MARK FINCHEM 1700 WEST WASHINGTON, SUITE H PHOENIX, ARIZONA 85007-2844 CAPITOL PHONE: (602) 926-3122 CAPITOL FAX: (602) 417-3286 TOLL FREE: 1-800-352-8404 mfinchem@azleg.gov

TUCSON LEGISLATIVE OFFICE 400 WEST CONGRESS, SUITE 201 TUCSON, ARIZONA 85701 TUCSON PHONE: (520) 398-6000 TUCSON FAX: (520) 398-6028

DISTRICT 11

AGENDA MATERIAL DATE 8/1/19 ITEM NO. RALSCOMMITTEES: SAFETY, VICE-CHAIRMAN

FED ERALISM & STATES RIGHTS, VICE-CHAIRMAN

Judiciary & Public Safety

July 31, 2017

Ms. Julie Castañeda, Clerk of the Board, Pima County Board of Supervisors 130 W. Congress Street, 5th Floor Tucson, AZ 85701

RE: PROPOSED SOCE ORDINANCE ON THE AUGUST 1, 2017 AGENDA

Dear Ms. Castañeda,

Please allow this letter to serve as a cover letter for a letter from Center for Arizona Policy that you should have received by now, and my remarks, concerning the proposed SOCE regulatory ordinance that has been proposed by Supervisor Elias.

The proposed ordinance presents a number of problematic issues not the least of which is an assault of long established and recognized basic civil rights protected by Arizona Revised Statute commonly known as the Arizona's Parents' Bill of Rights. A.R.S. § 1-601 and § 1-602.

I have asked the State Attorney General's Office to provide guidance on the ordinance as written, which is under scrutiny by his staff as I write to you. More specifically I have asked the AZAG, on behalf of a large number of concerned constituents, to assess the following defects as I see them:

- 1. An assault upon the 1st Amendment rights of psychiatric and medical physicians and counselors based on a social agenda and not practice fact. The ordinance makes the claim, "The Board of Supervisors of Pima County, Arizona, finds that: Being lesbian, gay, bisexual, transgender, or ender nonconforming is not a disorder. disease, illness, deficiency, or shortcoming," and
- 2. The proposed ordinance goes on to say, "it is the consensus of the national community of professionals in education, social work, health, mental health, and counseling there is no scientifically valid evidence for the efficacy of sexual orientation change efforts (SOCE), also known as "conversion therapy" (that it is attempting to prevent a person from being lesbian, gay, bisexual, transgender or gender nonconforming)."
- 3. Scientific examination rarely arrives at consensus, this is a phrase generally reserved for group think and not critical examination intended for supporting general welfare and the public good.

Ms. Julie Castañeda, Clerk of the Board, Pima County Board of Supervisors July 31, 2017 Page 2

At issue for many of my constituents are the following:

- 1. The Arizona already regulates physical, medical, psychological, and psychiatric care. For the County of Pima to lay an additional burden upon this profession based upon a "consensus", group think agenda intrudes on the authority, and may well come in conflict with the objectives of State regulation.
- 2. There does not appear to be any statement of the need for such regulation at the County or even City level "to conserve and promote the public health. safety and general welfare" of the people of Pima County. This language can be found in ARS 426-01, and it is clear that the State Legislature's intent for political subdivisions is to leave people to live their lives, use their property, and engage in services as they see fit, unfettered by political subdivision interference unless a threat to public health, safety and general welfare" can be articulated.
- 3. In fact, this attempt to usurp the rights of parents and competent, trained and licensed [emphasis added] psychiatric care providers in the act of providing care under contract with anyone who seeks help appears to do just the opposite by interfering with the natural rights of parents to raise their children and to care for them as they see fit.

