

Proposed: 6/06/2022

ORDINANCE NO. 75-2022 (PSH), *First Reading*

By Mayor Seren and Councilman Mattox

An Ordinance amending Chapter 749, "Fair Practices", of the Codified Ordinances of the City of Cleveland Heights to prohibit any psychiatric treatment, including conversion therapy, the purpose of which is an attempt to change an individual's sexual orientation; and declaring the necessity that this Ordinance become immediately effective as an emergency measure.

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 Associations 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 education 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 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 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 principles of health care and violate human rights that are protected by international and regional agreements "; and

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WHEREAS, the City of Cleveland Heights 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 conversion therapy; and

WHEREAS, it is the desire of the Council of the City of Cleveland Heights to prohibit the use of conversion therapy with minors, which has been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual and transgender persons.

BE IT ORDAINED BY THE CITY OF CLEVELAND HEIGHTS, OHIO:

SECTION 1. Section 749.03, *Definitions*, of Chapter 749, *Fair Practices*, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to enact new Subsections 749.03(jj) and 749.03(kk) to read as follows:

749.03 DEFINITIONS

(jj) "Conversion therapy" means any practices or treatments 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 gender. Conversion therapy shall not include counseling that provides 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 identity exploration and development, including sexual-orientation-neutral intervention to prevent or address conduct or unsafe practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

(kk) "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 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 professions include but are not limited to physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed clinical social workers, professions clinical counselors, behavioral clinicians or therapists, nurses or any other persons offering such mental health services.

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SECTION 2. Chapter 749, *Fair Practices*, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is to enact a new Section 749.161, *Conversion Therapy Prohibited*, which shall read as follows:

749.161 CONVERSION THERAPY PROHIBITED

No mental health professional shall engage or cause another to engage in conversion therapy with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for his or her services. A violation of this section shall be an Unlawful Discriminatory Practice.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to protect the health and welfare of minors. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor