ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROHIBITING THE PRACTICE OF CONVERSION THERAPY ON PATIENTS WHO ARE MINORS; PROVIDING FOR CODIFICATION PURSUANT TO §1-8 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR OTHER PURPOSES; AND PROVIDING AN EFFECTIVE DATE;.

WHEREAS, as recognized by major professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly 40 years, being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBT or LGBTQ) is not a mental disease, disorder or illness, deficiency or shortcoming; and

WHEREAS, the American Academy of Pediatrics in 1993 published an article in its Journal, stating: "Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation"[1]; and

WHEREAS, the American Psychiatric Association in December 1998 published its opposition to any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality is a mental disorder per se or that a patient should change his or her homosexual orientation[2]; and

WHEREAS, 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"), 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[3]; and

WHEREAS, following the report issued by the APA Task Force, the America Psychological Association in 2009 issued a resolution on Appropriate Affirmative

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[1] http://pediatrics.aappublications.org/content/pediatrics/92/4/631.full.pdf
[2] https://www.camft.org/ias/images/PDFs/SOCE/APA_Position_Statement.pdf
[3] https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf

Responses to Sexual Orientation Distress and Change Efforts (SOCE), advising 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[4]; and

WHEREAS, the American Psychoanalytic Association in June 2012 issued a position statement on conversion therapy efforts, articulating that "As with any societal prejudice, bias against individuals based on actual or perceived sexual orientation, gender identity or gender expression negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice" and that psychoanalytic technique "does not encompass purposeful attempts to 'convert, ' repair,' change or shift an individual's sexual orientation, gender identity or gender expression," such efforts being inapposite to "fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes"[5]; and

WHEREAS, the American Academy of Child & Adolescent Psychiatry in 2012 published an article in its Journal stating that clinicians should be aware that there is "no evidence that sexual orientation can be altered through therapy and that attempts to do so may be harmful;" that there is "no medically valid basis for attempting to prevent homosexuality, which is not an illness;" and that such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts; and that, for similar reasons cumulatively stated above, carrying the risk of significant harm, SOCE is contraindicated[6]; and

WHEREAS, the Pan American Health Organization, a regional office of the World Health Organization, issued a statement in 2012 stating: "'These supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements.'" The organization also noted that conversion therapies "lack medical justification and represent a serious threat to the health and well-being of affected people"[7]; and

WHEREAS, in 2014 the American School Counselor Association issued a position statement that states: "It is not the role of the professional school counselor to attempt to change a student's sexual orientation or gender identity. Professional school counselors do not support efforts by licensed mental health professionals to change a

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[4] http://www.apa.org/about/policy/sexual-orientation.pdf

[5] http://www.apsa.org/content/2012-position-statement-attempts-change-sexual-orientation-gender-identity-or-gender

[6] http://www.jaacap.com/article/S0890-8567(12)00500-X/pdf

[7] http://www.paho.org/hq/index.php?option=com_content&view=article&id=6803%3A2012-therapies-change-sexual-orientation-lack-medical-justification-threaten-health&catid=740%3Apress-releases&Itemid=1926&lang-en

student's sexual orientation or gender as these practices have been proven ineffective and harmful"[8]; and

WHEREAS, a 2015 report of the Substance Abuse and Mental Health Services Administration, a division of the U.S. Department of Health and Human Services, "Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth" further reiterates based on scientific literature that conversion therapy efforts to change an individual's sexual orientation, gender identity, or gender expression is a practice not supported by credible evidence and has been disavowed by behavioral health experts and associations, perpetuates outdated views of gender roles and identities, negative stereotypes, stating, importantly, that such therapy may put young people at risk of serious harm, and recognizing that, same-gender sexual orientation (including identity, behavior, and attraction) is part of the normal spectrum of human diversity and does not constitute a mental disorder[9]; and

WHEREAS, the American College of Physicians wrote a position paper in 2015 opposing the use of "conversion," " reorientation," or "reparative" therapy for the treatment of LGBT persons, stating that "[a]vailable research does not support the use of reparative therapy as an effective method in the treatment of LGBT persons. Evidence shows that the practice may actually cause emotional or physical harm to LGBT individuals, particularly adolescents or young persons"[10]; and

WHEREAS, at least one federal appeals court[11] found that a prohibition of SOCE does not violate first amendment rights and noted that the subject ordinance only required mental health providers who wish to engage in practices that seek to change a minor's sexual orientation either to wait until the minor turns 18 or be subject to professional discipline, leaving mental health providers free to discuss or recommend treatment and to express their views on any topic; and

