



Legislation Details (With Text)

File #: 0525-2017 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/22/2017 **In control:** Rules & Reference Committee

On agenda: 3/27/2017 **Final action:** 3/29/2017

Title: To enact new section 2331.10 of the Columbus City Codes prohibiting the practice of conversion therapy or reparative therapy on minors and prescribing penalties for violations of that section.

Sponsors: Zach M. Klein

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/29/2017	1	CITY CLERK	Attest	
3/28/2017	1	MAYOR	Signed	
3/27/2017	1	COUNCIL PRESIDENT	Signed	
3/27/2017	1	Columbus City Council	Approved	Pass
3/13/2017	1	Columbus City Council	Read for the First Time	

The City of Columbus has a proud tradition as an exemplar for inclusiveness, acceptance, and progressive social action. Home to one of the largest populations of residents identifying as gay, lesbian, bisexual, or transgender, Columbus has long sought to protect the rights and secure the safety and well-being of those citizens who often find themselves subject to oppression and attack.

One such necessary protection is against attempts to change or alter sexual orientation, gender identity, or expression through the practice of “conversion therapy” or “reparative therapy.” This practice has been widely condemned by the American Psychological Association, the American Psychiatric Association, the American Academy of Pediatrics, and other expert bodies as a harmful and dangerous exercise.

There is little or no scientifically-demonstrated efficacy or benefit provided by conversion therapy or reparative therapy. There is, however, substantial evidence of the potential mental and emotional risk inherent in the practice. In 2009, the American Psychological Association concluded that efforts to “change” sexual orientation or gender identity among youths was cause for feelings of “confusion, depression, guilt, helplessness, hopelessness, self-blame, decreased self-esteem...feelings of anger and betrayal, and loss of friends,” among others. Because of these highly-adverse effects, the American Psychological Association issued a resolution that “advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth.”

It is this Council’s objective to protect residents through the prohibition of the practice of conversion therapy and reparative therapy on minors within city limits. In doing so, Columbus is proud to join state and local leaders around the country who have also introduced or passed legislation to ban this harmful practice.

To enact new section 2331.10 of the Columbus City Codes prohibiting the practice of conversion therapy or reparative therapy on minors and prescribing penalties for violations of that section.

WHEREAS, the practice of conversion therapy, reparative therapy, and other practices that seek to change or alter a person's sexual orientation, gender identity, or expression have been widely condemned by expert bodies, such as the American Psychological Association, the American Psychiatric Association, and the American Academy of Pediatrics; and

WHEREAS, the American Psychological Association issued a resolution in 2009 advising parents and guardians of young people and their families against the use of conversion therapy or reparative therapy, citing a strong association with harmful mental, emotional, and health risks such as depression, social withdrawal, substance abuse, and suicidal ideation; and

WHEREAS, the Columbus City Council has a responsibility to protect the health and well-being of all Columbus residents, including lesbian, gay, bisexual, and transgender residents; and

WHEREAS, the city may also seek injunctive relief in an appropriate court of competent jurisdiction to halt the practice of conversion therapy, reparative therapy, or any other practice prohibited under section 2331.10 of Columbus City Codes; and

WHEREAS, it is the intention of this Council to prohibit within the boundaries of the City of Columbus the practice of conversion therapy, reparative therapy, or any other practice seeking to fundamentally alter the sexual orientation, gender identity, or expression of another person; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That new section 2331.10 of the Columbus City Codes is hereby enacted, reading as follows:

2331.10 - Efforts to Change Sexual Orientation, Gender Identity, or Expression

(A) The following definitions apply in this section:

- (1) "Conversion therapy" means any treatment that aims to change sexual orientation or to convert an individual who identifies with a gender or expresses a gender other than the gender assigned at birth to the originally assigned gender.
- (2) "Mental health professional" means an individual who is licensed, certified or registered under the laws of the State of Ohio to provide, to an individual or a group, mental health services, including but not limited to, the assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. Mental health professionals include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.
- (3) "Minor" means a person less than eighteen (18) years of age.

- (4) “Reparative therapy” has the same meaning as the definition of conversion therapy contained in this chapter.
- (5) “Sexual orientation, gender identity, or expression change efforts” means conversion therapy, reparative therapy or any other practices that seek to change an individual's sexual orientation or to change gender identity or expression to a gender other than that with which the individual personally identifies, including efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. "Sexual orientation or gender identity change efforts" does not include psychotherapies or therapeutic activities that provide acceptance, support, and understanding for an individual or the facilitation of an individual’s coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, and psychotherapies that do not seek to change sexual orientation or to change gender identity to a gender other than that with which the individual personally identifies.
- (B) No mental health professional shall knowingly engage, within the geographic boundaries of the City of Columbus, in sexual orientation or gender identity change efforts with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for his or her services.
- (C) Whoever violates Section 2331.10 is guilty of a misdemeanor. The court shall sentence the offender to a minimum fine of \$500 up to a maximum fine of \$1,000 per occurrence and notwithstanding the terms of imprisonment set forth in Chapter 2929 of the Ohio Revised Code, a jail term not to exceed one (1) year.
- (D) Upon conviction of a violation of Section 2331.10, the relevant licensing board, commission, or entity tasked with review of professional conduct shall be notified of the aforementioned violation.
- (E) If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period provided by law.