

LEGISLATIVE UPDATE

June 2015

Bill 77, *Affirming Sexual Orientation and Gender Identity Act*

On June 4, 2015, Bill 77, *Affirming Sexual Orientation and Gender Identity Act, 2015* passed in the Legislature. The bill is designed to ensure the protection and the rights of Ontario's lesbian, gay, bisexual and transgender community by banning conversion therapy. Bill 77 amends the *Health Insurance Act* (HIA) and the *Regulated Health Professions Act* (RHPA). [Click here to access Bill 77.](#)

Amendments to the HIA

Bill 77 amends the HIA to specify that any services that seek to change the sexual orientation or gender identity of a person **are not** insured services. Services that provide acceptance, support or understanding of a person or the facilitation of a person's coping, social support or identity exploration or development; and sex-reassignment surgery or any services related to sex-reassignment surgery would not be subject to this exclusion.

This new provision of the HIA will be subject to regulations that may define "services", "sexual orientation", "gender identity" or "seek to change"; or exempting services from the application of the provision.

Amendments to the RHPA

Bill 77 also amends the RHPA to prohibit, in the course of providing health care, the provision of any treatment that seeks to change the sexual orientation or gender identity of a person under 18 years of age. As with the changes to the HIA, services that provide acceptance, support or understanding of a person or the facilitation of a person's coping, social support or identity exploration or development; and sex-reassignment surgery or any services related to sex-reassignment surgery would not be subject to this prohibition.

The prohibition would not apply if a patient is capable with respect to treatment and they consent to the conversion therapy. However, substitute decision-makers pursuant to the *Health Care Consent Act* would not be able to consent to conversion therapy on behalf of another individual.

Providing this treatment would be an offence under the RHPA and would be subject to the normal penalties, that is, for a first offence, a fine of up to \$25,000, or to imprisonment for up to 1 year, or both; and for subsequent offences, a fine of up to \$50,000, or to imprisonment for up to 1 year, or both.

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Similar to the changes to the HIA, the amendments to the RHPA will be subject to regulations that may define “services”, “sexual orientation”, “gender identity” or “seek to change”; or exempting services from the application of the provision.

Additional Comments

Bill 77 came into force on Royal Assent (June 4, 2015).

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