

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE PUBLIC HEALTH, SAFETY, AND WELFARE, RESTRICTING THE PRACTICE OF SEXUAL ORIENTATION CHANGE EFFORTS, COMMONLY KNOWN AS “CONVERSION THERAPY” (All Districts)

The Board of Supervisors of Pima County, Arizona, finds that:

1. Being lesbian, gay, bisexual, transgender, or gender nonconforming is not a disorder, disease, illness, deficiency, or shortcoming.
2. It is the consensus of the national community of professionals in education, social work, health, mental health, and counseling that there is no scientifically valid evidence for the efficacy of sexual orientation or gender identity change efforts (SOCE), also known as “conversion therapy” (that is, attempting to prevent a person from being lesbian, gay, bisexual, transgender, or gender nonconforming).
3. Instead, SOCE has been shown to be substantially dangerous to a person’s mental and physical health, and has been shown to contribute to depression, self-harm, low self-esteem, family rejection, and suicide.
4. For example, a 2009 systematic review of the scientific literature by the American Psychological Association’s Task Force on Appropriate Therapeutic Responses to Sexual Orientation concluded that there is no evidence that the practice of SOCE on minors is effective in changing sexual orientation or gender identity in adulthood, and noted that some studies have shown that SOCE has been associated with self-reports of “anger, anxiety, confusion, depression, grief, guilt, hopelessness, deteriorated relationships with family, loss of social support, loss of faith, poor self-image, social isolation, intimacy difficulties, intrusive imagery, suicidal ideation, self-hatred, and sexual dysfunction.” Two studies noted that even many participants who initially report positive results after receiving SOCE later experience or acknowledge negative effects.
5. Numerous national associations of professionals in the education, health, and mental health disciplines oppose or recommend against the practice of SOCE on minors. These associations include the American Psychological Association, American Psychiatric Association, American School Counselor Association, American Academy of Pediatrics, American Medical Association Council on Scientific Affairs, National Association of Social Workers, American Counseling Association Governing Council, American Psychoanalytic Association, and American Academy of Child and Adolescent Psychiatry.

6. At least nine states in the United States, along with numerous local governments, have banned the practice of SOCE on minors. Bans have been proposed in other jurisdictions. Although an Arizona ban on practicing SOCE with minors was proposed in the Arizona House of Representatives in 2015 (HB 2475), the House did not vote on it.
7. Federal legislation has been proposed in the House of Representatives (H.R. 2450 (2015)) and Senate (S.2880 (2016)) that would make it unlawful to provide SOCE in exchange for monetary compensation. Neither the House nor Senate has voted on these proposals.
8. Pima County has a compelling interest in protecting the health, safety, and well-being of minors within its jurisdiction, including a compelling interest in protecting lesbian, gay, bisexual, and transgender youth against exposure to SOCE, a practice that has no demonstrated efficacy but has been demonstrated to cause serious harm.
9. Pima County has authority under A.R.S. § 11-251(17) to “[a]dopt provisions necessary to preserve the health of the county”; under A.R.S. § 11-251(31) to “[m]ake and enforce all local, police, sanitary and other regulations not in conflict with the general law; and under A.R.S. § 11-251.05 to enact ordinances not in conflict with state law.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Title 9 of the Pima County Code is amended to add a new chapter 9.90 to read as follows:

**Chapter 9.90
SEXUAL ORIENTATION CHANGE EFFORTS**

9.90.010 - Declaration of policy.

The purpose of this chapter is to protect the health, safety, and well being of minors in Pima County.

9.90.020 - Definitions.

- A. “Minor” means a person under eighteen years of age.
- B. “Person” means a natural person or, if the context permits it, any corporation, association, partnership, firm, trustee, or other entity.
- C. “Sexual orientation change efforts” means any practice in which a person seeks to change another person’s sexual orientation or gender identity. “Sexual orientation

change efforts” include efforts to change behaviors, sexual or gender identities, or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. “Sexual orientation change efforts” do not include any communication that does not itself seek to change the sexual orientation or gender identity of the person who is the recipient of the communication.

9.90.030 – Prohibited conduct.

No person may engage in sexual orientation change efforts with a minor in exchange for a fee.

9.90.040 – Violation; penalty.

- A. A violation of Section 9.90.030 is a civil infraction.
- B. A person who violates Section 9.90.030 is subject to a civil penalty of up to \$2,500 for each violation.

9.90.050 – Severability.

If any provision of this chapter, or the application of any provision of this chapter, is invalid, that invalidity shall not affect other provisions or applications of this chapter. The provisions of this chapter are severable.

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 3. This ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney
REGINA NASSEN