



Legislation Text

File #: 160200., **Version:** 4

ORDINANCE PROHIBITING THE USE OF CONVERSION THERAPY ON MINORS (B)

ORDINANCE NO. 160200

An ordinance of the City of Gainesville, Florida amending Chapter 17 of the Code of Ordinances, relating to offenses, by creating Article IV, to be entitled "Conversion Therapy," to prohibit licensed professionals from engaging in counseling efforts, practices, or treatments with the goal to change a minor's sexual orientation or gender identity; amending Section 2-339 to provide a civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

On July 7, 2016, the City Commission referred the topic of prohibiting the use of conversion therapy to the General Policy Committee. On December 14, 2017, the General Policy Committee directed staff to draft a proposed ordinance.

Major professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly 40 years have agreed that being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBTQ) is not a mental disease, disorder or illness, deficiency or shortcoming. The American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts ("SOCE") (also referred to as "conversion" or "reparative" therapy), and issued its report in 2009, citing research that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources. In this context, as detailed more fully in the attached ordinance, conversion therapies have been deemed harmful, without medical basis, and overwhelmingly "contraindicated" as tools to "help" LGBTQ individuals, and only serve to further ostracize, harm and pose risk to such individuals.

This ordinance bans the practice of conversion therapy within the City of Gainesville on minors (i.e., persons under 18 years old) and, significantly, is not intended to prevent mental health providers from expressing their views to patients, whether minors or adults, about SOCE, homosexuality, or any other topic; prevent mental health providers from recommending SOCE to patients, whether minors or adults; prevent mental health providers from administering SOCE to any person who is 18 years of age or older; prevent mental health providers from referring minors to unlicensed counselors, such as religious leaders; prevent unlicensed providers, such as religious leaders, from administering SOCE to minors or adults; or prevent minors from seeking SOCE from mental health providers in other municipalities, counties, or states which do not prohibit such therapies already.

The City seeks to adopt this ordinance as a local law to protect minors subject to conversion therapy efforts as

minors are not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

None at this time.

The City Commission adopt the proposed ordinance.