or unsafe practices; or, any practice or treatment that assists an individual seeking to undergo a gender transition or who is in the process of undergoing a gender transition; and

*Whereas*, conversion therapy has been overwhelmingly rejected by the scientific, medical, and educational communities and numerous professional organizations have denounced conversion therapy due to its lack of scientific

validation, as well as its negative and dangerous impact on the health and well-being of LGBTQIA+ persons and communities, and the specific harm it causes to the mental health of LGBTQIA+ children; and

*Whereas*, conversion therapy perpetuates health and social inequities for LGBTQIA+ persons and communities, which result in significant annual economic burdens in the United States; and

*Whereas*, the United States Department of Health and Human Services reports that various studies show that LGBTQIA+ youth are overrepresented in the foster care system, experience increased rates of physical violence and emotional harm both prior to being involved with, and while in, the child welfare system, and many LGBTQIA+ children and youth enter foster care as a result of familial conflict, neglect, exploitation, or hostility about their sexual orientation, gender identity, or gender expression, and experience homelessness at disproportionately high rates, sometimes before entering foster care; and

*Whereas*, researchers report that while data continues to show high rates of mental health and suicide risk among LGBTQIA+ young people, LGBTQIA+ youth are not inherently prone to suicide risk because of their sexual orientation or gender identity but rather placed at higher risk because of how they are mistreated and stigmatized in society, with these rates varying widely based on the way LGBTQIA+ youth are treated; and

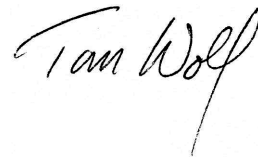
*Whereas*, recent national surveys have shown that LGBTQIA+ youth who felt high social support from their family reported attempting suicide at less than half the rate of those who felt low or moderate social support, and LGBTQIA+ youth who live in a community that is accepting of LGBTQIA+ people reported significantly lower rates of attempting suicide than those who do not, and LGBTQIA+ youth, who found their school to be LGBTQIA+-affirming, reported lower rates of attempting suicide; and

*Whereas*, LGBTQIA+ youth report that supportive actions taken by parents and caregivers were associated with lower suicide risk among LGBTQIA+ youth, and recent surveys have found that there is a need for more education for parents and caregivers of LGBTQIA+ youth, both about the positive impacts of supporting their child's LGBTQIA+ identity and about how to take supportive actions; and

*Whereas*, 25 states, the District of Columbia, Puerto Rico, and twelve cities and two counties in Pennsylvania, have statutes or ordinances protecting LGBTQIA+ children and youth from conversion therapy; and

*Whereas*, the Commonwealth seeks to be a premier employer of a diverse, talented, inclusive, and supported workforce and to provide high quality and responsive customer service to all Pennsylvanians;

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth do hereby order and direct as follows:



Governor

**Fiscal Note:** GOV-2022-02. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 7. MISCELLANEOUS PROVISIONS

**Subchapter FFF. PROTECTING PENNSYLVANIANS FROM  
CONVERSION THERAPY AND SUPPORTING LGBTQIA+  
PENNSYLVANIANS**

Sec.	
7.921.	Responsibilities of Commonwealth agencies.
7.922.	Implementation.
7.923.	General provisions.
7.924.	Effective date.

**§ 7.921. Responsibilities of Commonwealth agencies.**

(a) Agencies under the Governor's jurisdiction are directed to pursue opportunities and coordinate with each other to protect Commonwealth residents, particularly children, youth and vulnerable adults, from conversion therapy to the fullest extent of their authority.

(b) To protect the mental health of and well-being of Commonwealth residents, especially children, the Department of Human Services, the Insurance Department, the Department of State and any other applicable agencies are directed to explore and implement all options to ensure State funds, programs, contracts and other resources are not used for the purposes of providing, authorizing, endorsing, reimbursing for or referring for conversion therapy, to the extent permitted by law.

(c) The Department of Human Services is directed to receive and investigate any reports of claims that have been paid for conversion therapy through the Medical Assistance Program and the Children's Health Insurance Program.

(d) The Department of State is directed to inform licensed health care practitioners in this Commonwealth that the Commonwealth discourages the provision of and reimbursement for conversion therapy, and the Department of State shall inform the public of the mechanisms available to report licensed professionals that cause harm to patients as a result of conversion therapy.

(e) The Insurance Department is directed to commit to discouraging commercial insurers from providing reimbursement for conversion therapy, to the extent permitted by law. The Insurance Department is also directed to receive and investigate any reports of commercial insurance claims that have been paid for conversion therapy. To prohibit unlawful discrimination, the Insurance Department shall also receive and investigate any complaints that insurers are discriminating against consumers by automatically or categorically denying or excluding coverage of gender-related care in violation of Federal law.

(f) To support LGBTQIA+ children, youth and their families, the Department of Human Services is directed to develop resource guides that outline science and evidence-based best practices on family preservation and available community and local LGBTQIA+ affirming entities and services for families to support an LGBTQIA+ child or youth, as well as resources for caring for LGBTQIA+ children and youth within the child welfare system, including caring for their physical and mental health and well-being. The Department of Human Services shall ensure that child welfare staff and contracted providers have available resources and training to provide family preservation, pre-placement, placement and adoption and permanency services to LGBTQIA+ children and youth and their families.

(g) To ensure the Commonwealth is a premier employer, the Office of Administration is directed to review and update, as necessary, employee trainings and make available to Commonwealth employees, managers and supervisors training about supporting LGBTQIA+ employees, including employees who may transition or voluntarily disclose that they are seeking

gender-affirming care during their employment, and provide information regarding the privacy and protection of personal health information.

(h) To ensure the Commonwealth provides high-quality and inclusive customer service, the Governor's Office, the Pennsylvania Commission on LGBTQ Affairs, the Department of Human Services and the Office of Advocacy and Reform are directed to convene a group of Commonwealth residents with lived experience navigating health care and government systems through a gender identity transition to help inform the Commonwealth's customer service transformation initiative regarding that process as well as any issues related to the experience of LGBTQIA+ Commonwealth residents navigating State government systems.

(i) Further, agencies under the Governor's jurisdiction shall regularly review and update, if necessary, the following:

(1) Forms to use gender-neutral language whenever practical in external documents, including but not limited to using gender-neutral terms and pronouns or drafting to eliminate the need for pronouns or gendered language.

(2) Forms and online systems that collect voluntary demographic information to allow for submission of inclusive gender identity and sexual orientation data, to the extent permitted by law.

**§ 7.922. Implementation.**

Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this subchapter. Independent agencies are also strongly encouraged to implement this subchapter.

**§ 7.923. General provisions.**

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

**§ 7.924. Effective date.**

This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 22-1377. Filed for public inspection September 9, 2022, 9:00 a.m.]