



DATE: September 10, 2021

To: HRC

From: Mitchell Langford, City Prosecutor

RE: Conversion Therapy Ordinances (Comparison)

The comparison below follows the structure of the proposed ordinances.

A. Definitions

1. Conversion Therapy

The most significant changes between the 3 drafts occur in this subsection. All three drafts define attempt to specify what conversion therapy is and is not.

Draft 1 refers to conversion therapy and conversion therapy or reparative therapy. Drafts 2 and 3 refer to conversion therapy as conversion therapy only and omit the words reparative therapy.

Draft 1 –

Conversion therapy is:

Any practice or treatment that seeks 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 gender.

Conversion therapy is not:

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Counseling that provides supports to a person undergoing gender transition, or

Counseling that provides acceptance, support, understanding, of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral treatment interventions to prevent or address unlawful conduct or unsafe sexual practices if such counseling does not seek to change sexual orientation or gender identity.

Draft 2 –

Conversion therapy is:

Permanent reversal of sexual orientation and the need for the permanent reversal of sexual orientation and the subjection of the patient/client to physical discomfort.

Conversion therapy is not:

Treatment that is neutral to sexual orientation/gender identity, that provides assistance to a patient/client undergoing gender transition, that provides supports of a patient/client's sexual orientation and/or gender identity, that addresses unlawful/unsafe sexual activities in a manner neutral to sexual orientation and/or gender identity, that discusses a patient/client moral or religious practices.

Draft 3 –

Draft 3 omits the physical discomfort requirement of draft 2 and returns to the focus of draft 1: practice or treatment seeking to change sexual orientation or gender identity. Draft 3 also includes specifications regarding mental health therapy.

Conversion therapy is:

Any practice or treatment that seeks to change the sexual orientation or gender identity of a patient or client, including mental health therapy that seeks to change, eliminate, or reduce behaviors, expressions, attractions, or feelings related to a patient of client's sexual orientation or gender identity.

Conversion therapy is not:

Any practice or treatment that does not seek to change a patient or client's sexual orientation or gender identity, including mental health therapy that:

(See 6 specifications in draft 3)

- 2. Gender Identity – All drafts use the same language**
- 3. Minor – All drafts use the same language**
- 4. Provider**

The first part of the definition ending with reference to state law is the same in all three drafts. Drafts 2 and 3 add disclaimers concerning clergy and guardians.

Draft 1 – No further definition after the reference to the state laws.

Draft 2 – Adds the disclaimer that a provider does not mean a member of the clergy or religious counselor acting in a pastoral or religious capacity and not acting as a provider as defined in this section.

Draft 3 – Adds the disclaimer regarding clergy or religious counselor. Adds the additional disclaimer that a provider does not mean a parent or grandparent who is a provider as defined above who is acting substantially in the capacity of a parent or grandparent and not in the capacity of a mental health therapist.

5. Sexual Orientation

Draft 1 – Preference or practice or homosexuality, heterosexuality, asexuality, and bisexuality, or some combination thereof by consenting adults, or as perceived by others, but not including sexual preference or practice between an adult and a minor.

Draft 2 – Same as draft 1

Draft 3 – Shortened considerably to homosexuality, heterosexuality, bisexuality, or asexuality. Words and phrases such as preference or practice, consenting adults, sexual preference or practice between and adult and a minor omitted.

B. Prohibited Practice

Draft 1 – Unlawful for any provider to provide conversion therapy or reparative therapy to a minor for compensation.

Draft 2 – Unlawful for any provider to provide conversion therapy to a minor (compensation omitted).

Draft 3 – Unlawful for any provider to employ the practice or treatment of conversion therapy on a minor (compensation still omitted and the use of the words practice or treatment refer to the definition of conversion therapy in the ordinance).

C. Penalty

Draft 1 – Penalty limited to up to a \$500 fine.

Draft 2 – No specific penalty section which means the penalty reverts to the penalty found in 12.08.001 (up to \$500 fine and up to 6 months in jail).

Draft 3 – Penalty limited to up to a \$500 fine.