

Submitted by: Chair Rivera, Assembly
Member Constant, and
Vice-Chair Quinn-
Davidson
Prepared by: Assembly Counsel
Office, Legal Intern
For reading: June 23, 2020

ANCHORAGE, ALASKA
AO No. 2020-65, As Amended

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE TITLE 16 BY ADDING CHAPTER 16.140 REGARDING MEDICAL AND MENTAL HEALTH PRACTICES, SUCH AS SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS WITH A MINOR.

1 **WHEREAS**, research demonstrates that sexual orientation and gender identity
2 change efforts can pose critical health risks to lesbian, gay, bisexual, and
3 transgender persons; and
4

5 **WHEREAS**, contemporary science recognizes that being lesbian, gay, bisexual, or
6 transgender is part of the natural spectrum of human identity and is not a disease,
7 disorder, or illness; and
8

9 **WHEREAS**, the Municipality of Anchorage has a compelling interest in protecting
10 the physical and psychological well-being of minors¹ that justifies protecting minors
11 from the risk of serious harm from sexual orientation and gender identity change
12 efforts in the Municipality; and
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14 **WHEREAS**, the Anchorage Assembly desires to protect minors within the
15 Municipality from harmful and discredited approaches to change sexual orientation
16 or gender identity with minors, including so-called “conversion” or “reparative”
17 therapy, finding that such efforts lack medical justification, are unethical, violate
18 fundamental human rights principles, and put minors at risk of suicide and other
19 long-term physical and psychological harms; and
20

21 **WHEREAS**, no other means of protecting minors from the harms associated with
22 such efforts would be effective; now, therefore,
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24 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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26 **Section 1.** Anchorage Municipal Code is amended by adding a new chapter
27 16.140 to read as follows:
28

29 **CHAPTER 16.140 MEDICAL AND MENTAL HEALTH PRACTICES**

30
31 Sections

¹ See *Ginsberg v. State of N.Y.*, 390 U.S. 629, 88 S.Ct. 1274 (1968); *Treacy v. Municipality of Anchorage*, 91 P.3d 252 (Alaska 2004).

- 1 16.140.010 General provisions; purposes.
2 16.140.020 Prohibition on sexual orientation and gender identity
3 change efforts with a minor.

4 **16.140.010 General provisions; purposes.**

5
6 *Purpose.* This Chapter is an exercise of the Municipality's police power for
7 the public safety, health, and welfare in relation to the provision of medical
8 and mental health practices; and its provisions shall be liberally construed
9 to accomplish this purpose.

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11 **16.140.020 Prohibition on sexual orientation and gender identity**
12 **change efforts with a minor.**

13
14 A. *Findings and Intent.* Medical and mental health experts have
15 denounced efforts to change sexual orientation and gender identity
16 as ineffective and unsafe for people, especially minors. These efforts
17 are based on the discredited premise that being non-heterosexual or
18 transgender is a mental disorder that can be corrected or cured. It is
19 the intent of the Assembly that these unethical treatments that
20 correlate with serious and dangerous harm to the health and well-
21 being of minors be prohibited. Therefore, the assembly finds and
22 declares that protecting minors from efforts to change sexual
23 orientation or gender identity is necessary to further its compelling
24 interest in protecting the physical and psychological well-being of
25 minors, and no other means of protecting minors from the harms
26 associated with these treatments would be effective.

27
28 B. *Definitions.* The following words, terms, and phrases shall have the
29 meanings ascribed to them in this section, except where the context
30 clearly indicates a different meaning:

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32 *Minor* refers to any person under 18 years of age.

33
34 *Provider* means any person licensed **by a state professional**
35 **licensing board or accredited professional licensing**
36 **association**[, **certified, or registered**] to provide professional
37 counseling including, but not limited to, behavior analysts, licensed
38 professional counselors, marital and family therapists or associates,
39 physicians or assistants, osteopaths or assistants, registered or
40 practical nurses or assistive personnel, certified nurse aides,
41 physical or occupational therapists or assistants, psychologists or
42 psychological associates, social workers or associates, licensed
43 professional conservators or guardians, naturopaths, or a **licensed**
44 **person** who performs counseling as part of the person's professional
45 **services**[**training**].

