

Council of the City of York, PA
Session 2023
Bill No. **45**
Ordinance No.

INTRODUCED BY: Lou Rivera

DATE: July 18, 2023

AN ORDINANCE

Amending Part 7 of the Code of the City of York to create Article 701, Youth Mental Health Protection, which identifies Conversion Therapy as a general offense within the City.

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

WHEREAS, conversion therapy has been rejected by every major medical and mental health organization, including the American Psychological Association, American Psychiatric Association, American Medical Association, American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, American Counseling Association, American Psychoanalytic Association, American School Counselor Association, American School Health Association, National Association of Social Workers, and the Pan American Health Organization.

WHEREAS, Executive Order 2022-2, Protecting Pennsylvanians from Conversion Therapy and Supporting LGBTQIA+ Pennsylvanians, was issued by Governor Tom Wolf on August 16, 2022, which recognized Conversion Therapy as detrimental to the health and wellbeing of Pennsylvania's youth, and further directed all Commonwealth agencies under his authority to protect children, youth, and vulnerable adults from Conversion Therapy to the fullest extent of their authority; and

WHEREAS, conversion therapy perpetuates health and social inequities for LGBTQIA+ persons and communities, which result in significant annual economic burdens in the United States; and

WHEREAS, the advertising and provision of conversion therapy in exchange for monetary compensation is consumer fraud; and

WHEREAS, conversion therapy leads to critical health risks in minors, including anxiety, depression, decreased self-esteem, substance abuse, homelessness, and suicide; and

WHEREAS, minors are especially vulnerable to the harms associated with conversion therapy; and

WHEREAS, half of the states in the United States, the District of Columbia, Puerto Rico, and numerous cities and two counties in Pennsylvania, have statutes or ordinances protecting LGBTQIA+ youth from conversion therapy; and

WHEREAS, the City of York intends to continue to support the health, safety, wellbeing and welfare of its citizens by protecting minors from the physical and physiological damage imposed by conversion therapy.

NOW, THEREFORE, BE IT ORDAINED, that Article 701 "Youth Mental Health Protection" of the City of York Codified Ordinances is hereby established as follows:

SECTION 1. ORDINANCE ENACTMENT.

ARTICLE 701

Youth Mental Health Protection

Section 701.01. Definitions.

“**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. Sexual orientation or gender identity change efforts do not include counseling that provides assistance to a person undergoing gender transition or 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 interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

“**Medical or Mental Health Professional**” means an individual who is licensed, certified or registered under the laws of the Commonwealth of Pennsylvania to provide, to an individual or a 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 professionals include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed clinical social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health service. The term does not include members of the clergy or other religious leaders who are acting in their roles as clergy or pastoral counselors, or are providing religious counseling or instruction, provided they do not hold themselves out as providing conversion therapy pursuant to the aforementioned professional licenses.

“**Minor**” means a person less than 18 years of age.

“**Gender Expression or Identity**” means actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.

Section 701.02. Conversion Therapy Prohibited.

No medical or mental health professional shall engage, within the geographic boundaries of the City of York, 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.

Section 701.03. Enforcement.

The Human Relations Commission is vested with the responsibility to initiate, receive, investigate and pass upon complaints alleging a violation of this Article in accordance with its rules and regulations regarding such investigations.

Section 701.04. Penalties.

If the Commission, after investigation, determines that probable cause exists, the Commission shall promptly issue a charge and immediately convey such charge to the professional licensure board for the Commonwealth of Pennsylvania responsible for the licensing and discipline of the license type held by the alleged violator. Further, any violation of this Article shall be a summary offense pursuant to Section 101.99. Each day in violation is a separate offense.

SECTION 2. SEVERABILITY. If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Part 7 of the City of York Code of Ordinances as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter of the applicable Code. City Council hereby declares that it would have adopted this Ordinance and each section, subsection, phrase and word thereof, irrespective of the fact that any one or more of those sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 3. REPEALER. All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective in accordance with applicable law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____.

NAYS: _____.

ATTEST:

Sandie Walker, President of Council

Dianna L. Thompson, City Clerk

Presented the Mayor for approval this _____ day of _____.

APPROVED: _____
Mayor Date

VETOED: _____
Mayor Date