

MEMORANDUM

To: Members of the Civil Rights, Utilities, Economic Development & Arts Committee
From: Asha Venkataraman
Date: July 22, 2016
Subject: Council Bill 118746: Prohibition of Conversion Therapy on Minors

On July 26, 2016, the CRUEDA committee is scheduled to consider Council Bill 118746, legislation sponsored by Councilmember González that would prohibit licensed mental health providers from practicing conversion therapy on minors.

Background

For many years, in cities and states throughout the country, a variety of organizations and therapists have claimed that they can use talk therapy to successfully “treat” same sex attractions and make a person straight. This type of treatment or set of practices is known as conversion or reparative therapy, and its ultimate aim is to change a person’s sexual orientation or gender identity. Though some people claim to be cured of their homosexuality, professional medical and mental health organizations have taken the position that conversion therapy is ineffective and can be harmful, particularly to minors.

At the federal level, Congress has not passed legislation prohibiting the practice of conversion therapy, though several bills have been introduced in the current Congressional session. Five states and the District of Columbia have passed legislation prohibiting state-licensed mental health counselors from engaging in conversion therapy with minors. These laws generally deem the practice unprofessional conduct and subject the practitioner to discipline by their licensing board. At the municipal level, only Cincinnati, Ohio and Miami Beach, Florida have passed legislation banning conversion therapy.

In 2015, an effort to pass a ban on conversion therapy failed in Washington State. Unless and until the Washington State Legislature prohibits conversion therapy, anyone may claim that they practice conversion therapy and do so with minors. This bill is intended to curb that practice within the City to the extent possible.

Bill Summary

Because licensing takes place at the state level, the bill does not legislate whether practicing conversion therapy on minors is unprofessional conduct, but instead makes the practice on minors by licensed medical or mental health professionals a civil violation of the Seattle Municipal Code.

The bill contains the following key provisions:

- Establishing that advertising the provision of conversion therapy to minors is false and deceptive under SMC Chapter 7.08, which governs consumer protections related to false and misleading advertising.
 - A person violating this provision is guilty of a misdemeanor and is subject to a maximum \$300 fine or 90 days imprisonment or both.
- Prohibiting licensed providers from practicing conversion therapy on minors.
 - The prohibition is specific to mental health and medical professionals licensed by Washington State that are in a position to provide conversion therapy, ranging from physicians to social workers.
- Enforcement by the Office of Civil Rights of any violations of the prohibition, including a \$500 fine for the provider's first violation, and going up to \$1,000 for any subsequent violations.