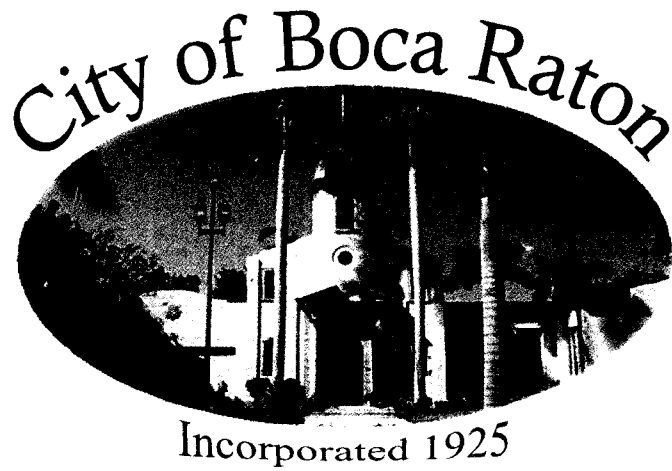




ORDINANCE

5407

AN ORDINANCE OF THE CITY OF BOCA RATON
AMENDING CHAPTER 9, CODE OF ORDINANCES, TO
CREATE A NEW ARTICLE VI, "PROHIBITION OF
CONVERSION THERAPY ON MINORS," PROHIBITING THE
PRACTICE OF CONVERSION THERAPY ON PATIENTS
WHO ARE MINORS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEALER; PROVIDING FOR
CODIFICATION; 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 (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;" and

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

5 WHEREAS, the American Psychological Association's Task Force on Appropriate
6 Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic
7 review of peer-reviewed journal literature on sexual orientation change efforts ("SOCE"), and
8 issued its report in 2009, citing research that sexual orientation change efforts can pose critical
9 health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt,
10 helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress,
11 disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-
12 hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and
13 potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction,
14 high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith,
15 and a sense of having wasted time and resources; and

16 WHEREAS, following the report issued by the APA Task Force, the American
17 Psychological Association in 2009 issued a resolution on Appropriate Affirmative Responses to
18 Sexual Orientation Distress and Change Efforts, advising parents, guardians, young people,
19 and their families to avoid sexual orientation change efforts that portray homosexuality as a
20 mental illness or developmental disorder and to seek psychotherapy, social support, and
21 educational services that provide accurate information on sexual orientation and sexuality,
22 increase family and school support, and reduce rejection of sexual minority youth; and

23 WHEREAS, the American Psychoanalytic Association in June 2012 issued a position
24 statement on conversion therapy efforts, articulating that "As with any societal prejudice, bias
25 against individuals based on actual or perceived sexual orientation, gender identity or gender
26 expression negatively affects mental health, contributing to an enduring sense of stigma and

1 pervasive self-criticism through the internalization of such prejudice" and that psychoanalytic
2 technique "does not encompass purposeful attempts to 'convert,' 'repair,' change or shift an
3 individual's sexual orientation, gender identity or gender expression," such efforts being
4 inapposite to "fundamental principles of psychoanalytic treatment and often result in substantial
5 psychological pain by reinforcing damaging internalized attitudes;" and

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

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

20 WHEREAS, in 2014, the American School Counselor Association issued a position
21 statement that states: "It is not the role of the professional school counselor to attempt to
22 change a student's sexual orientation or gender identity. Professional school counselors do not
23 support efforts by licensed mental health professionals to change a student's sexual orientation
24 or gender as these practices have been proven ineffective and harmful;" and

25 WHEREAS, a 2015 report of the Substance Abuse and Mental Health Services
26 Administration, a division of the U.S. Department of Health and Human Services, "Ending

1 Conversion Therapy: Supporting and Affirming LGBTQ Youth" further reiterates based on
2 scientific literature that conversion therapy efforts to change an individual's sexual orientation,
3 gender identity, or gender expression is a practice not supported by credible evidence and has
4 been disavowed by behavioral health experts and associations, perpetuates outdated views of
5 gender roles and identities, negative stereotypes, stating, importantly, that such therapy may
6 put young people at risk of serious harm, and recognizing that, same-gender sexual orientation
7 (including identity, behavior, and attraction) is part of the normal spectrum of human diversity
8 and does not constitute a mental disorder; and

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

15 WHEREAS, at least one federal appeals court found that a prohibition of SOCE does
16 not violate first amendment rights and noted that the subject ordinance only required mental
17 health providers who wish to engage in practices that seek to change a minor's sexual
18 orientation either to wait until the minor turns 18 or be subject to professional discipline, leaving
19 mental health providers free to discuss or recommend treatment and to express their views on
20 any topic (See Pickup v. Brown, 740 F.3d 1208 (9th Cir. 2014)); and

