
Second Session, Forty-second Parliament
70 Elizabeth II, 2021
Legislative Assembly of British Columbia

BILL M 204

**SEXUAL ORIENTATION AND GENDER IDENTITY
PROTECTION ACT**

Ms. Sonia Furstenuau

Explanatory Note

This Bill prohibits:

- the provision of a conversion practice by a health professional as a hospital service or professional service and by a person in a position of trust or authority;
- the payment or reimbursement of the cost of a conversion practice provided as a hospital service or professional service;
- the expenditure of public funds for the provision of a conversion practice.

The Bill provides that a person who knowingly promotes, advertises, or receives compensation in exchange for engaging in or teaching a conversion practice has engaged in an unfair or deceptive practice.

This Bill permits persons subjected to a conversion practice to commence an action to recover damages for loss or injury sustained as a result of that conversion practice.

BILL M 204 – 2021

**SEXUAL ORIENTATION AND GENDER IDENTITY
PROTECTION ACT**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

“conversion practice” means a treatment, practice or sustained effort that aims to change, discourage or repress a person’s sexual orientation, gender identity, gender expression, gender modalities or any behaviour associated with a gender other than the person’s sex assigned at birth, or that aims to alter an intersex trait without adequate justification, but does not include

- (a) a treatment, practice or service that relates to the exploration and development of personal identity without favouring any particular sexual orientation, gender identity or gender expression, or
- (b) a gender-confirming surgery, medical service or supporting measures;

“gender expression” means a person’s desired external appearance as it relates to social expectations, understandings and norms of femininity and masculinity, and may include a person’s behaviour or appearance;

“gender identity” means a person’s felt internal and individual experience of gender including the personal sense of the body;

“health professional” means

- (a) a medical practitioner, or
- (b) a person authorized to practise a designated health profession within the meaning of the *Health Professions Act*;

“hospital” means a hospital within the meaning of the *Hospital Act* or the *Hospital Insurance Act*;

“hospital service” means an in-patient service or an outpatient service that is provided in a hospital;

“intersex trait” means the biological characteristics of a person, including genitals, gonads and chromosome patterns, that do not fit typical binary notions of female or male bodies, including differences in sex development resulting from androgen insensitivity syndrome, congenital adrenal hyperplasia or hypospadias;

“professional service” means a service provided by a health professional within the health professional’s scope of practice;

“scope of practice” means the roles and functions authorized for a health professional by the health professional’s governing statute, including counselling, providing behaviour modification techniques, administering and prescribing medication and any other treatment;

“sexual orientation” means a person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of the same sex or gender, of a different sex or gender or of more than one sex or gender.

Certain hospital services and professional services prohibited

- 2 (1) A health professional must not, within the health professional’s scope of practice, provide any hospital service or professional service that would constitute a conversion practice.
- (2) Despite any other Act or regulation, a parent, guardian, substitute decision maker, representative or decision maker may not consent on a person’s behalf to the provision by a health professional of any hospital service or professional service that would constitute a conversion practice in respect of that person.

Person in position of trust or authority

- 3 (1) A person in a position of trust or authority in relation to a person must not engage in a conversion practice in respect of that person.
- (2) Despite any other Act or regulation, a parent, guardian, substitute decision maker, representative or decision maker may not give consent on a person’s behalf to have that person be subject to a conversion practice engaged by a person in a position of trust or authority in relation to that person.

Not insured service

- 4 Despite any other Act or regulation, the provision of a conversion practice as a hospital service or professional service is not an insured service for which a beneficiary or other person may be paid or reimbursed.

Expenditure of public funds prohibited

- 5 The expenditure of public funds to or on behalf of a person for the provision of a conversion practice is prohibited.

Deceptive act or practice

- 6 A person who knowingly promotes, advertises or receives compensation in exchange for engaging in or teaching a conversion practice has engaged in an unfair or deceptive practice.

Damages for resulting bodily or mental injury

- 7 A person may commence an action to recover damages for loss or injury against another person who has engaged in a conversion practice in contravention of this Act.

Power to make regulations

- 8** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 [*powers to make regulations*] of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any word or expression used but not defined in this Act.
- (3) A regulation under this section may prescribe different regulations for different persons or classes of persons.

Commencement

- 9** This Act comes into force on the date of Royal Assent.