

**AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA,
CREATING ARTICLE III, ENTITLED CONVERSION THERAPY, IN
CHAPTER 11 IN THE CODE OF GENERAL ORDINANCES OF THE
CITY OF TALLAHASSEE RELATING TO CONVERSION THERAPY ON
PATIENTS WHO ARE MINORS OR VULNERABLE ADULTS;
PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

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;"¹ and

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

WHEREAS, the American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic review of peer-reviewed journal literature on Sexual Orientation Change Efforts ("SOCE"), and issued its report in 2009, citing research that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources;³ and

² <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Policies/Position-Conversion-Therapy.pdf>

³ <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>

1 WHEREAS, following the report issued by the APA Task Force, the American
2 Psychological Association in 2009 issued a resolution on Appropriate Affirmative Responses to
3 Sexual Orientation Distress and Change Efforts, advising parents, guardians, young people, and
4 their families to avoid sexual orientation change efforts that portray homosexuality as a mental
5 illness or developmental disorder and to seek psychotherapy, social support, and educational
6 services that provide accurate information on sexual orientation and sexuality, increase family
7 and school support, and reduce rejection of sexual minority youth;⁴ and

8 WHEREAS, the American Psychoanalytic Association in June 2012 issued a position
9 statement on therapy efforts, articulating that "As with any societal prejudice, bias against
10 individuals based on actual or perceived sexual orientation, gender identity or gender expression
11 negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-
12 criticism through the internalization of such prejudice" and that psychoanalytic technique "does
13 not encompass purposeful attempts to 'convert,' 'repair,' change or shift an individual's sexual
14 orientation, gender identity or gender expression," such efforts being inapposite to "fundamental
15 principles of psychoanalytic treatment and often result in substantial psychological pain by
16 reinforcing damaging internalized attitudes;"⁵ and

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

25 WHEREAS, the Pan American Health Organization, a regional office of the World
26 Health Organization, issued a statement in 2012 stating: "These supposed conversion therapies
27 constitute a violation of the ethical principles of health care and violate human rights that are
28 protected by international and regional agreements." The organization also noted that
29 conversion therapies "lack medical justification and represent a serious threat to the health and
30 well-being of affected people;"⁷ and

31 WHEREAS, in 2014 the American School Counselor Association issued a position
32 statement that states: "It is not the role of the professional school counselor to attempt to change
33

⁴ <http://www.apa.org/about/policy/sexual-orientation.pdf>

⁵ <http://www.apsa.org/content/2012-position-statement-attempts-change-sexual-orientation-gender-identity-or-gender>

⁶ [http://www.jaacap.com/article/S0890-8567\(12\)00500-X/pdf](http://www.jaacap.com/article/S0890-8567(12)00500-X/pdf)

⁷ http://www.paho.org/hq/index.php?option=com_content&view=article&id=6803%3A2012-therapies-changesexual-orientation-lack-medical-justification-threaten-health&catid=740%3Apress-releases&Itemid=1926&lang=en

1 a student's sexual orientation or gender identity. Professional school counselors do not support
2 efforts by licensed mental health professionals to change a student's sexual orientation or gender
3 as these practices have been proven ineffective and harmful;"⁸ and

4 WHEREAS, a 2015 report of the Substance Abuse and Mental Health Services
5 Administration, a division of the U.S. Department of Health and Human Services, "Ending
6 Conversion Therapy: Supporting and Affirming LGBTQ Youth" further reiterates based on
7 scientific literature that conversion therapy efforts to change an individual's sexual orientation,
8 gender identity, or gender expression is a practice not supported by credible evidence and has
9 been disavowed by behavioral health experts and association, perpetuates outdated views of
10 gender roles and identities, negative stereotypes, stating, importantly, that such therapy may put
11 young people at risk of serious harm, and recognizing that, same-gender sexual orientation
12 (including identity, behavior, and attraction) is part of the normal spectrum of human diversity
13 and does not constitute a mental disorder;"⁹ and

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

20 WHEREAS, in 2016, the American Medical Association issued policy statement H-
21 160.991, which expressly opposed the use of "reparative" or "conversion" therapy for sexual
22 orientation or gender identity;"¹¹ and

23 WHEREAS, The World Psychiatric Association issued a policy statement in March,
24 2016 on Gender Identity and Same-Sex Orientation, which stated, "There is no sound scientific
25 evidence that innate sexual orientation can be changed. Furthermore, so-called treatments of
26 homosexuality can create a setting in which prejudice and discrimination flourish, and they can
27 be potentially harmful. The provision of any intervention purporting to 'treat' something that is
28 not a disorder is wholly unethical;"¹² and

29 WHEREAS, The National Association of Social Workers ("NASW") issued a policy
30 statement stating that "No data demonstrates that reparative or conversion therapies are effective,

⁸ https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_LGBTQ.pdf

⁹ <https://store.samhsa.gov/product/Ending-Conversion-Therapy-Supporting-and-Affirming-LGBTQ-Youth/SMA15-4928>
or direct to pdf download <https://store.samhsa.gov/system/files/sma15-4928.pdf>

¹⁰ <http://annals.org/article.aspx?articleid=2292051>

¹¹ <https://policysearch.ama-assn.org/policyfinder/detail/h-160.991?uri=%2FAMADoc%2FHOD.xml-0-805.xml>

¹² https://3ba346de-fde6-473f-b1da-536498661f9c.filesusr.com/ugd/e172f3_e7d4dac33acd4000921b942f7ec70df0.pdf

