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ORDINANCE NO. 2017-10

**AN ORDINANCE OF THE VILLAGE OF WELLINGTON,
FLORIDA, AMENDING CHAPTER 36; ADDING ARTICLE V
(PROHIBITION OF CONVERSION THERAPY ON MINORS);
ADDING SECTIONS 36-45, 36-46, 36-47, AND 36-48; TO
PROHIBIT THE PRACTICE OF CONVERSION THERAPY
ON PATIENTS WHO ARE MINORS; PROVIDING FOR
CONFLICT; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapters 162 and 166 of the *Florida Statutes*, the Charter of the Village of Wellington; and the police powers of the Village of Wellington; and

WHEREAS, as recognized by major professional associations of mental health practitioners and researchers in the United State and elsewhere, for nearly 40 years, being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBT or 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

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; 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 dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources; and

WHEREAS, following the report issued by the APA Task Force, the American Psychological Association in 2009 issued a resolution on Appropriate Affirmative

1 Responses to Sexual Orientation Distress and Change Efforts, advising parents,
2 guardians, young people, and their families to avoid sexual orientation change efforts that
3 portray homosexuality as a mental illness or developmental disorder and to seek
4 psychotherapy, social support, and education services that provide accurate information
5 on sexual orientation and sexuality, increase family and school support, and reduce
6 rejection of sexual minority youth; and
7

8 **WHEREAS**, the American Psychoanalytic Association in June 2012 issued a
9 position statement on conversion therapy efforts, articulating that, “As with any societal
10 prejudice, bias against individuals based on actual or perceived sexual orientation,
11 gender identity or gender expression negatively affects mental health, contributing to an
12 enduring sense of stigma and pervasive self-criticism through the internalization of such
13 prejudice” and that psychoanalytic technique “does not encompass purposeful attempts
14 to ‘convert,’ ‘repair,’ change or shift an individual’s sexual orientation, gender identity or
15 gender expression,” such efforts being inapposite to “fundamental principles of
16 psychoanalytic treatment and often result in substantial psychological pain by reinforcing
17 damaging internalized attitudes;” and
18

19 **WHEREAS**, the American Academy of Child and Adolescent Psychiatry in 2012
20 published an article in its Journal stating that clinicians should be aware that there is, “no
21 evidence that sexual orientation can be altered through therapy and that attempts to do
22 so may be harmful;” and that such efforts may encourage family rejection and undermine
23 self-esteem, connectedness and caring, important protective factors against suicidal
24 ideation and attempts; and that, for similar reasons cumulatively stated above, carrying
25 the risk of significant harm, SOCE is contraindicated; and
26

27 **WHEREAS**, the Pan American Health Organization, a regional office of the World
28 Health Organization issued a statement in 2012 stating: “These supposed conversion
29 therapies constitute a violation of the ethical principles of health care and violate human
30 rights that are protected by international and regional agreements.” The organization also
31 noted that conversion therapies “lack medical justification and represent a serious threat
32 to the health and well-being of affected people;” and
33

34 **WHEREAS**, in 2014 the American School Counselor Association issued a position
35 statement that states: “It is not the role of the professional school counselor to attempt to
36 change a student’s sexual orientation or gender identity. Professional school counselors
37 do not support efforts by licensed mental health professionals to change a student’s
38 sexual orientation or gender as these practices have been proven ineffective and
39 harmful;” and
40

41 **WHEREAS**, a 2015 report of the Substance Abuse and Mental Health Services
42 Administration, a division of the U.S. Department of Health and Human Services, “Ending
43 Conversion Therapy: Supporting and Affirming LGBTQ Youth” further reiterates based on
44 scientific literature that conversion therapy efforts to change an individual’s sexual
45 orientation, gender identity, or gender expression is a practice not supported by credible
46 evidence and has been disavowed by behavioral health experts and associations,

1 perpetuates outdated views of gender roles and identities, negative stereotypes, stating,
2 importantly, that such therapy may put young people at risk of serious harm, and
3 recognizing that, same-gender sexual orientation (including identity, behavior, and
4 attraction) is part of the normal spectrum of human diversity and does not constitute a
5 mental disorder; and
6

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

14 **WHEREAS**, at least one federal appeals court found that a prohibition of SOCE
15 does not violate first amendment rights and noted that the subject ordinance only required
16 mental health providers who wish to engage in practices that seek to change a minor’s
17 sexual orientation either to wait until the minor turns 18 or be subject to professional
18 discipline, leaving mental health providers free to discuss or recommend treatment and
19 to express their views on any topic, and
20

21 **WHEREAS**, the Village does not intend to prevent mental health providers from
22 speaking to the public about SOCE; expressing their views to patients; recommending
23 SOCE to patients; administering SOCE to any person who is 18 years of age or older; or
24 referring minors to unlicensed counselors, such as religious leaders. This ordinance does
25 not prevent unlicensed providers, such as religious leaders, from administering SOCE to
26 children or adults; nor does it prevent minors from seeking SOCE from mental health
27 providers in other political subdivisions or states outside of the Village of Wellington,
28 Florida; and
29

30 **WHEREAS**, the Village of Wellington has a compelling interest in protecting the
31 physical and psychological well-being of minors, including but not limited to lesbian, gay,
32 bisexual, transgender and questioning youth, and in protecting its minors against
33 exposure to serious harms caused by sexual orientation and gender identity change
34 efforts; and
35

