

CITY COUNCIL

ORDINANCE NO. 2021- _

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE RELATING TO
CONVERSION THERAPY

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Chapter 12 of the City Code of Ordinances is amended by adding a new Article VI with those words that are underlined, to read as follows:

CHAPTER 12: PUBLIC PEACE AND SAFETY

...

ARTICLE VI: HARMFUL PRACTICES AND CONDUCT—PROHIBITION OF
CONVERSION THERAPY

§ 12.136 FINDINGS AND PURPOSE.

The City Council finds:

- (a) That being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, illness, deficiency, or shortcoming that requires a cure or correction.
- (b) Major medical, mental health, and child welfare professional associations, including the American Medical Association, American Psychological Association, American Academy of Pediatrics, and American Psychiatric Association have denounced and rejected conversion therapy as ineffective, unreliable, and unsafe.
- (c) Conversion therapy leads to critical health risks and inequities including anxiety, depression, decreased self-esteem, substance abuse, homelessness, self-harm, and suicide.
- (d) Minors and vulnerable adults are especially vulnerable to the harms associated with conversion therapy and lack the ability to make decisions about their own medical and mental health.
- (e) The City has a compelling interest in protecting the physical and psychological well-being of minors and vulnerable adults and in protecting them against exposure to the serious harms caused by the practice of conversion therapy.
- (f) It is necessary for the City Council to exercise its legislative power to protect and promote the health, safety, and welfare of the City's minors and vulnerable adults.
- (g) The purpose of this article is to protect the physical and psychological well-being of minors and vulnerable adults from exposure to the serious harms caused by conversion therapy.

§ 12.137 SEVERABILITY

If any part, term, or provision of this article is held by a court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article, which remaining portions shall continue in full force and effect.

§ 12.138 DEFINITIONS

When used in this article, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise.

CLERGY OR RELIGIOUS OFFICIAL. As defined by Minnesota Statutes, Section 148.9075, recognized religious officials, including ministers, priests, rabbis, imams, Christian Science practitioners, and other persons recognized by the Minnesota Board of Psychology, conducting counseling activities that are within the scope of the performance of their regular recognizable religious denomination or sect, as defined in current federal tax regulations, if the religious official does not hold them self out as a provider, as defined in this article, and the official remains accountable to the established authority of the religious denomination or sect.

CONVERSION THERAPY. Any practice, conduct, or treatment by a provider, as defined in this article, 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. Conversion therapy shall not include any mental health services that provides assistance to an individual undergoing gender transition, or mental health services that facilitates an individual's acceptance, support, understanding, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as the mental health services does not seek to change an individual's sexual orientation or gender identity. The term conversation therapy is also sometimes named reparative therapy.

GENDER EXPRESSION. A person's expression of gender identity through appearance and behavior, including how an individual believes that they are perceived by others.

GENDER IDENTITY. A person's sense of self as a woman, man, another gender, or genderless. When a person's gender identity or gender expression and sex assigned at birth are not congruent, the individual may identify along the transgender spectrum.

MINOR. Any person under the age of eighteen (18) years of age.

PROVIDER. An individual who is licensed, certified, or registered under the laws of the State of Minnesota, including mental health practitioners and mental health professionals, as defined in Minnesota Statutes, Section 245.462, to provide mental health services. Providers include, but

are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, social workers, clinical counselors, behavioral clinicians or therapists, nurses, or any other persons conducting or practicing such mental health services.

SEXUAL ORIENTATION. A component of identity that includes a person's sexual and emotional attraction to another person and the behavior or social affiliation, or both, that may result from this attraction. A person may be attracted to men, women, both, neither, and/or to people who are genderqueer, androgynous, or have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, pansexual, or asexual, among others.

VULNERABLE ADULT. Any person eighteen (18) years of age or older and who meets the definition of vulnerable adult in Minnesota Statutes, Section 626.5572.

§ 12.139 PROHIBITED CONDUCT.

- (a) It shall be unlawful for a provider to conduct or practice conversion therapy on a minor or vulnerable adult within the City limits.
- (b) Exceptions:
 - (1) This article does not apply to members of the clergy or religious officials.
 - (2) This article does not prohibit the practice of conversion therapy on individuals over the age of eighteen (18) and who are able to consent to and make decisions regarding their own medical or mental health.
 - (3) This article does not prohibit the practice of conversion therapy on minors who are able to give effective consent to medical and mental health services pursuant to Minnesota Statutes Chapter 144.

