ANCHORAGE, ALASKA
AO No. 2020-65

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE TITLE 16 BY ADDING CHAPTER 16.140 REGARDING MEDICAL AND MENTAL HEALTH PRACTICES, SUCH AS SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS WITH A MINOR.

WHEREAS, research demonstrates that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, and transgender persons; and

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; and

WHEREAS, the Municipality of Anchorage has a compelling interest in protecting the physical and psychological well-being of minors that justifies protecting minors from the risk of serious harm from sexual orientation and gender identity change efforts in the Municipality; and

WHEREAS, the Anchorage Assembly desires to protect minors within the Municipality from harmful and discredited approaches to change sexual orientation or gender identity with minors, including so-called “conversion” or “reparative” therapy, finding that such efforts lack medical justification, are unethical, violate fundamental human rights principles, and put minors at risk of suicide and other long-term physical and psychological harms; and

WHEREAS, no other means of protecting minors from the harms associated with such efforts would be effective; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code is amended by adding a new chapter 16.140 to read as follows:

CHAPTER 16.140 MEDICAL AND MENTAL HEALTH PRACTICES

Sections
16.140.010 General provisions; purposes.
16.140.020 Prohibition on sexual orientation and gender identity change efforts with a minor.

16.140.010 General provisions; purposes.

Purpose. This Chapter is an exercise of the Municipality’s police power for the public safety, health, and welfare in relation to the provision of medical and mental health practices; and its provisions shall be liberally construed to accomplish this purpose.

16.140.020 Prohibition on sexual orientation and gender identity change efforts with a minor.

A. Findings and Intent. Medical and mental health experts have denounced efforts to change sexual orientation and gender identity as ineffective and unsafe for people, especially minors. These efforts are based on the discredited premise that being non-heterosexual or transgender is a mental disorder that can be corrected or cured. It is the intent of the Assembly that these unethical treatments that correlate with serious and dangerous harm to the health and well-being of minors be prohibited. Therefore, the assembly finds and declares that protecting minors from efforts to change sexual orientation or gender identity is necessary to further its compelling interest in protecting the physical and psychological well-being of minors, and no other means of protecting minors from the harms associated with these treatments would be effective.

B. Definitions. The following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Minor refers to any person under 18 years of age.

Provider means any person licensed, certified, or registered to provide professional counseling including, but not limited to, 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, or a person who performs counseling as part of the person’s professional training.

Sexual orientation or gender identity change efforts, also known as conversion therapy or reparative therapy, means any counseling, practice, or treatment that seeks 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. Sexual orientation or gender identity change efforts do not include counseling that does not seek to change sexual orientation or gender identity and that:
a. Assists a person undergoing gender transition;
b. Provides acceptance, support, and understanding to the person; or
c. 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.

C. Prohibition on sexual orientation and gender identity change efforts. It is unlawful for any provider to provide, apply, or use sexual orientation or gender identity change efforts with a patient who is a minor.

D. Private action. Any person aggrieved, harmed, injured, or suffering loss or damages by the act or omission of another person constituting a violation of the provisions of this section may, following 30 days written notice to the municipal attorney or department, commence and maintain a civil action for injunctive relief authorized by Section 1.45.010B. In any action under this section, the Municipality, if not a party, may intervene as a matter of right.

E. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60. Each day in violation constitutes a separate offense.

Section 2. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

14.60.030 - Fine schedule.

The fine schedule under this chapter is as follows:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Penalty/Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.140.020C</td>
<td>Providing, applying, or using sexual orientation or gender identity change efforts with a minor</td>
<td>500.00</td>
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</tbody>
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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO
Section 3. This ordinance shall be effective 30 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _______ day of _______________, 2020.

__________________________
Chair

__________________________
ATTEST:
Municipal Clerk
From: Chair Rivera, Assembly Member Constant, and
Vice-Chair Quinn-Davidson

Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE TITLE 16 BY ADDING CHAPTER
16.140 REGARDING MEDICAL AND MENTAL HEALTH
PRACTICES, SUCH AS SEXUAL ORIENTATION OR GENDER
IDENTITY CHANGE EFFORTS WITH A MINOR.

