**House Criminal Jurisprudence Committee**

**Testimony in support of HB 1762**

**March 14, 2023**

Like many other states, Texas statute includes “Romeo and Juliet” provisions that protect youth in consensual relationships with limited age differentials. However, in Texas, these Romeo and Juliet exemptions are not applied to same-sex couples in consensual relationships.

As a result, youth-serving professionals including doctors, nurses, educators, social workers, clergy, and counselors are required under state law to report consensual same-sex activity by youth under the age of 17 to Child Protective Services.

Under the letter of Texas law, a 16 year old and a 17 year old who are engaged in a consensual same-sex romantic relationship with minimal physical contact – even if the relationship doesn’t extend to sexual intercourse – would trigger a mandatory report to CPS.

Even without prosecution, this can have the result of destroying a young person’s trust in the medical system, leading to an avoidance of health care in the future. In 2020, among Texas teens aged 15-19, there were 244 newly diagnosed cases of HIV or AIDS. Among young people aged 20-24, there were 837 newly diagnosed cases. All together, people younger than 25 account for nearly one-third of new HIV or AIDS diagnoses. For young people, forming a connection with a trusted doctor can be an important step in seeking preventive health care, including learning about how to prevent HIV. It is extremely important for young people to have faith in medical providers in order to avoid contracting illnesses or living with untreated infections.

Public clinics are required by rider to document compliance with all reporting requirements, and they take this responsibility very seriously. Private clinics do not have this additional documentation requirement. In our work with clinicians, we’ve learned that most private practices are actually unaware of this provision and do not report same-sex couples in situations where they would not report opposite-sex couples. As a result, current statute discriminates not just against gay teens, but against low-income gay teens. In 2005, the Kansas Supreme Court overturned a similar provision as unconstitutional.

HB 1762 would apply the same protections to consensual same-sex relationships with no more than a three year age gap as currently apply to opposite-sex couples. **We urge committee members to vote in support of HB 1762.**