46
47 *Sexual orientation or gender identity change efforts*, also
48 known as *conversion therapy* or *reparative therapy*, means any
49 counseling, practice, or treatment that seeks to change a person's

1 sexual orientation or gender identity including, but not limited to,
2 efforts to change behaviors or gender expression, or reduce or
3 eliminate sexual or romantic attraction or feelings toward a person of
4 the same gender. Sexual orientation or gender identity change
5 efforts do not include counseling that does not seek to change
6 sexual orientation or gender identity and that:

- 7 a. Assists a person undergoing gender transition;
8 b. Provides acceptance, support, and understanding to
9 the person; or
10 c. Facilitates a person's coping, social support, identity
11 exploration, and development, including sexual
12 orientation and gender identity-neutral interventions to
13 prevent or address unlawful conduct or unsafe sexual
14 practices.

15
16 C. *Prohibition on sexual orientation and gender identity change efforts.*
17 It is unlawful for any provider to provide, apply, or use sexual
18 orientation or gender identity change efforts with a patient who is a
19 minor.

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21 **D. Subsection C. does not apply to a clergy member or religious**
22 **counselor who is acting substantially in a pastoral or religious**
23 **capacity and not in the capacity of a health care professional.**

24
25 **E[D]. Parent and Guardian Rights. Nothing in this Chapter will**
26 **infringe on the right of parents or legal guardians to help and**
27 **counsel their minor children regarding their ethical, religious or**
28 **other viewpoints regarding sexual orientation or gender**
29 **identity.**

30
31 **F[E]. Private action.** Any person aggrieved, harmed, injured, or suffering
32 loss or damages by the act or omission of another person
33 constituting a violation of the provisions of this section may,
34 following 30 days written notice to the municipal attorney or
35 department, commence and maintain a civil action for injunctive
36 relief authorized by Section 1.45.010B. In any action under this
37 section, the Municipality, if not a party, may intervene as a matter of
38 right.

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40 **G[F].** Violation of this section shall be punishable by a civil penalty in
41 accordance with chapter 14.60. Each day in violation constitutes a
42 separate offense.

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44 **Section 2.** Anchorage Municipal Code section 14.60.030 is hereby amended to
45 read as follows (*the remainder of the section is not affected and therefore not set*
46 *out*):

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48 **14.60.030 - Fine schedule.**
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The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
	*** *** ***	
<u>16.140.020C.</u>	<u>Providing, applying, or using sexual orientation or gender identity change efforts with a minor</u>	<u>500.00</u>
	*** *** ***	

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No. 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16; AO No. 2016-76(S), § 7, 7-12-16; AO No. 2016-81(S), § 4, 8-25-16; AO No. 2016-83(S), § 9, 7-26-16; AO No. 2016-82, § 3, 8-9-16; AO No. 2016-116, § 2, 10-18-16; AO No. 2016-115(S), § 2, 11-15-16; AO No. 2016-124(S), § 11, 12-20-16; AO No. 2017-26, § 2, 5-1-17; AO No. 2017-29(S), § 61, 6-1-17; AO No. 2017-30, § 3, 3-21-17; AO No. 2017-31(S), § 5, 5-26-17; AO No. 2017-119(S), §

1 4, 11-9-17; AO No. 2017-101, § 2, 2-5-18; AO No. 2017-161(S), § 3, 2-27-
2 18; AO No. 2017-16, § 3, 2-14-17; AO No. 2018-63(S), § 2, 8-28-18; AO
3 No.2018-100(S), § 2, 1-1-19; AO No. 2018-110, § 2, 12-18-18; AO No.
4 2019-9(S) , § 2, 2-12-19; AO No. 2019-12 , § 2, 3-5-19; AO No. 2019-15(S)
5 , § 2, 3-19-19; AO No. 2019-34 , § 5, 4-18-19; AO No. 2019-50(S) , § 2, 6-
6 6-19; AO No. 2019-66 , § 26, 6-18-19; AO No. 2019-74(S) , § 2, 6-18-19;
7 AO No. 2019-79(S) , § 2, 7-9-19; AO No. 2019-90(S) , § 7, 8-20-19; Ord.
8 No. 2020-4(S) , § 3, 6-24-20)

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10 **Section 3.** This ordinance shall be effective 30 days after passage and approval
11 by the Assembly.

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14 PASSED AND APPROVED by the Anchorage Assembly this 26th day of August,
15 2020.

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20 ATTEST:

Chair

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25 Municipal Clerk