



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 599

**An Act to respect sexual orientation
and gender identity**

Introduction

**Introduced by
Madam Jennifer Maccarone
Member for Westmount—Saint-Louis**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

The purpose of this bill is to respect sexual orientation and gender identity by prohibiting conversion therapy.

The bill prescribes penal sanctions for contravening the prohibition on offering conversion therapy or inciting a person to undergo conversion therapy and provides for the dissolution of any legal person contravening this prohibition. The bill also prescribes a penal sanction for anyone who helps fund conversion therapy.

The Civil Code is amended so that actions for damages for bodily injury resulting from conversion therapy cannot be prescribed.

The Health Insurance Act is amended to provide that conversion therapy is not an insured service.

Lastly, the Professional Code is amended to specify that the fact that a professional supplies conversion therapy services constitutes an act derogatory to the dignity of the profession.

LEGISLATION AMENDED BY THIS BILL:

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

Bill 599

AN ACT TO RESPECT SEXUAL ORIENTATION AND GENDER IDENTITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Conversion therapy is prohibited, and no one may offer such a service.

In this Act, “conversion therapy” means a practice, treatment or service designed to change a person’s sexual orientation to heterosexual or gender identity to cisgender, or to repress or reduce non-heterosexual attraction or sexual behaviour.

The following services are not considered to be conversion therapy:

(1) services that offer a person acceptance, support or understanding or facilitate the person’s coping, social support or identity exploration or development; and

(2) surgery to alter a person’s sexual anatomical characteristics to better match the person’s gender identity and all services or treatments relating to such surgery.

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

3. The prohibition under section 1 does not limit scientific research and experimental development within the meaning of the Taxation Act (chapter I-3) with respect to gender and sexual diversity.

4. The Government may, by regulation,

(1) define any term or expression used, but not defined, in this Act;

(2) further define any term or expression defined in this Act; and

(3) adopt any measure it considers necessary for the application of this Act.

PENAL PROVISIONS

5. Anyone who contravenes section 1 of this Act is liable to a fine of not less than \$625 nor more than \$5,000 in the case of a natural person and to a fine of not less than \$1,250 nor more than \$10,000 in all other cases.

The amounts specified in the first paragraph are doubled for a subsequent offence.

In the case of health professionals, the fine is not less than \$1,000 nor more than \$10,000 and, for a subsequent offence, not less than \$2,000 nor more than \$20,000.

6. Any legal person whose activities contravene section 1 of this Act is dissolved.

7. Anyone who helps fund conversion therapy contravenes section 1 and is liable to a fine of not less than \$625 nor more than \$5000 in the case of a natural person and to a fine of not less than \$1,250 nor more than \$10,000 in all other cases.

The amounts specified in the first paragraph are doubled for a subsequent offence.

8. Anyone who incites a person to undergo conversion therapy is liable to a fine of not less than \$250 nor more than \$3,000 in the case of a natural person and to a fine of not less than \$1,000 nor more than \$10,000 in all other cases.

The amounts specified in the first paragraph are doubled for a subsequent offence.

In the case of health professionals, the fine is not less than \$500 nor more than \$7,000 and, for a subsequent offence, not less than \$1,000 nor more than \$15,000.

AMENDING PROVISIONS

CIVIL CODE OF QUÉBEC

9. Article 2926.1 of the Civil Code of Québec is amended by inserting “conversion therapy,” after “results from” in the first paragraph.

HEALTH INSURANCE ACT

10. The Health Insurance Act (chapter A-29) is amended by inserting the following section after section 3.1:

“3.1.1. Despite section 3 of this Act, conversion therapy within the meaning of the Act to respect sexual orientation and gender identity (*insert the year and chapter number of that Act*) is not an insured service.”

PROFESSIONAL CODE

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

“**59.1.2.** The following acts engaged in by a professional also constitute acts derogatory to the dignity of the profession:

(1) supplying conversion therapy services within the meaning of the Act to respect sexual orientation and gender identity (*insert the year and chapter number of that Act*); and

(2) attempting to supply such services or counselling another person to do so.”

TRANSITIONAL AND FINAL PROVISIONS

12. Article 2926.1 of the Civil Code, amended by section 9 of this Act, applies to all actions for damages for bodily injury resulting from conversion therapy, regardless of any prescriptive period applicable before the coming into force of this Act.

13. An action that was dismissed before the date of coming into force of this Act solely on the grounds of prescription being acquired may be reinstated before a court within three years after that date if

(1) the action is an action for damages for bodily injury resulting from an act which could constitute a criminal offence;

(2) the injury results from conversion therapy; and

(3) the action is not prescribed under the second paragraph of article 2926.1 of the Civil Code on the date on which it is reinstated.

14. The Minister of Health and Social Services is responsible for the administration of this Act.

15. This Act comes into force on (*insert the date of assent to this Act*), except section 9, which comes into force on the date to be set by the Government.