1 and in fact they may be harmful.” The NASW went further and stated that “conversion and
2 reparative therapies are an infringement to the guiding principles inherent to social worker ethics
3 and values;”¹³ and

4 WHEREAS, City of Tallahassee has a compelling interest in protecting the physical and
5 psychological well-being of minors and vulnerable adults, including but not limited to
6 LGBTQIA+ minors and vulnerable adults, and in protecting its minors and vulnerable adults
7 against exposure to serious harms caused by sexual orientation and gender identity change
8 efforts; and

9 WHEREAS, the City Commission hereby finds the overwhelming research demonstrates
10 that sexual orientation and gender identity change efforts can pose critical health risks to
11 LGBTQIA+ persons and that being LGBTQIA+ is not a mental disease, mental disorder, mental
12 illness, deficiency, or shortcoming; and

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

17 WHEREAS, the City Commission desires to prohibit, within the geographic boundaries
18 of the City, the practice of sexual orientation or gender identity change efforts on minors and
19 vulnerable adults by licensed therapists only, including reparative and conversion therapy, which
20 have been demonstrated to be harmful to the physical and psychological well-being of
21 LGBTQIA+ persons.

22 NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF
23 TALLAHASSEE, FLORIDA:

24 Section 1. Article III, Entitled Conversion Therapy, Sections 11-80 through 11-84, is
25 hereby created in Chapter 11 of the Code of General Ordinances and shall read as follows.

26 Article III. Conversion Therapy

27 Sec. 11-80 – Intent.

28 The intent of this ordinance is to protect the physical and psychological well- being of
29 minors and vulnerable adults, including but not limited to LGBTQIA+ minors and vulnerable
30 adults, from exposure to the serious harms and risks caused by conversion therapy by licensed
31 providers, including but not limited to licensed therapists. These provisions are exercises of
32 police power of the City for the public safety, health, and welfare; and its provisions shall be
33 liberally construed to accomplish that purpose.

34 Sec. 11-81. – Definitions.

¹³ <https://www.socialworkers.org/LinkClick.aspx?fileticket=IQYALknHU6s%3d&portalid=0>

1 (a) Conversion therapy, also referred to as “reparative therapy,” “sexual orientation
2 change efforts” (“SOCE”), and/or “gender identity change efforts” (“GICE”), and collectively
3 referred to herein as “conversion therapy,” means any counseling, practice or treatment
4 performed with the goal of changing an individual's sexual orientation or gender identity,
5 including, but not limited to, efforts to change behaviors, gender identity, or gender expression,
6 or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the
7 same gender or sex.

8 (b) Conversion therapy does not include counseling that provides support and
9 assistance to a person undergoing gender transition or counseling that provides acceptance,
10 support, and understanding of a person or facilitates a person's coping, social support, and
11 development, including sexual orientation-neutral interventions to prevent or address unlawful
12 conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual
13 orientation or gender identity.

14 (c) Provider means any person who is licensed by the State of Florida to provide
15 professional counseling, or who performs counseling as part of his or her professional training,
16 under chapters 456, 458, 459, 490 or 491 of the Florida Statutes, as such chapters may be
17 amended, including but not limited to, medical practitioners, osteopathic practitioners,
18 psychologists, psychotherapists, social workers, marriage and family therapists, and licensed
19 counselors.

20 (d) Minor means a person under the age of 18 who has not been legally emancipated.

21 (e) Vulnerable adult means a ward over whom a plenary guardian has been
22 appointed, pursuant to Chapter 744, Florida Statutes, as may be amended from time to time.

23 Sec. 11-82. – Conversion Therapy Prohibited.

24 It shall be unlawful for any provider to practice conversion therapy efforts on any
25 individual who is a minor or vulnerable adult regardless of whether the provider receives
26 monetary compensation in exchange for such services.

27 Sec. 11-83. – Enforcement and Civil Penalties.

28 (a) This article may be enforced pursuant to Chapter 1, Part II, of this Code.

29
30 (b) Each separate incident of a violation of Sec. 11-82 shall constitute a separate
31 violation for enforcement purposes.

32 (c) These penalties shall not preclude any other remedies available at law or in
33 equity, including, injunctive relief in the circuit court.

1 Sec. 11-84. – Conversion Therapy Funding Prohibited.

2 The City shall not use City funds, support, or resources for the following activities, or
3 provide City funds, support, or resources to individuals or organizations that engage in the
4 following activities:

- 5 (a) Conduct conversion therapy;
- 6 (b) Refer persons for conversion therapy;
- 7 (c) Provide any benefit to City employees that specifically includes coverage for
- 8 conversion therapy; or
- 9 (d) Execute a grant or contract with any entity that conducts conversion therapy or
- 0 refers individuals for conversion therapy.

Section 2. Conflict with other ordinances and codes. All ordinances or parts of ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

7 Section 4. Effective date. This ordinance shall become effective upon passage.

9 INTRODUCED in the City Commission on the 11th day of March, 2020.

1 PASSED by the City Commission on the 8th day of April, 2020.

CITY OF TALLAHASSEE

8 By: _____
9 John E. Dailey
0 Mayor

3 ATTEST:

3 ATTEST: _____ APPROVED AS TO FORM: _____

7 By: _____
8 James O. Cooke, IV
9 City Treasurer-Clerk

7 By: _____ By: _____
8 James O. Cooke, IV Cassandra K. Jackson
9 City Treasurer-Clerk City Attorney