WHEREAS, the City does not intend to prevent mental health providers from speaking to the public about SOCE; expressing their views to patients; recommending SOCE to patients; administering SOCE to any person who is 18 years of age or older; or referring minors to unlicensed counselors, such as religious leaders. This ordinance does not prevent unlicensed providers, such as religious leaders, from administering SOCE to children or adults; nor does it prevent minors from seeking SOCE from mental health providers in other political subdivisions or states outside of the City of Riviera Beach, Florida; and

WHEREAS, City of Riviera Beach has a compelling interest in protecting the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and questioning youth, and in protecting its minors against

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[8] https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_LGBTQ.pdf
[9] http://store.samhsa.gov/shin/content/SMA15-4928/SMA15-4928.pdf
[10] http://annals.org/article.aspx?articleid=2292051
[11] Pickup v. Brown, 740 F3d 1208 (9th Cir. 2014)

exposure to serious harms caused by sexual orientation and gender identity change efforts; and

WHEREAS, the City Council hereby finds the overwhelming research demonstrating that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons, and that being lesbian, gay, bisexual, transgender or questioning is not a mental disease, mental disorder, mental illness, deficiency, or shortcoming; and

WHEREAS, the City Council finds minors receiving treatment from licensed therapists in the City of Riviera Beach, FL who may be subject to conversion or reparative therapy are not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation; and

WHEREAS, the City Council desires to prohibit, within the geographic boundaries of the City, the practice of sexual orientation or gender identity change efforts on minors by licensed therapists only, including reparative and/or conversion therapy, which have been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual, transgender and questioning persons.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That the City of Riviera Beach hereby prohibits the practice of Conversion Therapy on patients who are minors and that the foregoing recitals are ratified and affirmed as being true and correct and will be codified and made a part of the City's Code of Ordinance pursuant to §1-8**;**

PROHIBITION OF CONVERSION THERAPY ON MINORS

(1) Intent

The Intent of this Ordinance is 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, including but not limited to licensed therapists. These provisions are exercises of police power of the City for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose.

(2) Definitions.

a. *Conversion therapy* or *reparative therapy* means, interchangeably, any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to,

efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does 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 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.

b. *Minor* means any person less than eighteen (18) years of age.

c. *Provider* means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 456, 458, 459, 490 or 491 of the Florida Statutes, as such chapters may be amended, including but not limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors. A Provider does not include members of the clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves out as operating pursuant to any of the aforementioned Florida Statutes licenses.

(3) Conversion therapy prohibited.

It shall be unlawful for any Provider to practice conversion therapy efforts on any individual who is a minor regardless of whether the person receives monetary compensation in exchange for such services.

(4) Enforcement and civil penalties.

a. Enforcement of this chapter may be done pursuant to Chapter 2 entitled "Administration", Article VI entitled "Code Enforcement of the City's Code of Ordinance.

b. The violation of any provisions of this chapter shall be punished by a fine of Two Hundred Fifty Dollars ($250.00) for the first violation and Five Hundred Dollars ($500.00) for each repeated violation. Each day any violation of this chapter occurs shall constitute a separate offense. These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief in the circuit court.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: Authority is hereby granted to codify this ordinance as set forth in Section 1 of this Ordinance.

SECTION 5: This Ordinance shall take effect immediately upon its approval and adoption.

PASSED AND APPROVED on the first reading this _____ day of _____, _____.

PASSED AND ADOPTED on second and final reading this _____day of _____, _____.

APPROVED:

_____
THOMAS A. MASTERS
MAYOR

_____
TERENCE D. DAVIS
CHAIRPERSON

ATTEST:

_____
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

_____
KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

_____
LYNNE L. HUBBARD
COUNCILPERSON

_____
TONYA DAVIS JOHNSON
COUNCILPERSON

_____
DAWN S. PARDO
COUNCILPERSON

1ST READING		**2ND & FINAL READING**	
MOTIONED BY:_____		**MOTIONED BY: _____**	
SECONDED BY:_____		**SECONDED BY:_____**	
L. HUBBARD	**_____**	**L. HUBBARD**	**_____**
K. MILLER-ANDERSON	**_____**	**K. MILLER-ANDERSON**	**_____**
T. DAVIS JOHNSON	**_____**	**T. DAVIS JOHNSON**	**_____**
D. PARDO	**_____**	**D. PARDO**	**_____**
T. DAVIS	**_____**	**T. DAVIS**	**_____**

REVIEWED AS TO LEGAL SUFFICIENCY

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ANDREW DEGRAFFENREIDT, III
CITY ATTORNEY

DATE: _____