



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 70
(2020, chapter 28)

**An Act to protect persons from
conversion therapy provided to
change their sexual orientation,
gender identity or gender expression**

**Introduced 22 October 2020
Passed in principle 10 November 2020
Passed 9 December 2020
Assented to 11 December 2020**

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EXPLANATORY NOTES

The purpose of this Act is to protect persons from injuries caused by any form of conversion therapy provided to induce them to change their sexual orientation, gender identity or gender expression or to repress non-heterosexual sexual behavior.

The Act establishes that any conversion therapy is deemed to affect a person's right to integrity and dignity. Any person having undergone such therapy may obtain reparation for the resulting injury.

The Act also stipulates that no one may, by gratuitous or onerous title, offer or undertake to provide conversion therapy to a person or require a person to provide such therapy to a third person, under pain of a fine.

The Act prohibits any advertising to promote conversion therapy, under pain of a fine.

Lastly, the Act explicitly establishes that the fact that a professional provides conversion therapy constitutes an act derogatory to the dignity of his or her profession.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Health Insurance Act (chapter A-29);
- Professional Code (chapter C-26).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5).

Bill 70

AN ACT TO PROTECT PERSONS FROM CONVERSION THERAPY PROVIDED TO CHANGE THEIR SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to protect persons from the injuries caused by any form of conversion therapy, which affects their integrity and dignity, and to prevent advertising of such therapy.

“Conversion therapy” means any spiritual or non-spiritual practice, service or treatment, including a conversion practice, intended to induce persons to change their sexual orientation, gender identity or gender expression or to repress non-heterosexual sexual behaviour. Any medical treatment or surgical operation arising from a person’s self-initiated process of gender affirmation and the support required for that purpose is, however, excluded. Support provided to persons in their self-initiated process of accepting, adapting to and affirming their sexual orientation, gender identity or gender expression is also excluded.

2. Any conversion therapy is deemed to affect the right to integrity and dignity of the person who undergoes the therapy.

Any person having undergone such therapy may obtain reparation for the resulting injury.

3. No one may, by gratuitous or onerous title, offer or undertake to provide conversion therapy to a person or require a person, directly or indirectly, to provide such therapy to a third person.

Any person who contravenes this section is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in any other case. Those amounts are doubled for a subsequent offence.

4. No one may advertise, whatever the form or means, to promote conversion therapy or if the advertisement could create an erroneous impression as to the human health benefits of such therapy.

Any person who contravenes this section is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$15,000 to \$150,000 in any other case. Those amounts are doubled for a subsequent offence.

- 5.** No service, medication, or compensating device or other equipment that is part of a conversion therapy treatment may be covered by insurance.

CIVIL CODE OF QUÉBEC

- 6.** Article 2926.1 of the Civil Code of Québec is amended by adding the following sentence at the end of the first paragraph: “Conversion therapy, as defined by section 1 of the Act to protect persons from conversion therapy provided to change their sexual orientation, gender identity or gender expression (2020, chapter 28), constitutes violent behaviour suffered during childhood within the meaning of this article.”

HEALTH INSURANCE ACT

- 7.** The Health Insurance Act (chapter A-29) is amended by inserting the following section after section 3:

“3.0.1. The services the cost of which is assumed by the Board under section 3 do not include any conversion therapy subject to the Act to protect persons from conversion therapy provided to change their sexual orientation, gender identity or gender expression (2020, chapter 28).”

PROFESSIONAL CODE

- 8.** The Professional Code (chapter C-26) is amended by inserting the following section after section 59.1.1:

“59.1.2. The fact that a professional provides conversion therapy subject to the Act to protect persons from conversion therapy provided to change their sexual orientation, gender identity or gender expression (2020, chapter 28) also constitutes an act derogatory to the dignity of his profession.”

- 9.** Section 123.6 of the Code is amended by replacing “section 59.1” in subparagraph 2 of the fourth paragraph by “sections 59.1 and 59.1.2”.

- 10.** Section 130 of the Code is amended by replacing “or 59.1.1” in paragraph 1 by “, 59.1.1 or 59.1.2”.

- 11.** Section 158.1 of the Code is amended by replacing “in section 59.1” in subparagraph 2 of the second paragraph by “in sections 59.1 and 59.1.2”.

- 12.** Section 188.2.1 of the Code is amended by inserting “, 59.1.2” after “59.1.1”.

REGULATION RESPECTING THE APPLICATION OF THE HEALTH INSURANCE ACT

13. Section 22 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended by inserting the following paragraph after paragraph *b*:

“(b.1) any conversion therapy subject to the Act to protect persons from conversion therapy provided to change their sexual orientation, gender identity or gender expression (2020, chapter 28);”.

FINAL PROVISIONS

14. To ensure this Act’s implementation, the Government must, not later than 11 December 2021, adopt and make public a government action plan to fight conversion therapy, specifying the activities the Government plans on carrying out to achieve the goals pursued.

The conditions, terms and schedule for carrying out the activities provided for in the action plan, and those related to achieving the goals pursued, are determined by the Government.

Every year, the Minister must submit a report to the Government on the activities carried out under the government action plan. The Minister must make the report public within 60 days after submitting it to the Government.

15. The Minister must, not later than 11 December 2023, report to the Government on the carrying out of this Act.

The report is tabled in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

16. The Minister of Justice is responsible for the administration of this Act.

17. This Act comes into force on 11 December 2020.