



January 18, 2023
Members of the Human Services Policy Committee
State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, MN 55155
Re: OPPOSE HF 16

Dear Members,

Minnesota Family Council represents tens of thousands of families across the state, and on their behalf, we **urge you to oppose HF 16.**

In what other circumstance is a client not legally allowed to talk about her feelings, seeking help from her counselor? Under HF 16, a counselor is not allowed to talk to a minor client about reconciling unwanted feelings or discomfort in her own body with her sex. In fact, this bill may place that counselor under disciplinary action by her licensing board for having that conversation with a child.

As defined in the bill, “conversion therapy” outlaws any conversation between a client who is a child or vulnerable adult and the counselor about how change in feelings about sexual attraction or gender identity is possible. In the 2018 *NIFLA v. Becerra* ruling, the Supreme Court held, “This Court has never recognized ‘professional speech’ as a separate category of speech subject to different rules. Speech is not unprotected merely because it is uttered by professionals.”¹ In a concurring opinion, Justice Anthony Kennedy wrote that “Governments must not be allowed to force persons to express a message contrary to their deepest convictions. Freedom of speech secures freedom of thought and belief.” Under the First Amendment, the government cannot regulate the speech of a counselor. Speech is free in Minnesota.

Shock “therapy” and other torturous methods of behavior have already been outlawed in the state, and licensing boards are ready to review any reports of such illegal behavior by a counselor in Minnesota. A bill outlawing such behavior would therefore be unnecessary. Instead, this bill bans speech. The only conversation allowed by this bill is that which puts children on the path to “gender transition” through puberty blockers and cross-sex hormones.² HF 16 states that “gender-affirming care” is not included in the definition of “conversion therapy”; however, gender-affirming care involves prescribing puberty blockers and cross-sex hormones to change a minor. Care is not “affirmative” if it facilitates physical change. The real “conversion” practice that should be banned in Minnesota is prescribing puberty blockers and cross-sex hormones which could leave children sterilized.³

If the Minnesota legislature passes this legislation, the state will be violating U.S. citizens’ right of free speech. The law would be challenged by legal organizations on potent First Amendment grounds. Minnesotans have the right to choose their own counseling without government interference. HF 16 poses an illegal threat to individual freedom, and it should not pass.

Sincerely,
Rebecca Delahunt
Acting Director of Public Policy

¹*NIFLA v. Becerra*, 585 U.S. 2 & 26 (2018)

²HF 16 (2023).

³Cheng PJ, Pastuszak AW, Myers JB, Goodwin IA, Hotaling JM. (2019). Fertility concerns of the transgender patient. *Transl Androl Urol*;8(3):209-218.