



MEMORANDUM

TO: Chair Felicia Brabec and Members of the House Behavioral Health Subcommittee

FROM: Michigan Catholic Conference

RE: Opposition to House Bills 4616-4617

DATE: June 7, 2023

As the official public policy voice of the Catholic Church in the state, Michigan Catholic Conference (MCC) also represents the Catholic Charities agencies located in every diocese throughout Michigan. Motivated by their deeply held religious beliefs to serve others, these agencies deliver a variety of social services to their communities, especially poor and low-income families, including behavioral and mental health counseling. Their professional therapists treat all clients with dignity and respect, engaging each client where they are, while helping them to a place of peace and understanding for themselves. There are concerns, however, with the broad language of House Bills 4616-4617 and how the bills violate First Amendment rights.

Regardless of what an individual may desire for themselves or may seek to discuss with a therapist, these bills single out and silence a very specific message – the possibility that one could experience change to their sexuality or live consistent with their biological sex. By silencing a person’s innate sense of self, these bills mandate that only contrary viewpoints may be discussed in counseling conversations – despite the desires of the person. Such restrictions on speech are unconstitutional.

In *Otto v. City of Boca Raton, Fla.*, 981 F.3d 854, 859 (11th Cir. 2020), the 11th Circuit Court of Appeals held that ordinances in Florida, with language very similar to House Bills 4616-4617, did not pass constitutional tests. A comparison of the language is provided.

Florida Ordinances	House Bills 4616-4617
Outlawed “any counseling, practice or treatment performed with the goal of changing an individual’s sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex.”	Outlaw “any practice or treatment by a mental health professional that seeks to change an individual’s sexual orientation or gender identity, including, but not limited to, efforts to change behavior or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward an individual of the same gender.”

Florida Ordinances	House Bills 4616-4617
Exception for “counseling that provides support and assistance to a person undergoing gender transition.”	Exception for “counseling that provides assistance to an individual undergoing a gender transition...”

When a family or child becomes a patient/client of a qualified behavioral or mental health professional, the limits on speech in House Bills 4616-4617 would forbid those parents and their children from having a free and open discussion based on the person’s thoughts and feelings. This is contrary to the very purpose and nature of the counselor/patient relationship. The bills go further to then discipline and sanction professionals and career therapists who play an important role in the lives of adults and youth. No child should have to go without necessary counseling services due to a lack of qualified providers.

While opposing House Bills 4616-4617, MCC and those who serve at Catholic Charities and other faith-based social service organizations encourage the legislature to consider measures that would address overwhelming social pressures facing children today – including social media. The United States Surgeon General Dr. Vivek Murthy issued an advisory on this subject last month, which according to a U.S. Department of Health and Human Services press release read:

“While social media may offer some benefits, there are ample indicators that social media can also pose a risk of harm to the mental health and well-being of children and adolescents. Social media use by young people is nearly universal, with up to 95% of young people ages 13-17 reporting using a social media platform and more than a third saying they use social media “almost constantly.”

Thank you for the opportunity to share our position regarding House Bills 4616-4617. It is hoped to help further the dialogue on important policies that support and protect the young people and children of our state, as well as the professional men and women who provide youth and vulnerable persons with necessary mental and behavioral health services.