

City of Cincinnati

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An Ordinance No. _____

- 2015

ORDAINING new Chapter 769, “Sexual Orientation or Gender Identity Change Efforts,” of Title VII, “General Regulations,” of the Cincinnati Municipal Code.

WHEREAS, the American Psychiatric Association in December 1998 published a position statement opposing any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality *per se* is a mental disorder or upon an assumption that a patient should change his or her homosexual orientation; and

WHEREAS, the American Psychological Association’s Task Force on Appropriate Therapeutic Responses to Sexual Orientation (“APA Task Force”) concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay and bisexual people, including, among other things, confusion, depression, social withdrawal, suicidality, substance abuse, self-hatred, high-risk sexual behaviors, and a feeling of being dehumanized; and

WHEREAS, following the report issued by the APA Task Force, the American Psychological Association issued a resolution in 2009 on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts, 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 encouraging 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; and

WHEREAS, the American Academy of Child and Adolescent Psychiatry in 2012 published a statement in its journal that, “[g]iven that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated”; and

WHEREAS, the American Academy of Pediatrics, the American Medical Association Council on Scientific Affairs, the National Association of Social Workers, the American Counseling Association Governing Council, and the American Psychoanalytic Association each have asserted in reports or position statements that sexual orientation change efforts, including reparative therapy or conversion therapy, are not recommended and may be harmful; and

WHEREAS, the Pan American Health Organization issued a statement in 2012 that “[t]hese 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”; and

WHEREAS, the City of Cincinnati has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual and transgender youth

and in protecting its minors against exposure to serious harms caused by sexual orientation change efforts; and

WHEREAS, it is the desire of the Council to prohibit within the geographic boundaries of the City of Cincinnati the use of sexual orientation or gender identity change efforts with minors, including reparative and conversion therapy, which have been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual and transgender persons; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council hereby finds that being lesbian, gay, bisexual or transgender is not a disease, disorder, illness, deficiency, or shortcoming, and that research has demonstrated sexual orientation change efforts can pose critical health risks to lesbian, gay, bisexual or transgender persons.

Section 2. That Chapter 769, "Sexual Orientation or Gender Identity Change Efforts," of Title VII, "General Regulations," of the Cincinnati Municipal Code is hereby ordained to read as follows:

Chapter 769 – Sexual Orientation or Gender Identity Change Efforts

Sec. 769-1. - Definitions.

For the purpose of this chapter, the terms, words and phrases defined herein shall have the meanings respectively ascribed to them, unless a different meaning is clearly indicated by the context.

Sec. 769-1-C. - Conversion Therapy

"Conversion therapy" means any treatment that aims to change sexual orientation from homosexual to heterosexual or to convert an individual who identifies with a gender other than the gender assigned at birth to the originally assigned gender.

Sec. 769-1-M1. - Mental Health Professional

"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 clinical social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.

Sec. 769-1-M2. – Minor

“Minor” means a person less than eighteen (18) years of age.

Sec. 769-1-R. – Reparative Therapy

“Reparative therapy” has the same meaning as conversion therapy, which is defined in Section 769-1-C herein.

Sec. 769-1-S. – Sexual Orientation or Gender Identity Change Efforts

“Sexual orientation or gender identity change efforts” means conversion therapy, reparative therapy or any other practices by mental health professionals that seek 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 sex. “Sexual orientation or gender identity change efforts” does not include psychotherapies that provide acceptance, support, and understanding of clients or the facilitation of clients’ 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 gender identity.

Sec. 769-3. – Sexual Orientation or Gender Identity Change Efforts Prohibited

No mental health professional shall engage, within the geographic boundaries of the City of Cincinnati, 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. If the city manager or his designee receives a report of a violation of this provision, the city manager or his designee shall mail to the mental health professional written notice to immediately cease and desist offering to provide or engaging in sexual orientation or gender identity change efforts. The failure of the mental health professional to immediately cease and desist shall subject the mental health professional to the civil fine provided in Section 769.99 of this chapter.

Sec. 769-99. – Penalties

Whoever violates Section 769-3 shall be subject to a civil fine of \$200.00. Each day in violation constitutes a separate offense.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2015

Mayor

Attest: _____
Clerk