

**ORDINANCE NO. 31-21 (Amended)**

**AN ORDINANCE PROHIBITING THE PRACTICE OF CONVERSION THERAPY  
AND DISCOURAGING ITS USE BY LICENSED PROFESSIONALS**

**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;

**WHEREAS**, the American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009, which states that “the American Psychological Association advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth;”

**WHEREAS**, the American Psychiatric Association published a position statement in March of 2000 in which it stated: “The American Psychiatric Association opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his or her sexual homosexual orientation;”

**WHEREAS**, the American Psychiatric Association in 2018 called upon lawmakers to “ban the harmful and discriminatory practice” of conversion therapy;

**WHEREAS**, the Committee on Adolescence of the American Academy of Pediatrics in 1993 published an article in the journal, Pediatrics, 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”;

**WHEREAS**, the American Counseling Association Governing Council on December 19, 2017 adopted a resolution on reparative therapy/conversion therapy/sexual orientation change efforts (SOCE) determining that practicing such therapies constitute a “significant and serious violation” of the American Counseling Association Code of Ethics. In support, the ACA “expressly affirmed that sexual orientation and gender nonconformity are not mental disorders”; and that reparative therapy/conversion therapy/SOCE has been shown to be ineffectual, to cause harm, and to violate consumer fraud-protection law.

**WHEREAS**, the American Psychoanalytic Association in 2012 stated that: “Psychoanalytic technique does not encompass purposeful attempts to ‘convert,’ ‘repair,’ change or shift an individual’s sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes;”

**WHEREAS**, The American Academy of Child and Adolescent Psychiatry in 2012 published an article in its journal, Journal of the American Academy of Child and Adolescent Psychiatry, stating: “Clinicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated;”

**WHEREAS**, The American Association of Sexuality Educators, Counselors, and Therapists in 2017 stated that “having a non-heterosexual sexual orientation, that being transgender and that being gender non-conforming, are not mental disorders. We oppose any “reparative” or conversion therapy that seeks to “change” or “fix” a person’s sexual orientation, gender identity or gender expression. AASECT does not believe that non-heterosexual sexual orientation or being transgender or gender non-conforming is something that needs to be “fixed” or “changed.” The rationale behind this position is the following: Reparative therapy (for minors, in particular) is often forced or non-consensual. Reparative therapy has been proven harmful to minors. There is no scientific evidence supporting the success of these interventions. Reparative therapy is grounded in the idea that non-heterosexual orientation, transgender gender identity and gender non-conforming expressions are “disordered.” Reparative therapy has been shown to be a negative predictor of psychotherapeutic benefit;”

**WHEREAS**, The American College of Physicians wrote a position paper in 2015 stating: “The College opposes the use of ‘conversion,’ ‘reorientation,’ or ‘reparative’ therapy for the treatment of LGBT persons;”

**WHEREAS**, the conduct and practices of persons licensed under Ind. Code § 25-1-1-1-1 and providing counseling and/or psychotherapy are governed by the State of Indiana’s Professional Licensing Agency;

**WHEREAS**, the conduct and practices of persons not appropriately licensed under Ind. Code § 25-1-1-1 *et seq.*, but providing counseling and/or psychotherapy are not governed by the State of Indiana’s Professional Licensing Agency;

**WHEREAS**, unlicensed persons providing counseling and/or psychotherapy, especially conversion therapy to minors, is, based upon the above recitals, detrimental to the physical and psychological well-being of said minors;

**WHEREAS**, the City of West Lafayette, Indiana has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by conversion therapy by unlicensed persons; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE** that:

**Sec. 1. Policy.** The City of West Lafayette, Indiana has a compelling interest in protecting the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, and transgender from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by unlicensed persons. These provisions are exercises of the police power of the City of West Lafayette, Indiana for the public safety health, and welfare, and its provisions shall be liberally construed to accomplish that purpose.

**Sec. 2. Definitions**

- (a) “Licensed person(s)” is defined as any person(s) licensed and governed by Ind. Code § 25-1-1-1 *et seq.* and the State of Indiana’s Professional Licensing Agency who provides counseling and/or psychotherapy.
- (b) “Unlicensed person(s)” is defined as any person(s) not licensed or governed by Ind. Code § 25-1-1-1 *et seq.* and the State of Indiana’s Professional Licensing Agency who provides counseling and/or psychotherapy.
- (c) “Conversion therapy” is defined as any practices or treatments that seek to change an individual’s sexual orientation or gender identity, including efforts to change gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall 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.
- (d) “Minor person” is defined as any person under the age of 18.
- (e) “Counseling” is defined as techniques used to help individuals learn how to solve problems and make decisions related to personal growth, vocational, family, and other interpersonal concerns.
- (f) “Psychotherapy” means the assessing and treating of mental and emotional disorders by any of the various means of communication between the social worker practitioner and the client.

**Sec. 2. Licensed Professionals.** Given the consensus views from the American Psychological Association, the American Psychiatric Association, the American Academy of Pediatrics, the American Medical Association Council on Scientific Affairs, the National Association of Social Workers, the American Counseling Association Governing Counsel, the American School Counselor Association, the American Psychoanalytic Association, the American Academy of

Child and Adolescent Psychiatry, the Pan American Health Organization, the American Association of Sexuality Educators, Counselors, and Therapists, and the American College of Physicians, among others, that conversion therapy damages the physical and psychological well-being of minors, the City of West Lafayette strongly discourages licensed persons from engaging in conversion therapy with a minor person.

**Sec. 3. Unlicensed Persons.** It shall be a violation of this ordinance for an unlicensed person to engage in conversion therapy with a minor person.

**Sec. 4. Enforcement.** Any violation of this ordinance shall result in a fine of \$1000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

**Sec. 5. Severability.** The sections, subsections, paragraph, sentences, clauses, or phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause or phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the council declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

INTRODUCED ON FIRST READING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

MOTION TO ADOPT MADE BY COUNCILOR \_\_\_\_\_, AND  
 SECONDED BY COUNCILOR \_\_\_\_\_.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, HAVING BEEN PASSED BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
DeBoer				
Bunder				
Kang				
Leverenz				
Parker				
Brown				
Blanco				
Thomas				
Sanders				

\_\_\_\_\_  
Peter Bunder, Presiding Officer

Attest:

\_\_\_\_\_  
Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2022.

\_\_\_\_\_  
John R. Dennis, Mayor

Attest:

\_\_\_\_\_  
Sana G. Booker, Clerk