



Legislation Text

File #: 51818, Version: 2

**Fiscal Note**

Any revenue received as a result of this proposal is anticipated to be minimal. No appropriation is required.

**Title**

SUBSTITUTE Creating Section 23.60 and renumbering current Section 23.60 to Section 23.70 of the Madison General Ordinances to prohibit the practice of conversion therapy in the City of Madison.

**Body**

DRAFTER'S ANALYSIS: This proposal prohibits the practice of conversion therapy on minors in the City of Madison, where the services are provided for a fee. Conversion therapy is a process by which practitioners attempt to eliminate same sex attraction in an individual.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.60 entitled "Conversion Therapy Prohibited" of the Madison General Ordinances is created to read as follows:

**"23.60 CONVERSION THERAPY PROHIBITED.**

(1) Intent and Purpose.

(a) The Common Council of the City of Madison finds that:

1. This ordinance is adopted to protect the health, safety and welfare of the people of the City of Madison, especially the physical and psychological well-being of minors, including lesbian, gay, bisexual and transgender youth, and to protect them against the exposure to serious harms caused by conversion therapy.
2. It is the well documented, prevailing opinion of the medical and psychological community that conversion therapy has not been shown to be effective and that it creates a potential risk of serious harm to those who experience it.
3. The prevailing opinion of the medical and psychological community is documented in position statements, articles and reports published by the following organizations: the American Psychological Association, the American Psychiatric Association, the American School Counselor Association, the American Academy of Pediatrics, the American Medical Association, the National Association of Social Workers, the American Counseling Association, the American Psychoanalytic Association, the American Academy of Child and Adolescent Psychiatry and the Pan American Health organization.
4. In particular, the Task Force on Appropriate Therapeutic Responses to Sexual Orientation of the American Psychological Association conducted a systematic review of peer reviewed journal literature on sexual orientation change efforts, and issued a report in 2009. The report concluded that conversion therapy has not been demonstrated to be effective and that there have been anecdotal reports of harm, including depression, suicidal thoughts or actions, and substance abuse.
5. In addition other organizations concluded that homosexuality and bisexuality are not illnesses and do not require treatment (American School Counselor Association), being transgender is not a mental disorder, conversion therapy can

promote guilt and anxiety (American Academy of Pediatrics), and it may contribute to an enduring sense of stigma and self-criticism (American Psychoanalytic Association).

(2) Definitions. In this section:

“Conversion therapy” means any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a person’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. Conversion therapy does not include counseling that provides assistance to a person undergoing gender transition, or counseling 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.

“Person” means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization.

(3). Conversion Therapy Prohibited. It is unlawful for any person to practice conversion therapy with anyone under 18 years of age.

(4) Penalty. Any person convicted of violating this section shall be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation. For purposes of this section, each day a person is found to have practiced conversion therapy shall be considered a separate violation.”

2. Current Section 23.60 entitled “Penalties for Violations of this Chapter” of the Madison General Ordinances is hereby renumbered to Section 23.70.

3. The City Attorney is directed to make corresponding changes to other City ordinances to reflect this updated reference.