
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 934 (Wiener) - Sexual orientation or gender identity change efforts: actions for recovery of damages: statute of limitations

Version: March 19, 2026
Urgency: No
Hearing Date: April 20, 2026

Policy Vote: JUD. 10 - 2
Mandate: No
Consultant: Bob Franzoia

Bill Summary: SB 934 would extend the timeframe within which to file an action arising from harm caused by the provision of sexual orientation or gender identity change efforts to a patient by a licensed mental health professional.

Fiscal Impact: Unknown, potentially significant to major costs to state entities which employed licensed mental health professionals to the extent litigation is successfully brought and entities are liable for damages (General Fund).

Unknown, potentially significant cost pressure to the courts to adjudicate new cases. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources (Trial Court Trust Fund, General Fund).

Unknown, potentially significant to major costs to local entities which employed licensed mental health professionals to the extent litigation is successfully brought and entities are liable for damages.

To the extent successful litigation affects liability insurance premiums, local entities could experience unknown, potentially significant costs related to procuring liability insurance, apart from any specific claims (Local funds).

Potential damages, payable by state and local entities may include economic damages (medical expenses, lost earnings, etc.), noneconomic damages (pain and suffering, emotional distress, etc.), punitive damages if the defendant's conduct was willful or fraudulent and reasonable attorney's fees.

Background: The Government Tort Claims Act generally governs tort actions against public entities, including claims related to childhood sexual assault. (See *Shirk v. Vista Unified School District* (2007) 42 Cal.4th 201.) Separate from the statute of limitations, the act requires that an action that is filed against a public entity related to a cause of action for the death of or injury to a person be presented in writing to the public entity before six months after accrual of the cause of action. The effect was that civil childhood sexual assault actions that were initiated within the expanded statute of limitations were barred from moving forward because of this six-month claim presentation requirement. Consequently, in 2008, the Legislature exempted suits seeking damages for childhood sexual assault from the claim presentation requirement. The exemption was prospective, applying only to claims alleging conduct that occurred on or after January 1, 2009. In 2018, the Legislature amended the Government Tort

Claims Act to state explicitly that the act does not apply to claims of childhood sexual abuse.

Proposed Law: This bill would define mental health provider and sexual orientation change effort, as follows:

“Mental health provider” means a physician and surgeon specializing in the practice of psychiatry, a psychologist, a psychological assistant, intern, or trainee, a licensed marriage and family therapist, a registered associate marriage and family therapist, a marriage and family therapist trainee, a licensed educational psychologist, a credentialed school psychologist, a licensed clinical social worker, an associate clinical social worker, a licensed professional clinical counselor, a registered associate clinical counselor, a professional clinical counselor trainee, or any other person designated as a mental health professional under California law or regulation.

“Sexual orientation change efforts” means any practices by mental health providers that seek to change an individual’s sexual orientation, including efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex; but does not include psychotherapies that (1) provide acceptance, support, and understandings of clients or the facilitation of clients’ coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and (2) do not seek to change sexual orientation.

In an action for recovery of damages suffered as a result of sexual orientation change efforts, the time for commencement of the action shall be the latter of the following:

- 1) If the plaintiff was under 18 years of age at the time of the conduct, within 22 years of the date the plaintiff attains the age of majority.
- 2) If the plaintiff was 18 years of age or older at the time of the conduct, within 10 years of the date of the last treatment session in which the sexual orientation or gender identity change efforts occurred.
- 3) Within five years of the date the plaintiff discovers, or reasonably should have discovered, that psychological injury or illness occurring after the conduct was caused by sexual orientation or gender identity change efforts.

Staff Comments: Chapter 835, Statutes of 2012 ((SB 1172 (Lieu)) prohibits a mental health provider from engaging in sexual orientation change efforts with a patient under 18 years of age, regardless of the willingness of a patient, patient’s parent, guardian, conservator, or other person to authorize such efforts.