

Ordinance No. 696-2022 AS AMENDED

By Council Members Mooney,
McCormack, Spencer, Maurer and Howse

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio 1976, by enacting new Section 667.06, Efforts to Change Sexual Orientation, Gender Identity, or Expression, prohibiting the practice of conversion therapy on minors and prescribing penalties for violation of that section.

WHEREAS, the practice of conversion therapy, reparative therapy, sexual orientation change efforts, and other practices that seek to change or alter a person's sexual orientation, gender identity, or expression have been widely condemned by expert bodies, such as the American Psychological Association, the American Psychiatric Association, and the American Academy of Pediatrics; and

WHEREAS, the American Psychological Association issued a resolution in 2009 and again in 2021 that advises parents and guardians of young people and their families against the use of conversion therapy, reparative therapy, or sexual orientation change efforts, citing a strong association with negative mental health outcomes such as depression, social withdrawal, anxiety, suicidality, and substance abuse; and

WHEREAS, Cleveland City Council has a responsibility to protect the health and well-being of all Cleveland residents, including lesbian, gay, bisexual, and transgender residents; and

WHEREAS, this Council intends to prohibit within the boundaries of the City of Cleveland the practice of sexual orientation, gender identity, or expression change efforts, or any other practice seeking to fundamentally alter the sexual orientation, gender identity, or expression of another person; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enactment new Section 667.06 as follows:

Ordinance No. 696-2022

AS AMENDED

Section 667.06 Efforts to Change Sexual Orientation, Gender Identity, or Expression

(a) Definitions:

(1) “Mental health professional” means an individual who is licensed, certified or registered under the laws of the State of Ohio 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 social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.

(2) “Minor” means a person less than eighteen (18) years of age.

(3) “Sexual orientation, gender identity, or expression change efforts” means any practices 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 attraction or feelings toward individuals of the same sex. “Sexual orientation, gender identity, or expression change efforts” does not include psychotherapies or therapeutic activities that provide acceptance, support, and understanding for an individual or the facilitation of an individual’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 practices do not seek to change sexual orientation or gender identity.

(b) Efforts to Change Sexual Orientation, Gender Identity, or Expression Prohibited

No mental health professional shall knowingly engage, within the geographic boundaries of the City of Cleveland, in sexual orientation, gender identity, or expression change efforts with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for his or her services.

(c) Licensing Board Notification

In addition to the penalty imposed in Section 667.99, upon conviction of a violation of Section 667.06, the relevant licensing board, commission, or entity tasked with review of professional conduct shall be notified of the violation by the Director of Public Health.

(d) Enforcement

In addition to Cleveland Police Officers, this section may be enforced by the Director of Public Health, the Director of Public Safety, the Commissioner of Health, the Commission of Health Equity and Social Justice, and any other officer or employee designated by them.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

/jho

7/13/2022

FOR: Councilmembers Mooney, McCormack, Spencer, Maurer, Howse

