

The Honorable Dennis H. Bonnen  
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P.O. Box 2910  
Austin, TX 78768-2910

The Honorable Dade Phelan  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

CC: Members of the Texas House of Representatives

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Lawmakers of the Texas Legislature:

The undersigned are professional counselors, medical practitioners, social workers, school counselors and other professionals in Texas and around the country. We write in opposition of SB 17, which was passed by the Texas Senate.

Religious freedom is one of our nation's founding and most fundamental values. Respecting the religious liberty of our neighbors is a critical part of the fabric of American life and law; and, by protecting religious belief so robustly, we also are compelled to ensure that no one has the right to impose their beliefs on others. SB 17, unfortunately, fails to strike this balance: it instead creates a license to discriminate.

A key purpose of a state regulating and licensing professional conduct is so that consumers are assured that the professional has the requisite skills and training and will be held accountable to standards of professionalism. Many professions consider their ethical requirements about how to interact with customers, clients, students, or patients as critical elements of professional behavior. Further, the state issues licenses for professions ranging from teachers to veterinarians to pipefitters to architects to auditors to judges to funeral directors to fire fighters to sanitarians to surgeons, and it regulates those professions as well as many others. These regulations and licensing requirements are developed with significant stakeholder and public input and are generally uncontroversial and seen as part of the fundamental role of government – to ensure that consumers know the product they're using meets minimum standards of safety and professionalism.

SB 17 would undermine those minimum standards of safety and professionalism.

By allowing licensees to exempt themselves from professional licensing regulations to which they assert a religious objection – an assertion which is so unverifiable that a license holder or applicant could exempt themselves from virtually any requirement – the purpose of the licensing requirement is frustrated entirely.

No longer can a consumer of public services (like public education, fire-fighting services, or sanitation), or non-life-threatening medical or mental health services, or of services related to safety such as architects, funeral directors, or building inspectors, be assured that the holder of a state license has truly met the standards set out for that license. For professions in which there is a strong ethical component where respectful engagement must occur even across difference and disagreement – such as social

workers, professional counselors, psychologists, therapists, school counselors, and judges – a provider could circumvent these professional obligations by asserting a religious belief. A customer or patient would be put in the position of having to determine not just what qualifications a licensed professional has, but also whether they have used their religious beliefs to assert an exemption from any of the licensing requirements published by the licensing board that they'd otherwise have had to meet.

Freedom of religion is a cornerstone of American society, and for that freedom to be a reality it is imperative that religious belief be protected – but that is not what SB 17 accomplishes. Rather, SB 17 undermines the legitimacy of all state licensing and professional regulation by allowing professional licensees to assert religious justifications to refuse to comply with these critical licensing and professional regulations adopted by the boards to protect the public. In addition, given the challenges of investigating a religious exemption claim, SB 17 is likely to increase both the time and expense to complete complaint investigations.

For these reasons, we are opposed to this harmful bill, which would increase the cost of regulation and grant a broad license to discriminate and only make LGBTQ Texans and many other impacted groups feel less than equal in their own state.

Signed,

American Counseling Association  
Texas Counseling Association  
American School Counselor Association  
National Association of Social Workers, Texas Chapter  
Texas Psychological Association  
National Education Association  
Texas State Teachers Association  
Texas Association of School Psychologists  
American Federation of Teachers, Texas chapter  
Texas Society for Clinical Social Work