21 WHEREAS, the City does not intend to prevent mental health providers from
22 speaking to the public about SOCE; expressing their views to patients; recommending SOCE to
23 patients; administering SOCE to any person who is 18 years of age or older; or referring minors
24 to unlicensed counselors, such as religious leaders. This ordinance does not prevent unlicensed
25 providers, such as religious leaders, from administering SOCE to children or adults; nor does it

1 prevent minors from seeking SOCE from mental health providers in other political subdivisions
2 or states outside of the City of Boca Raton, Florida; and

3 WHEREAS, City of Boca Raton has a compelling interest in protecting the physical
4 and psychological well-being of minors, including but not limited to lesbian, gay, bisexual,
5 transgender and questioning youth, and in protecting its minors against exposure to serious
6 harms caused by sexual orientation and gender identity change efforts; and

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

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

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

21
22 THE CITY OF BOCA RATON HEREBY ORDAINS:
23

24 Section 1. Chapter 9, "Miscellaneous Offenses," Article VI, "Prohibition of
25 Conversion Therapy on Minors," is created to read:

1 ARTICLE VI. - PROHIBITION OF CONVERSION THERAPY ON MINORS

2 Sec. 9-104. - Intent.

3 The Intent of this Ordinance is to protect the physical and psychological well-being of
4 minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth,
5 from exposure to the serious harms and risks caused by conversion therapy or reparative
6 therapy by licensed providers, including but not limited to licensed therapists. These provisions
7 are exercises of the police power of the City for the public safety, health, and welfare; and its
8 provisions shall be liberally construed to accomplish that purpose.

9 Sec. 9-105. - Definitions.

10 (a) "Conversion therapy" or "reparative therapy means," interchangeably, any
11 counseling, practice or treatment performed with the goal of changing an individual's sexual
12 orientation or gender identity, including, but not limited to, efforts to change behaviors, gender
13 identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or
14 feelings toward individuals of the same gender or sex. Conversion therapy does not include
15 counseling that provides support and assistance to a person undergoing gender transition or
16 counseling that provides acceptance, support, and understanding of a person or facilitates a
17 person's coping, social support, and development, including sexual orientation-neutral
18 interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such
19 counseling does not seek to change sexual orientation or gender identity.

20 (b) "Minor" means any person less than 18 years of age.

21 (c) "Provider" means any person who is licensed by the State of Florida to provide
22 professional counseling, or who performs counseling as part of his or her professional training
23 under chapters 456, 458, 459, 490 or 491 of the Florida Statutes, as such chapters may be
24 amended, including but not limited to, medical practitioners, osteopathic practitioners,
25 psychologists, psychotherapists, social workers, marriage and family therapists, and licensed
26 counselors. The term "provider" does not include members of the clergy or other religious

1 leaders who are acting in their roles as clergy or pastoral counselors, or are providing religious
2 counseling or instruction to congregants, provided they do not hold themselves out as providing
3 conversion therapy pursuant to any of the aforementioned Florida Statutes licenses.

4 Sec. 9-106. - Conversion therapy prohibited.

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

8 Sec. 9-107. - Enforcement and civil penalties.

9 (a) Any person that violates any provision of this article shall be subject to the civil
10 penalty prescribed in section 1-16 and in no instance shall a violation of this article be
11 punishable by imprisonment.

12 Section 2. If any section, subsection, clause or provision of this ordinance is held
13 invalid, the remainder shall not be affected by such invalidity.

14 Section 4. All ordinances and resolutions or parts of ordinances and resolutions and
15 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

16 Section 5. Codification of this ordinance in the City Code of Ordinances is hereby
17 authorized and directed.

18 Section 6. This ordinance shall take effect immediately upon adoption.
19

1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 10th
2 day of October, 2017.

3
4 CITY OF BOCA RATON, FLORIDA

5
6 ATTEST:

7
8
9 Susan S. Saxton
10 Susan S. Saxton, City Clerk

11
12 Susan Haynie
13 Susan Haynie, Mayor

14 Approved as to form:

15
16
17 Diana Grub Frieser
18 Diana Grub Frieser
19 City Attorney

20
21
22 O17814
23

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN HAYNIE	☒	☐	☐
DEPUTY MAYOR JEREMY RODGERS	☒	☒	☐
COUNCIL MEMBER ANDREA LEVINE O'ROURKE	☒	☐	☐
COUNCIL MEMBER SCOTT SINGER	☒	☐	☐
COUNCIL MEMBER ROBERT S. WEINROTH	☒	☐	☐