This ordinance addresses an important issue in mental and behavioral health
practices. The use of sexual orientation or gender identity change efforts, also known
as “conversion therapy,” is harmful and too often youth are subjected to it and have
no say in the decision for its use. The number of organizations that decry conversion
therapy demonstrate the widespread agreement on the harm it causes. For example,
the American Medical Association also put out an issue brief with more info on the
harm of conversion therapy and opposing the practice.1 It addressed the medical
ethics of providing conversion therapy and identified additional “social and
interpersonal harm,” including alienation, loneliness, social isolation, interference with
intimate relationships and loss of social supports. A comprehensive list of medical
groups that oppose this practice is available from Human Rights Campaign.2

In 2009, the American Psychological Association Task Force on Appropriate
Therapeutic Responses to Sexual Orientation concluded that efforts to change sexual
orientation and gender identity are unlikely to produce anticipated outcomes and can
pose unintended harmful side effects to participants, such as a sense of having
wasted time and resources, confusion, shame, guilt, helplessness, hopelessness,
loss of faith, decreased self-esteem and authenticity towards others, increased self-
hatred and negative perceptions, social withdrawal, a feeling of being dehumanized
and untrue to self, depression, increased substance abuse and high-risk sexual
behaviors, and suicidality.3

Also in 2009, the American Psychological Association issued a Resolution on
Appropriate Affirmative Responses to Sexual Orientation Distress and Change
Efforts, that, among other things, advises persons to avoid efforts to change sexual
orientation or gender identity that portray homosexuality as a mental illness or
developmental disorder, while encouraging psychotherapy, social support, and

1 American Medical Association, Issue brief: LGBTQ change efforts (so-called “conversion therapy”),
June 17, 2020).
2 See https://www.hrc.org/resources/policy-and-position-statements-on-conversion-therapy (accessed June
17, 2020).
3 American Psychological Association, Report of the American Psychological Association Task Force on
educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth.\textsuperscript{4}

The Substance Abuse and Mental Health Services Administration has concluded that:

- “Conversion therapy perpetuates outdated views of gender roles and identities as well as the negative stereotype that being a sexual or gender minority or identifying as LGBTQ is an abnormal aspect of human development. Most importantly, it may put young people at risk of serious harm.”
- “Conversion therapy—efforts to change an individual’s sexual orientation, gender identity, or gender expression — is a practice that is not supported by credible evidence, and has been disavowed by behavioral health experts and associations.”
- “Same-gender sexual identity, behavior, and attraction are not mental disorders. Same-gender sexual attractions are part of the normal spectrum of sexual orientation. Sexual orientation change in children and adolescents should not be a goal of mental health and behavioral interventions.”\textsuperscript{5}

A 2018 study by The Family Acceptance Project found the following:

- Rates of attempted suicide by LGBT young people whose parents tried to change their sexual orientation were more than double (48%) the rate of LGBT young adults who reported no conversion experiences (22%). Suicide attempts nearly tripled for LGBT young people who reported both home-based efforts to change their sexual orientation by parents and intervention efforts by therapists and religious leaders (63%).
- High levels of depression more than doubled (33%) for LGBT young people whose parents tried to change their sexual orientation compared with those who reported no conversion experiences (16%) and more than tripled (52%) for LGBT young people who reported both home-based efforts to change their sexual orientation by parents and external sexual orientation change efforts by therapists and religious leaders.
- Sexual orientation change experiences during adolescence by both parents / caregivers and externally by therapists and religious leaders were associated with lower young adult socioeconomic status: less educational attainment and lower weekly income.\textsuperscript{6}

The State of Illinois passed its Youth Mental Health Protection Act, with thorough findings that cites the above groups’ positions plus some additional studies as justification for the measure. The State of California enacted a law in 2012 prohibiting any mental health provider from engaging in sexual orientation change efforts with a patient who is a minor, and it survived First Amendment challenges on two separate occasions.\textsuperscript{7}

\textsuperscript{4} Id. at Appendix A.
appeals to the Ninth Circuit Court of Appeals. This ordinance is very similar.

The harms from sexual orientation or gender identity change efforts are a local concern in Anchorage. The Anchorage Press published a three-part series on persons who are homosexual and the difficulties and oppression they faced growing up in Alaska, some of them from Anchorage. The third part of the series, “Conversion, The real hell,” focused on the stories of two young Alaskans who faced conversion therapy forced on them by their families when they were minors. Their stories end on a good note, but not without enduring effects of the trauma they suffered as a result of being subjected to sexual orientation or gender identity change efforts. How many other unreported stories of Alaskans with similar experiences are there? This ordinance is intended to reduce the incidence of these occurrences, and hold professional therapists and counselors in Anchorage accountable to a practice standard that is supported by national professional associations.

We request your support for the ordinance.

Prepared by: Assembly Counsel’s Office
Respectfully submitted: Felix Rivera, Assembly Chair
District 4, Midtown Anchorage

Christopher Constant, Assembly Member
District 1, Downtown Anchorage

Austin Quinn-Davidson, Assembly Vice-Chair
District 3, West Anchorage

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