

DEFEATED MAR 20 2023

Proposed Diversity, Equity, & Inclusion
Floor Amendment III
March 20, 2023

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting sections 667. and 5575., Jackson County Code, 1984, relating to a ban on conversion therapy for minors, with a penalty provision and an effective date.

ORDINANCE NO. 5711, January 30, 2023

INTRODUCED BY Jalen Anderson, Manuel Abarca IV, Sean E. Smith, and Jeanie Lauer, County Legislators

WHEREAS, conversion therapy, also known as reparative therapy, ex-gay therapy, or sexual orientation and gender identity change efforts, is a range of discredited practices aimed at changing one's sexual orientation or gender identity; and

WHEREAS, a national community of professionals in education, social work, health, mental health, and counseling, including the American Psychological Association, American Psychiatric Association, American Medical Association, American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry (AACAP), American Counseling Association, American School Health Association, and the National Association of Social Workers, have determined that there is no scientifically valid evidence that supports the practice of conversion therapy; and

WHEREAS, such professionals have determined that there is no evidence that conversion therapy is effective or that an individual's sexual orientation or gender identity can be changed by conversion therapy; and

WHEREAS, such professionals have also determined that conversion therapy is not only ineffective, but is substantially dangerous to an individual's mental and physical well-being and has also been shown to contribute to depression, self-harm, low self-esteem, family rejection, and suicide; and

WHEREAS, the AACAP finds no evidence to support the application of any "therapeutic intervention" operating under the premise that a specific sexual orientation, gender identity, and/or gender expression is pathological; and,

WHEREAS, based on scientific evidence, the AACAP asserts that such "conversion therapies" (or other interventions imposed with the intent of promoting a particular sexual orientation and/or gender as a preferred outcome) lack scientific credibility and clinical utility; and,

WHEREAS, in contrast, hospitals in Kansas City, Missouri, provide evidence-based therapy or treatment to over 300 children annually, offering physical, mental, and social health services to children and their families as they navigate the process of gender identity development, illustrating the need for responsible, scientifically defensible therapy and treatment services; and,

WHEREAS, minors in Jackson County, including LGBTQ individuals under the age of 18, that seek therapy or treatment to assist them in understanding their individual development of gender identity or their sexual orientation should be free from exposure to the serious harms and risks caused by conversion therapy or reparative therapy; and

WHEREAS, twenty-six states, Washington, DC, and over 100 cities and counties have enacted laws, executive orders, or regulations to ban conversion therapy against minors by licensed medical providers, and many bills have been filed in similar states, including Missouri's Youth Mental Health Preservation Act; and

WHEREAS, the Legislature has a responsibility to protect the health, safety, and welfare of all people in our community, especially the physical and psychological well-being of minors, including LGBTQ youth, and in protecting its minors against exposure to serious harms caused by conversion therapy; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 667. and 5575., Jackson County Code, 1984, are hereby enacted, to read as follows:

667. Debarment of Agencies that Employ Persons Convicted of Conversion Therapy

No contract shall be awarded to any public or private outside agency that the County is not legally obligated to fund, if such agency employs any person convicted of conversion therapy of a minor, in violation of section 5575. of this code or any equivalent provision any state law or municipal or county code. This bar shall specifically apply to contracts awarded pursuant to sections 9056. and chapter 93 of this code.

5575. Conversion Therapy of Minors Prohibited.

5575.1 Definitions.

As used in this section, the following terms shall have the meaning indicated in this subsection:

a. *Conversion Therapy or Reparative Therapy* means any practice or treatment that seeks 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 attractions or feelings toward individuals of the same gender or any therapeutic intervention imposed with the intent of promoting a particular sexual orientation and/or gender as a preferred outcome. Conversion Therapy shall not include counseling that provides support and 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 treatment 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.

b. *Gender identity* means the gender-related identity, appearance, expression, behavior or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

c. *Minor* means a person less than 18 years old.

d. *Provider* means any licensed medical or mental health professional including, but not limited to, licensed professional counselors, licensed psychologists, licensed clinical social workers, provisional licensed professional counselors, provisional and temporary licensed psychologists, licensed and provisional licensed marital and family therapists, psychiatrists, certified substance abuse counselors, certified school counselors, behavior analysts, and any professional licensed under chapters 334 and 337 of the Revised Statutes of Missouri. *Provider* does not mean a parent or grandparent who is a Provider as defined above who is acting substantially in the capacity of a parent or grandparent and not in the capacity of a licensed medical or mental health professional.

e. *Sexual Orientation* is the scientifically accurate term for a person's enduring physical, romantic, and/or emotional attraction to another person. *Sexual Orientations* can include heterosexual (straight), lesbian, gay, bisexual, queer, asexual, and other orientations. *Sexual Orientation* avoids the offensive term "sexual preference," which is used to inaccurately suggest that being gay, lesbian, or bisexual is voluntary and "curable." People need not have had specific sexual experiences to know their own sexual orientations; in fact, they need not have had any sexual experience at all.

5575.2 Prohibition.

It shall be unlawful for any Provider to engage in Conversion Therapy or Reparative Therapy with a Minor.

5575.3 Protection of Free Speech.

a. Nothing in this section shall be construed to restrict or limit the exercise of free speech, freedom of thought, or freedom of religion.

b. This section shall not apply to speech or expression that is protected by the First Amendment to the United States Constitution.

c. This section shall not be construed to prohibit the expression of religious beliefs or practices that do not constitute Conversion Therapy as defined in subsection 5575.1a.

5575.4 Education and Training.

a. The County shall provide education, training, and information to ensure awareness of this section to Providers and other persons who may be subject to this section in order to ensure that they are aware of the potential harms of Conversion Therapy.

5575.[3]5 Penalty Provision.

Any person found guilty of a violation of section 5575.2 of this section is subject to punishment pursuant to section 5520. of this chapter, except that no violation of this section shall be punishable by imprisonment.

Section B. Clause.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section C. Effective Date.

This Ordinance shall take effect ninety days after the County Executive certifies that requirements for education and training as described in section 5575.4 of this Ordinance have been satisfied.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5711 introduced on January 30, 2023, was duly ~~passed~~ on _____, 2023 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____

Nays _____

Abstaining _____

Absent _____

DEFEATED MAR 20 2023

This Ordinance is hereby transmitted to the County Executive for his signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5711.

Date

Frank White, Jr., County Executive