I am asking for guidance from the Arizona Attorney General on the following questions:

- 1. The legal grounds that this is a violation of the United States Bill of Rights, 1st Amendment, and the Arizona State Constitution, namely freedom of speech?
- 2. The legal opinion that this proposed ordinance is, or is not in direct conflict with Arizona regulations, or in any ways hampers the State's ability to administer the regulatory responsibility that our agencies have?
- 3. A legal opinion that Pima County would put its state shared revenue at risk if the Ordinance is found to be in conflict with the U.S. Constitution, Arizona State Constitution or Arizona Statutes now in effect?
- 4. Can the Board of Supervisors be held individually and severally liable for a clear breach of the rights of individual franchise rights and, or their responsibilities under SB1487 provisions?
- 5. I am also interested in knowing if there are other areas of law that this proposed ordinance would come in conflict with, pertaining to the individual rights of individuals who ask for care, who receive care or who ask for care that the Pima County BOS would propose to make illegal?

I understand that this matter goes before the Pima County Board of Supervisors tomorrow morning for a passage vote with only 4 days of notice to the community. This kind of ram it though in a hurry action, denying the public time to comment and time for meaningful debate

Ms. Julie Castañeda, Clerk of the Board, Pima County Board of Supervisors July 31, 2017 Page 3

and dialog, is a disservice to the objectives of good governance. I ask that the Board of Supervisors delay any vote on this until the legality of this move is vetted.

Kindest regards,

Hon. Mark Finchem, Representative (LD-11) Serving Pima and Pinal Counties

July 29, 2017

The Board of Supervisors of Pima County 130 W. Congress St. 11th Floor Tucson, AZ 85701

Re: Chapter 9.90 Sexual Orientation Change Efforts

Dear Supervisors:

Center for Arizona Policy is a nonprofit advocacy group that promotes and defends the foundational principles of life, marriage and family, and religious freedom. We regularly offer analysis of proposed laws in Arizona and their effect on these foundational principles. We respectfully request that you consider our legal analysis of a proposed Pima County ordinance addressing so-called "conversion therapy." The proposed ordinance will likely violate the constitutional rights of professional counselors, parents, and children. It also likely violates Arizona law, namely, Arizona's Parents' Bill of Rights. A.R.S. § 1-601 and § 1-602.

AGENDA MAT

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DATE 8/1/17

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I. The ordinance regulates counseling speech based on its content and viewpoint.

The Supreme Court has long held that it is impermissible for the government to regulate speech based upon its content or viewpoint. *See*, e.g., *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994) ("Government action that stifles speech on account of its message ... pose[s] the inherent risk that the [g]overnment seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information or manipulate the public debate through coercion rather than persuasion.").

Here, the ordinance facially bans any professional counseling speech that seeks "to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex." While at the same time, it would permit counseling speech that affirms and encourages an individual's sexual orientation or gender identity. Thus, the ordinance unconstitutionally regulates counseling speech based on its content and viewpoint.

For example, imagine a 17-year-old female who experienced same-sex attractions but who also believed that acting upon those attractions would be inconsistent with her sincerelyheld religious beliefs. If that female believed that, rather than acting on her attractions, she should instead choose to live a chaste life, she would be unable to obtain professional counseling to assist her with her lifestyle choice. Why? Because the proposed ordinance prohibits counseling that would assist her with reducing sexual attractions in order to enable her to live a chaste life.

Similarly, if a male teenager, after several years of identifying as a female, came to realize that he would be most fulfilled by living consistent with his male biological sex, the ordinance would prohibit him from finding a professional counselor to help him toward his desired outcome because it bans "efforts to change behaviors or gender expressions." Yet, as was



reported in the New York Times, a 2008 study in the Netherlands found that 70% of boys who had gender dysphoria grew out of it within 10 years.¹ Under the ordinance, these boys would be denied much needed counseling to help them transition back to a life as a male as they desire.

As a result of the proposed ordinance, minors who seek affirmation of their same-sex attraction or gender identity are able to procure professional counseling services, whereas those who believe that they should live a chaste life consistent upon their sincerely-held religious beliefs or that they should seek to live consistent with their biological sex are denied professional counseling.

