

NO. 01-20-OR

ORDINANCE

An Ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 5, entitled "Health and Sanitation," through the creation of a new Chapter 540, entitled "Sexual Orientation and Gender Identity Conversion Therapy," in order to protect the health, safety and well-being of minors living within the County.

WHEREAS, the practice of LGBTQIA+ conversion therapy or reparative therapy is formally opposed by the following organizations: American Academy of Child Adolescent Psychiatry, American Academy of Pediatrics, American Association for Marriage and Family Therapy, American College of Physicians, American Counseling Association, American Medical Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association, American School Counselor Association, American School Health Association, National Association of Social Workers, Pan American Health Organization: Regional Office of the World Health Organization, and World Psychiatric Association; and,

WHEREAS, a report by the American Psychological Association cites the severe mental health problems caused by sexual orientation conversion efforts, including depression, decreased self-esteem, social withdrawal, substance abuse, dehumanization, feelings of hostility and anger, and suicidal thoughts, and in November of 2018 expressly called upon lawmakers throughout the country to ban conversion therapy as a "harmful and discriminatory practice"; and,

WHEREAS, the American Academy of Child and Adolescent Psychiatry determined that no evidence exists to prove the efficacy or necessity of conversion therapy and concluded that same-sex attraction is neither an illness nor a mental health disorder and therefore, cannot be altered by conversion therapy; and,

WHEREAS, the American Counseling Association (ACA) also affirmed that homosexuality is not listed as a disorder in the Diagnostic and Statistical Manual, which is used by mental health and medical professional organizations to determine best practices for treatment of various conditions, and the ACA also cites a study by the American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation, stating that 50% of individuals who were subjected to conversion therapy reported harmful psychological effects; and,

WHEREAS, the County of Allegheny has a vested interest in protecting the psychological and physical well-being of all minors and preventing the serious harms

caused by sexual orientation, gender identity, and gender expression conversion efforts; and,

WHEREAS, it is the judgment of Council that prohibiting the practice of conversion therapy for minors within the geographic borders of Allegheny County will inure to the benefit of those residents;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The preamble to this Ordinance is hereby incorporated in its entirety herein.

SECTION 2. Amendment of the Code.

The Allegheny County Code of Ordinances, Division 5, entitled "Health and Sanitation," is hereby amended and supplemented through the creation of a new Chapter 540, entitled "Sexual Orientation and Gender Identity Conversion Therapy," and comprised as follows:

**Chapter 540
Sexual Orientation and Gender Identity Conversion Therapy**

§540-1. Definitions.

- A. "Conversion Therapy" means any treatment that involves any attempt(s) to convert an individual's sexual orientation or to convert an individual who identifies with a gender other than the gender assigned at birth to the originally assigned gender, regardless of whether such attempt is the primary goal of treatment.
- B. "Mental Health Provider" means an individual who is licensed, certified or registered under the laws of the Commonwealth of Pennsylvania 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 service.
- C. "Minor" means a person less than eighteen (18) years of age.

- D. “Reparative Therapy” has the same meaning of “conversion therapy” as defined in §540-1.A.
- E. “Sexual Orientation or Gender Identity Conversion Efforts” means Conversion Therapy, Reparative Therapy or any other practices by mental health professionals that involve any attempt(s) to convert an individual’s sexual orientation or gender identity or expression, including efforts to change behaviors, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex, regardless of whether such attempt is the primary goal of treatment. “Sexual orientation or gender identity or expression conversion 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 or expression.

§540-2. Prohibited conduct.

No Mental Health Provider shall engage, within the geographic boundaries of Allegheny County, in Sexual Orientation or Gender Identity or Expression Conversion Efforts or Reparative Therapy as defined under the terms of §540-1 of this Chapter with a minor, without regard to whether such Mental Health Provider is compensated or receives any form of remuneration for his or her services.

§540-3. No limitation on other statutory remedies.

No portion of this Chapter shall be read or interpreted to alter, enlarge, limit, or in any way otherwise impact rights and remedies available to patients in relation to mental health professionals under the terms of any applicable Commonwealth licensing, certification or registration statute that expressly specifies, enables or incorporates professional/ethical practice standards and/or regulations, including but not limited to the Pennsylvania Professional Psychologists Practice Act (63 P.S. §1201, *et. seq.*) and the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §1901, *et. seq.*)

SECTION 2. Effective Date.

The provisions of this Ordinance shall become effective immediately upon final approval.

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER KLEIN

**CO-SPONSORS: COUNCIL MEMBERS DUERR, HALLAM, BENNETT,
FUTULES, and PRIZIO**

Enacted in Council, this 11th day of February, 2020,

Council Agenda No. 11395-20



Patrick Catena
President of Council

Attest:



Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office February 14, 2020

Approved:



Rich Fitzgerald
Chief Executive

Attest:



Sonya Dietz
Executive's Secretary