

..Number

171760

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

ALD. JOHNSON

..Title

A substitute ordinance prohibiting the practice of conversion therapy.

..Section

75-19 cr

..Analysis

This ordinance prohibits the practice of conversion therapy in the city of Milwaukee.

..Body

Whereas, Conversion therapy, also known as reparative therapy, is the practice of trying to change a person's sexual orientation or gender identity; and

Whereas, 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, The practice of conversion therapy is based on scientifically unfounded approaches not subject to peer review and is often conducted in a violent and damaging manner; and

Whereas, The American Psychological Association issued a report in 2009 that concluded that conversion therapy can pose critical health risks to lesbian, gay, and bisexual people including depression, suicidality, substance abuse, stress, and disconnection with family and friends; and

Whereas, Several states and municipalities have banned the practice; and

Whereas, A bill to ban conversion therapy was introduced at the federal level, which stalled in U.S. Congress in 2016; and

Whereas, The Therapeutic Fraud Prevention Act, which is based in consumer fraud and focuses on illegalizing any conversion therapy that charges money, was filed in the U.S. Senate in April 2017; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 75-19 of the code is created to read:

75-19. Conversion Therapy Prohibited.

1. DEFINITIONS. In this section:

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

b. "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.

2. UNLAWFUL. It is unlawful for any person to practice conversion therapy with anyone under 18 years of age.

3. RULES AND REGULATIONS. The department is authorized to promulgate any rules and regulations it deems necessary to implement and enforce the provisions of this section.

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, and in default of payment thereof shall be imprisoned as provided by law. For purposes of this section, each day a person is found to have practiced conversion therapy shall be considered a separate violation.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB 170455-1

Tea Norfolk

3/5/2018