

Adopted – Bill No. 45, Ordinance No. 44 of Session 2023

ARTICLE 701
Youth Mental Health Protection

701.01 Definitions

701.03 Enforcement

701.02 Conversion Therapy Prohibited

701.04 Penalties

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.