

AN ORDINANCE OF THE [MUNICIPALITY] AMENDING [MUNICIPALITY] MUNICIPAL CODE ### REGARDING MEDICAL AND MENTAL HEALTH PRACTICES, SUCH AS SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS WITH A MINOR.

1 **WHEREAS**, research demonstrates that sexual orientation and gender identity
2 change efforts can pose critical health risks to lesbian, gay, bisexual, and
3 transgender persons;
4

5 **WHEREAS**, contemporary science recognizes that being lesbian, gay, bisexual, or
6 transgender is part of the natural spectrum of human identity and is not a disease,
7 disorder, or illness;
8

9 **WHEREAS**, in 2009, the American Psychological Association Task Force on
10 Appropriate Therapeutic Responses to Sexual Orientation concluded that efforts to
11 change sexual orientation and gender identity are unlikely to produce anticipated
12 outcomes and can pose unintended harmful side effects to participants, such as a
13 sense of having wasted time and resources, confusion, shame, guilt, helplessness,
14 hopelessness, loss of faith, decreased self-esteem and authenticity towards others,
15 increased self-hatred and negative perceptions, social withdrawal, a feeling of being
16 dehumanized and untrue to self, depression, increased substance abuse and high-
17 risk sexual behaviors, and suicidality;¹ and
18

19 **WHEREAS**, in 2009, the American Psychological Association also issued a
20 Resolution on Appropriate Affirmative Responses to Sexual Orientation Distress
21 and Change Efforts, that, among other things, advises persons to avoid efforts to
22 change sexual orientation or gender identity that portray homosexuality as a mental
23 illness or developmental disorder, while encouraging psychotherapy, social support,
24 and educational services that provide accurate information on sexual orientation
25 and sexuality, increase family and school support, and reduce rejection of sexual
26 minority youth;² and
27

28 **WHEREAS**, the Substance Abuse and Mental Health Services Administration has
29 concluded that:

- 30 1. “Conversion therapy perpetuates outdated views of gender roles and
31 identities as well as the negative stereotype that being a sexual or
32 gender minority or identifying as LGBTQ is an abnormal aspect of
33 human development. Most importantly, it may put young people at risk
34 of serious harm.”
- 35 2. “Conversion therapy—efforts to change an individual’s sexual
36 orientation, gender identity, or gender expression — is a practice that
37 is not supported by credible evidence, and has been disavowed by
38 behavioral health experts and associations.”
- 39 3. “Same-gender sexual identity, behavior, and attraction are not mental
40 disorders. Same-gender sexual attractions are part of the normal
41 spectrum of sexual orientation. Sexual orientation change in children
42 and adolescents should not be a goal of mental health and behavioral

¹ American Psychological Association, Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation (2009).

² Id. at Appendix A.

1 interventions.”³;

2
3 **WHEREAS**, a 2018 study by The Family Acceptance Project found the following:

- 4 1. Rates of attempted suicide by LGBT young people whose parents
5 tried to change their sexual orientation were more than double (48%)
6 the rate of LGBT young adults who reported no conversion
7 experiences (22%). Suicide attempts nearly tripled for LGBT young
8 people who reported both home-based and out-of-home efforts to
9 change their sexual orientation (63%).
- 10 2. High levels of depression more than doubled (33%) for LGBT young
11 people whose parents tried to change their sexual orientation
12 compared with those who reported no conversion experiences (16%)
13 and more than tripled (52%) for LGBT young people who reported both
14 home-based and out-of-home efforts to change their sexual
15 orientation.
- 16 3. Sexual orientation change experiences during adolescence by both
17 parents / caregivers and externally by therapists and religious leaders
18 were associated with lower young adult socioeconomic status: less
19 educational attainment and lower weekly income⁴; and
20

21 **WHEREAS**, a 2019 study by The Trevor Project, which surveyed 34,000 LGBTQ
22 youth between the ages of 13-24, found that five percent of respondents reported
23 being subjected to conversion therapy. 42 percent of these LGBTQ youth who
24 underwent conversion therapy reported a suicide attempt in the past year, more
25 than twice the rate of their LGBTQ peers who did not report undergoing conversion
26 therapy. 57 percent of transgender and nonbinary youth who had undergone
27 conversion therapy reported a suicide attempt in the last year⁵; and
28

29 **WHEREAS**, [MUNICIPALITY] has a compelling interest in protecting the physical
30 and psychological well-being of minors, including lesbian, gay, bisexual and
31 transgender youths, and in protecting its minors against exposure to serious harms
32 caused by conversion therapy; and
33

34 **WHEREAS**, the [MUNICIPALITY] desires to prohibit within the Municipality harmful
35 approaches in the mental health field to change sexual orientation or gender identity
36 with minors, including conversion and reparative therapy, finding they lack medical
37 justification, they are ethically unacceptable to health care and human rights
38 principles, there is a correlation with serious risks to minors' health, wellbeing, and
39 lives, and no other means of protecting minors from the harms associated with
40 conversion therapy would be effective; now, therefore,
41

42 **THE [MUNICIPALITY] ORDAINS:**

³ Substance Abuse and Mental Health Services Administration, Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth. HHS Publication No. (SMA) 15-4928. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.

