

# LGBTQ Youth Mental Health Protection Ordinance

General Government & Social Services Committee  
*March 9, 2021*



**LEXINGTON**



# What is Conversion Therapy?

- Any counseling, practice, or treatment that seeks to change a person's sexual orientation or gender identity.
  - Includes, but not limited to:
    - Efforts to change behaviors or gender expression
    - Reduce or eliminate sexual or romantic attraction or feelings toward a person of the same gender.
  - Also defined as reparative therapy, aversion therapy, reorientation therapy, and sexual orientation change efforts.



# What is NOT considered Conversion Therapy

- Counseling that does not seek to change sexual orientation or gender identity and that:
  - Assists a person undergoing gender transition
  - Provides acceptance, support, and understanding to the person
  - Facilitates a person's coping, social support, identity exploration, and development, including sexual orientation and gender identity neutral interventions to prevent or address unlawful conduct or unsafe sexual practices.



# Background Information

- Across the nation, 20 states, the District of Columbia, and Puerto Rico have laws protecting youth from conversion therapy (*Human Rights Campaign*)
- Outside of those 20 states, there are at least an additional 70 local governments that have enacted conversion therapy bans for protection of minors (*The Trevor Project*)
  - This includes two local governments in Kentucky
    - Covington – ban passed March 24, 2020
    - Louisville – ban passed September 17, 2020



## Background Information

- The US Supreme Court has affirmed decisions by 3<sup>rd</sup> District US Circuit Court of Appeals upholding a state's conversion therapy law (May 2015, February 2016 and April 2019) (*Human Rights Campaign*)
- US Supreme Court refused to hear challenges to California's anti-conversion therapy law in June 2014 and May 2017, leaving 9<sup>th</sup> District US Circuit Court of Appeals decision affirming the law's constitutionality (*Human Rights Campaign*)



# Background Information

- According to research done by Ban Conversion Therapy Kentucky
  - There are 57 known conversion therapy providers in Kentucky
    - Seven of these providers are located in Fayette County
- Two bills introduced in Kentucky legislature directly tied to conversion therapy bans
  - **HB19** – Sponsored by 27 Representatives, including Fayette County Representatives Brown, Westrom, Stevenson, Flood, Timoney, and Palumbo
  - **SB30** – Sponsored by 8 Senators, including Fayette County Senators Kerr, Buford, and Thomas



# Conversion Therapy Impact

- Approximately 350,000 minors have been part of conversion therapy in the United States (*Williams Institute, 2019*)
- There are at least 144,000 LGBT individuals, age 13 and older, living in Kentucky (*Movement Advancement Project; Williams Institute, 2020*)
- 16% of Kentucky high school participants in a Youth Risk Behavior Surveillance System study identified as something other than straight/heterosexual (*CDC Division of Adolescent and School Health, 2019*)
- Risks associated with conversion therapy include shame, depression, stress, guilt, substance abuse, hopelessness, and suicidality (*American Psychological Association, 2009*)



# Effectiveness and Harm

- Scientifically shown conversion therapy is unlikely to reduce same-sex attractions in individuals (*American Psychological Association*)
- “... the APA, because of evidence of harm and lack of evidence of efficacy, supports public policies and legislation that prohibit, or aim to reduce [Gender Identity Change Efforts], cissexism, and anti-transgender and anti-gender nonbinary bias and that increase support for gender diversity.” (*American Psychological Association, 2021*)
- 5.9 times more likely to report high levels of depression (*San Francisco State University*)
- 3.4 times more likely to use illegal drugs (*San Francisco State University*)
- “One study of a large online sample of LGBTQ young people, those who reported experiencing [Gender Identity Change Efforts] were more than 2x as likely to report having attempted suicide and having multiple suicide attempts as those who did not experience change efforts.” (*American Psychological Association, 2021; Green et al., 2020*)





