

CHAPTER 18

An Act to amend the Health Insurance Act and the Regulated Health Professions Act, 1991 regarding efforts to change sexual orientation or gender identity

Assented to June 4, 2015

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

HEALTH INSURANCE ACT

1. Section 11.2 of the *Health Insurance Act* is amended by adding the following subsections:

Efforts to change sexual orientation or gender identity

(1.1) Despite subsection (1) and subject to the regulations, if any, any services that seek to change the sexual orientation or gender identity of a person are not insured services.

Exception

(1.2) The services mentioned in subsection (1.1) do not include,

- (a) 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
- (b) sex-reassignment surgery or any services related to sex-reassignment surgery.

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Regulations

(6) The Lieutenant Governor in Council may make regulations,

- (a) clarifying the meaning of “services”, “sexual orientation”, “gender identity” or “seek to change” for the purposes of subsection (1.1);
- (b) exempting services from the application of subsection (1.1).

REGULATED HEALTH PROFESSIONS ACT, 1991

2. The *Regulated Health Professions Act, 1991* is amended by adding the following section:

Sexual orientation and gender identity treatments

29.1 (1) No person shall, in the course of providing health care services, provide any treatment that seeks to change the sexual orientation or gender identity of a person under 18 years of age.

Exception

(2) The treatments mentioned in subsection (1) do not include,

- (a) 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
- (b) sex-reassignment surgery or any services related to sex-reassignment surgery.

Person may consent

(3) Subsection (1) does not apply if the person is capable with respect to the treatment and consents to the provision of the treatment.

Substitute decision-maker cannot consent

(4) Despite the *Health Care Consent Act, 1996*, a substitute decision-maker may not give consent on a person's behalf to the provision of any treatment described in subsection (1).

Regulations

(5) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) clarifying the meaning of “sexual orientation”, “gender identity” or “seek to change” for the purposes of subsection (1);
- (b) exempting any person or treatment from the application of subsection (1).

3. Subsection 40 (1) of the Act is amended by striking out “subsection 27 (1) or 30 (1)” in the portion before clause (a) and substituting “subsection 27 (1), 29.1 (1) or 30 (1)”.

COMMENCEMENT AND SHORT TITLE

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Affirming Sexual Orientation and Gender Identity Act, 2015*.

Français

[Back to top](#)