⁴ Caitlin Ryan, et al., Parent-Initiated Sexual Orientation Change Efforts With LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment, Journal of Homosexuality, DOI: 10.1080/00918369.2018.1538407 <https://www.tandfonline.com/doi/full/10.1080/00918369.2018.1538407>.

⁵ The Trevor Project. (2019). National Survey on LGBTQ Mental Health. New York, New York: The Trevor Project. <https://www.thetrevorproject.org/wp-content/uploads/2019/06/The-Trevor-Project-National-Survey-Results-2019.pdf>.

1
2 **Section 1.** [MUNICIPALITY] Municipal Code is amended by adding a new
3 chapter ### to read as follows:
4

5 **CHAPTER ### MEDICAL AND MENTAL HEALTH PRACTICES**

6
7 Sections

8 **###** General provisions; purposes.

9 **###** Prohibition on sexual orientation and gender identity
10 change efforts with a minor.

11
12 **### General provisions; purposes.**

13
14 *Purpose.* This Chapter is an exercise of the Municipality's police power for
15 the public safety, health, and welfare; and its provisions shall be liberally
16 construed to accomplish this purpose.

17
18 **### Prohibition on sexual orientation and gender identity**
19 **change efforts with a minor.**

20
21 A. *Findings and Intent.* Medical and mental health experts have
22 denounced efforts to change sexual orientation and gender identity as
23 ineffective and unsafe for people, especially minors. These efforts are
24 based on the discredited premise that being non-heterosexual is a
25 mental disorder that can be corrected or cured. It is the intent of the
26 assembly that these unethical conversion treatments that correlate
27 with serious and dangerous harm to the health and well-being of
28 minors be prohibited. Therefore, the assembly finds and declares that
29 a compelling interest exists in protecting the physical and
30 psychological well-being of minors from efforts to change sexual
31 orientation and gender identity within the municipality, and no other
32 means of protecting minors from the harms associated with
33 conversion therapy would be effective.

34
35 B. *Definitions.* The following words, terms, and phrases shall have the
36 meanings ascribed to them in this section, except where the context
37 clearly indicates a different meaning:

38 *Minor* refers to any person under 18 years of age.

39
40
41 *Provider* means any person licensed, certified, or registered to
42 provide professional counseling including, but not limited to, behavior
43 analysts, licensed professional counselors, marital and family
44 therapists or associates, physicians or assistants, osteopaths or
45 assistants, registered or practical nurses or assistive personnel,
46 certified nurse aides, physical or occupational therapists or assistants,
47 psychologists or psychological associates, social workers or
48 associates, licensed professional conservators or guardians,
49 naturopaths, or a person who performs counseling as part of the
50 person's professional training.
51

Sexual orientation or gender identity change efforts, also known as conversion therapy or reparative therapy, means any counseling, practice, or treatment that seek to change a person’s sexual orientation or gender identity, including, but not limited to, efforts to change behaviors or gender expression, or reduce or eliminate sexual or romantic attraction or feelings toward a person of the same gender. Sexual orientation or gender identity change efforts do not include counseling that:

- a. Assists a person undergoing gender transition;
- b. Provides acceptance, support, and understanding to the person; or
- c. Facilitates a person’s coping, social support, identity exploration, and development, including sexual orientation- and gender identity-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling is not conducted with the goal of changing the person’s sexual orientation or gender identity.

C. *Prohibition on sexual orientation and gender identity change efforts.* It is unlawful for any provider to provide, apply, or use sexual orientation or gender identity change efforts with a minor.

D. *Private action.* Any person aggrieved, harmed, injured, or suffering loss or damages by the act or omission of another person constituting a violation of the provisions of this section may, following 30 days written notice to the municipal attorney or department, commence and maintain a civil action for injunctive relief authorized by Section ####. In any action under this section, the Municipality, if not a party, may intervene as a matter of right.

E. Violation of this section shall be punishable by a civil penalty in accordance with chapter ####. Each day in violation constitutes a separate offense.

Section 2. [MUNICIPALITY] Municipal Code section ### is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

- Fine schedule.

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
	*** *** ***	
###	<u>Providing, applying, or using sexual orientation or gender identity change efforts with a minor</u>	<u>500.00</u>

Section 3. This ordinance shall be effective 30 days after passage and approval by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

the Assembly.

PASSED AND APPROVED by the [MUNICIPALITY] Assembly this _____
day of _____, 2020.

Chair

ATTEST:

Municipal Clerk

DRAFT