36 **WHEREAS**, the Village Council hereby finds the overwhelming research
37 demonstrating that sexual orientation and gender identity change efforts can pose critical
38 health risks to lesbian, gay, sexual, transgender or questioning persons, and that being
39 lesbian, gay, bisexual, transgender or questioning is not a mental disease, mental
40 disorder, mental illness, deficiency, or shortcoming; and
41

42 **WHEREAS**, the Village finds minors receiving treatment from licensed therapists
43 in the Village of Wellington, FL, who may be subject to conversion or reparative therapy
44 are not effectively protected by other means, including, but not limited to, other state
45 statutes, local ordinances, or federal legislation; and
46

1 **WHEREAS**, the Village Council desires to prohibit, within the geographic
2 boundaries of the City, the practice of sexual orientation or gender identity change efforts
3 on minors by licensed therapists only, including reparative and/or conversion therapy,
4 which have been demonstrated to be harmful to the physical and psychological well-being
5 of lesbian, gay, bisexual, transgender, and questioning persons.
6

7 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
8 **VILLAGE OF WELLINGTON, FLORIDA:**
9

10 **SECTION 1:** The Code of Ordinances, Village of Wellington, FL is hereby
11 amended to add Chapter 36 (Offenses and Miscellaneous Provisions), Article V
12 (Prohibition of Conversation Therapy on Minors), Sections 36-45; 36-46; 36-47; and 36-
13 48, which shall read as follows:
14

15 Sec. 36-45. - Intent.
16

17 The Intent of this Ordinance is to protect the physical and psychological well-being of
18 minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning
19 youth, from exposure to the serious harms and risks caused by conversion therapy or
20 reparative therapy by licensed providers, including but not limited to licensed therapists.
21 These provisions are exercises of police power of the Village for the public safety, health,
22 and welfare; and its provisions shall be liberally construed to accomplish that purpose.
23

24 Sec. 36-46. – Definitions.
25

26 (a) “Conversion therapy” or “reparative therapy” is defined, interchangeably, as
27 any counseling, practice or treatment performed with the goal of changing an
28 individual’s sexual orientation or gender identity, including, but not limited to,
29 efforts to change behaviors, gender identity, or gender expression, or to
30 eliminate or reduce sexual or romantic attractions or feelings toward individuals
31 of the same gender or sex. Conversion therapy does not include counseling
32 that provides support and assistance to a person undergoing gender transition
33 or counseling that provides acceptance, support, and understanding of a
34 person or facilitates a person’s coping, social support, and development,
35 including sexual orientation-neutral interventions to prevent or address
36 unlawful conduct or unsafe sexual practices, as long as such counseling does
37 not seek to change sexual orientation or gender identity.
38

39 (b) “Minor” is defined as any person less than eighteen (18) years of age.
40

41 (c) “Provider” means any person who is licensed by the State of Florida to provide
42 professional counseling, or who performs counseling as part of his or her
43 professional training under Chapters 456, 458, 459, 490, or 491 of the Florida
44 Statutes, as such chapters may be amended, including but limited to, medical
45 practitioners, osteopathic practitioners, psychologists, psychotherapists, social
46 workers, marriage and family therapists, and licensed counselors. A Provider

1 does not include members of clergy who are acting in their roles as clergy or
2 pastoral counselors and providing religious counseling to congregants, as long
3 as they do not hold themselves as operating pursuant to any of the
4 aforementioned Florida statutory licenses.
5

6 Sec. 36-47. – Conversion therapy prohibited.
7

8 It shall be unlawful for any Provider to practice conversion therapy efforts on any
9 individual who is a minor, regardless of whether the Provider receives monetary
10 compensation in exchange for services.
11

12 Sec. 36-48. – Enforcement and civil penalties.
13

14 (a) Enforcement of this article shall be done pursuant to Article IV, Division 1 of
15 Wellington’s Code of Ordinances.
16

17 (b) The violation of any provision of this article shall be punishable by a fine of Two
18 Hundred Fifty Dollars (\$250.00) for the first violation and Five Hundred Dollars
19 (\$500.00) for each repeat violation. Each day any violation of section 36-47
20 occurs shall constitute a separate offense. These penalties shall not preclude
21 any other remedies available at law or in equity, including, injunctive relief, in
22 the circuit court.
23

24 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this
25 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
26 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
27 this Ordinance shall prevail to the extent of such conflict.
28

29 **SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this
30 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
31 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
32 thereof, other than the part so declared to be invalid.
33

34 **SECTION 5:** This Ordinance shall become effective immediately upon adoption of
35 the Wellington Council following second reading.
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37 **PASSED** this _____ day of _____, 2017 upon first reading.
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1 **PASSED AND ADOPTED** this _____ day of _____, 2017 on second and
2 final reading.

3
4 **WELLINGTON**

	FOR	AGAINST
5 BY: _____	_____	_____
6 Anne Gerwig, Mayor		
7 _____	_____	_____
8 John McGovern, Vice Mayor		
9 _____	_____	_____
10 Michael Drahos, Councilman		
11 _____	_____	_____
12 Michael Napoleone, Councilman		
13 _____	_____	_____
14 Tanya Siskind, Councilwoman		

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24 **ATTEST:**

25 BY: _____
26 Chevelle Nubin, Clerk

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31 **APPROVED AS TO FORM AND**
32 **LEGAL SUFFICIENCY**

33 BY: _____
34 Laurie S. Cohen, Village Attorney

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