Section 2. Section 1 of this ordinance is effective January 3, 2022.

Section 3. So long as and after sections 1 and 2 of this ordinance are adopted, then only one of the following section combinations may also be adopted: sections 4 and 5; or sections 6 and 7; or sections 8 or 9.

Section 4. Enforcement and Penalties Option A: That Chapter 12 of the City Code of Ordinances is amended by adding those words that are underlined, to read as follows:

CHAPTER 12: PUBLIC PEACE AND SAFETY

...

ARTICLE VI: HARMFUL PRACTICES AND CONDUCT—PROHIBITION OF
CONVERSION THERAPY

....

§ 12.140 ENFORCEMENT AND PENALTIES.

- (a) Upon receipt of a report of an alleged violation of this article, the City Attorney or City Attorney’s designee, may issue a warning letter notifying the provider that conducting or practicing conversion therapy on a minor or vulnerable adult is prohibited and immediate compliance with city code is required.
- (b) Each instance or session of conducting or practicing conversion therapy on a minor or vulnerable adult is a separate offense and violation of this article.
- (c) A violation of this article is an administrative offense and will be enforced exclusively through the administrative enforcement and hearing process contained in Chapter 1 of this code.
- (d) The civil fine for a first violation of this article shall be \$500.
- (e) The civil fine for a second or any subsequent violation of this article shall be \$1,000.
- (f) The City Attorney will report the violation and details surrounding the violation to each appropriate licensing board or authority.
- (g) Notwithstanding any law or ordinance to the contrary, this article does not prohibit or preclude any other available legal remedies for any violation of the law, including without limitation, criminal or civil actions.

Section 5. Section 4 of this ordinance is effective January 3, 2022, so long as sections 1 and 2 of this ordinance have also been adopted.

Section 6. Enforcement and Penalties Option B. That Chapter 12 of the City Code of Ordinances is amended by adding those words that are underlined, to read as follows:

CHAPTER 12: PUBLIC PEACE AND SAFETY

...

ARTICLE VI: HARMFUL PRACTICES AND CONDUCT—PROHIBITION OF
CONVERSION THERAPY

...

§ 12.140 ENFORCEMENT AND PENALTIES.

- (a) Upon receipt of a report of an alleged violation of this article, the City Attorney or City Attorney’s designee, may issue a warning letter notifying the provider that conducting or practicing conversion therapy on a minor or vulnerable adult is prohibited and immediate compliance with city code is required.
- (b) Each instance or session of conducting or practicing conversion therapy on a minor or vulnerable adult is a separate offense and violation of this article.
- (c) A first violation of this article is an administrative offense and will be enforced through the administrative enforcement and hearing process contained in Chapter 1 of this code. The civil fine for a first violation of this article shall be \$500.
- (d) A second violation of this article shall be a misdemeanor punishable by a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days or both.
- (e) The City Attorney will report the violation and details surrounding the violation to the appropriate licensing board or authority.
- (f) Notwithstanding any law or ordinance to the contrary, this article does not prohibit or preclude any other available legal remedies for any violation of the law, including without limitation, criminal or civil actions.

Section 7. That section 6 of this ordinance is effective January 3, 2022, so long as sections 1 and 2 of this ordinance have also been adopted.

Section 8. Enforcement and Penalties Option C. That Chapter 12 of the City Code of Ordinances is amended by adding those words that are underlined, to read as follows:

CHAPTER 12: PUBLIC PEACE AND SAFETY

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ARTICLE VI: HARMFUL PRACTICES AND CONDUCT—PROHIBITION OF CONVERSION THERAPY

...

§ 12.140 ENFORCEMENT AND PENALTIES.

- (a) A violation of this article shall be a misdemeanor punishable by a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days or both.
- (b) Each instance or session of conducting or practicing conversion therapy on a minor or vulnerable adult is a separate offense and violation of this article.
- (c) The City Attorney will report a conviction of this article and related details to the appropriate licensing board or authority.
- (d) Notwithstanding any law or ordinance to the contrary, this article does not prohibit or preclude any other available legal remedies for any violation of the law, including without limitation, criminal or civil actions.

Section 9. That section 8 of this ordinance is effective January 3, 2022, so long as sections 1 and 2 of this ordinance have also been adopted.

Passed and adopted this ____ day of _____, 2021.

/s/ _____
Mayor

ATTEST:

/s/ _____
Secretary to the Council

Approved:

/s/ _____
City Attorney