

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 190902

Amending Chapter 50 of the Code of Ordinances, "Offenses and Miscellaneous Provisions," by enacting a new Section 50-234 in Article VII to protect the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers.

WHEREAS, conversion therapy, also known as reparative therapy, ex-gay therapy, or sexual orientation and gender identity change efforts, is a range of discredited practices aimed at changing one's sexual orientation or gender identity; and

WHEREAS, a national community of professionals in education, social work, health, mental health and counseling including the American Academy of Child and Adolescent Psychiatry have determined that there is no scientifically valid evidence that supports the practice of conversion therapy; and

WHEREAS, such professionals have determined that there is no evidence that conversion therapy is effective or that an individual's sexual orientation or gender identity can be changed by conversion therapy; and

WHEREAS, such professionals have also determined that conversion therapy is not only ineffective, but is substantially dangerous to an individual's mental and physical well-being and has also been shown to contribute to depression, self-harm, low self-esteem, family rejection, and suicide; and

WHEREAS, in contrast, the Children's Mercy Hospital in Kansas City, Missouri, provides evidenced-based therapy or treatment to over 300 children annually within its Gender Pathway Services Clinic, providing physical, mental, and social health services to children and their families as they navigate the process of gender identity development, illustrating the need for responsible, scientifically defensible therapy and treatment services; and

WHEREAS, all minors in Kansas City, including the approximately 5,000 LGBTQ individuals under the age of 18 that reside in the city limits, that seek therapy or treatment to assist them in understanding their individual development of gender identity or their sexual orientation should be free from exposure to the serious harms and risks caused by conversion therapy or reparative therapy; and

WHEREAS, fifteen states, including Washington, DC, have enacted laws or regulations to ban conversion therapy against minors by licensed medical providers, and many bills have been filed in similar states, including Missouri's Youth Mental Health Preservation Act; and

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WHEREAS, the City Council of the City of Kansas City, Missouri, has a responsibility to protect the health, safety, and welfare of all people in our community, especially the physical and psychological well-being of minors, including LGBTQ youth; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of Kansas City, Missouri, "Offenses and Miscellaneous Provisions," is hereby amended by enacting a new Section 50-234 in Article VII to protect the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers, to read as follows:

Sec. 50-234. Conversion therapy of minors prohibited.

(a) *Policy.* The City of Kansas City, Missouri, has a compelling interest in protecting the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers. These provisions are exercises of the police power of the city for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose.

(b) *Definitions.* As used in this section, the following terms shall have the meaning indicated in this subsection:

- (1) *Conversion therapy or reparative therapy* means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral treatment interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.
- (2) *Gender identity* means the gender-related identity, appearance, expression, behavior or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.
- (3) *Minor* means a person less than 18 years old.

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- (4) *Provider* means any licensed medical or mental health professional including, but not limited to, licensed professional counselors, licensed psychologists, licensed clinical social workers, provisional licensed professional counselors, provisional and temporary licensed psychologists, licensed and provisional licensed marital and family therapists, psychiatrists, certified substance abuse counselors, certified school counselors, behavior analysts and any professional licensed under Chapters 334 and 337 of the Revised Statutes of Missouri.
- (5) *Sexual orientation* means the preference or practice of homosexuality, heterosexuality, asexuality, and bisexuality, or some combination thereof, by consenting adults, or as perceived by others, but not including sexual preference or practice between an adult and a minor.

(c) *Prohibited practice.* It shall be unlawful for any provider to provide conversion therapy or reparative therapy to a minor if the provider receives compensation in exchange for such services.

(d) *Penalty.* Any person that violates any provision of this section shall be subject to the civil penalty prescribed in section 1-17 but in no instance shall a violation of this article be punishable by imprisonment.

Section 2. That it is the City Council's intent that this ordinance regulate professional conduct and the manner in which therapeutic treatment is delivered, but does not otherwise prohibit or limit proponents or opponents of conversion therapy to speak about gender or sexual orientation conversion publicly and privately, including to their minors in forms other than therapy.

Approved as to form and legality:



Authenticated as Passed


Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

NOV 14 2019

Date Passed


Matthew Gigliotti
Assistant City Attorney