# Conversion Therapy Ban Support

- A recent survey found 57% of Kentuckians support banning conversion therapy for minors. The same survey found 74% opposed sending someone who is LGBT to therapy to change their sexual orientation (*Change Research, 2021*)
- 56% of adults in the United States support making conversion therapy on youth by mental health practitioners illegal (*Ipsos/Reuters, 2019*)
- In December 2020, The Global Interfaith Commission on LGBT+ Lives called for an end to conversion therapy, including signatures by:
  - Archbishop Emeritus Desmond Tutu
  - Most Reverend Linda Nicholls, Archbishop of Canada
  - Rabbi Mel Gottlieb, President of the Academy for Jewish Religion
  - Rev. John Dorhauer, President of the United Church of Christ, USA
  - Rev. Michael-Ray Mathews, President of the Alliance of Baptists, USA



# Conversion Therapy Ban Support

- Nearly three dozen national professional organizations have publicly come out against conversion therapy (*Ban Conversion Therapy Kentucky*)
  - American Academy of Family Physicians
  - American Association for Marriage and Family Therapy
  - American Association of School Administrators
  - American College of Physicians
  - American Medical Association
  - American Mental Health Counselors Association
  - American Psychiatric Association
  - American Psychological Association
  - National Association of School Psychologists
  - National Education Association
  - World Health Organization



# Conversion Therapy Ban Support

- Over a dozen Kentucky professional organizations have come out in opposition to conversion therapy (*Ban Conversion Therapy Kentucky*)
  - American Foundation for Suicide Prevention – Kentucky Chapter
  - Foundation for a Healthy Kentucky
  - Kentucky Medical Association
  - Kentucky Mental Health Coalition
  - Kentucky Youth Advocates
  - National Alliance on Mental Illness (NAMI) Kentucky
  - Kentucky Association for Psychology in the Schools
  - Kentucky Nurses Association
  - Kentucky Psychological Association
  - National Association of Social Workers – Kentucky Chapter



# Conversion Therapy Ban Support

- Letters of support from local groups (letters attached):
  - Arbor Youth Services
  - AVOL Kentucky
  - Diocese of Lexington
    - Catholic LGBT Ministry
  - Fayette County Public Schools
    - LGBTQ Advisory Committee
    - Student Support Services
  - GLSEN Bluegrass
  - Lexington Fairness
  - Lexington-Fayette Urban County Human Rights Commission
  - Pride Community Services Organization (PCSO)
  - Reverend Kenneth Golphin, African Methodist Episcopal Church
  - Unitarian Universalist Church of Lexington
  - University of Kentucky, Department of Psychology
    - Dr. Christal Badour
    - Dr. Christia Brown
    - Dr. Rachel Farr



# LGBTQ Youth Mental Health Protection Ordinance

- City has a compelling and important interest in protecting the physical and psychological well-being of minors
  - LFUCG Charter, Article 3, Section 3.02, Subsection 22:
    - *The Merged Government shall have power and authority to provide for the protection of, and prevent cruelty to, children and animals.*
- The ordinance promotes the health, safety, and welfare of minors
- Sexual orientation or gender identity change efforts are seen as harmful conduct according to medical and mental health professional studies
- Definition of proposed ban practices includes “Any counseling, practice, or treatment that seek to change a person’s sexual orientation or gender identity, including, but not limited to, efforts to change behaviors or gender expression, or reduce or eliminate sexual or romantic attraction or feelings toward a person of the same gender.”



# LGBTQ Youth Mental Health Protection Ordinance

Prevents state-licensed providers from engaging in conversion therapy with minors

- Behavior analysts
- Licensed professional counselors
- Marital and family therapists or associates
- Physicians or assistants
- Osteopaths or assistants
- Registered or practical nurses or assistive personnel
- Certified nurse aides
- Physical or occupational therapists or assistants
- Psychologists or psychological associates
- Social workers or associates
- Licensed professional conservators or guardians
- Naturopaths
- Any other person who performs counseling as part of the person's professional training



# LGBTQ Youth Mental Health Protection Ordinance

- Prevents public funds from being used, granted, paid, or distributed to any known state-licensed person/organization providing conversion therapy to a minor
- Gives enforcement authority to Lexington-Fayette Urban County Human Rights Commission (amends Section 2-30 of Code of Ordinances)
  - Follows current complaint process with this organization
  - Any appeals of final orders issued by Lexington-Fayette Urban County Human Rights Commission can be made to the Fayette Circuit Court.



**QUESTIONS?**