By placing unique restrictions on counseling speech related to sexual orientation and gender identity, the ordinance "disfavors ... speech with a particular content. More than that, the [ordinance] disfavors specific speakers, namely" professional counselors who want to assist minors that desire to live a chaste life or behave consistent with their biological sex. *See Sorrell v. IMS Health Inc.*, 131 S. Ct. 2653, 2663 (2011). The proposed ordinance thus "on its face burdens disfavored speech by disfavored speakers." *Id.*

Strict scrutiny is required whenever government creates "a regulation of speech because of disagreement with the message it conveys," *id.* at 2664 (quotation omitted), as the proposed ordinance has unabashedly done here. *See Brown v. Entm't Merchs. Ass'n*, 131 S. Ct. 2729, 2738 (2011) (noting that a content-based regulation of speech that purported to shield minors from violent video game content was "invalid unless [the state] demonstrate[d] that it passes strict scrutiny—that is, unless it [was] justified by a compelling government interest and [was] narrowly drawn to serve that interest"). The proposed ordinance is unlikely to survive this rigorous test because of its facially unconstitutional censorship of protected speech based on its content and viewpoint.

II. The ordinance burdens the free exercise of religion.

In addition to impermissibly burdening free speech, the ordinance will likely, if enacted, impermissibly burden the free exercise of religion. Some of those who seek counseling to address sexual orientation or gender identity do so for religious reasons. That is, their religious belief informs them that they should not act upon same-sex attractions or that they should seek to live consistent with their God-given biological sex. And some counselors who offer such counseling therapy likewise do so for religious reasons. The ordinance will burden the free exercise of religion of these patients and providers. Because the burden imposed by the ordinance cannot withstand constitutional scrutiny, it is likely to be found unconstitutional.

The U.S. Supreme Court has explained that laws that burden the free exercise of religion will be subject to strict scrutiny if they are not neutral toward religion (that is, if they target

¹Richard A. Friedman, "How Changeable is Gender?" The New York Times, Aug. 22, 2015. Available at <u>https://www.nytimes.com/2015/08/23/opinion/sunday/richard-a-friedman-how-changeable-is-gender.html</u>.



religion) or are not generally applicable (that is, if they do not apply to everyone and provide exemptions for certain people). *Employment Div., Dep't of Human Res. of Oregon v. Smith*, 494 U.S. 872 (1990); *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993).

The proposed ordinance is likely subject to strict-scrutiny analysis because it is not generally applicable. It applies only to professional counselors that would provide therapy in exchange for a fee. As a result, not all counselors are affected by the ordinance. The high bar of strict scrutiny makes it likely that the ordinance would be held to be unconstitutional under the Free Exercise Clause of the First Amendment.

III. The ordinance violates the right of minors and their parents to receive information regarding methods to address same-sex attraction and gender identity.

The First Amendment not only protects the right to speak, it also protects the right to hear and receive speech. *Stanley v. Georgia*, 394 U.S. 557, 564 (1969) ("It is now well established that the Constitution protects the right to receive information and ideas."); *Martin v. City of Struthers, Ohio*, 319 U.S. 141, 143 (1943) (right of free speech also "protects the right to receive it").

The proposed ordinance would prevent minors with unwanted same-sex attraction or gender identity confusion from communicating with professional counselors in "an effective and informative manner." *Sorrell*, 131 S. Ct. at 2663. It thus significantly encroaches upon the fundamental right to receive information, a right the Supreme Court has jealously guarded in the professional speech context. *See Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council*, 425 U.S. 748, 757 (1976) (applying the "First Amendment right to receive information and ideas" to a ban on pharmacies publishing drug prices (quotation omitted)); *Bates v. State Bar of Ariz.*, 433 U.S. 350, 366 (1977) (doing the same for a ban on lawyers advertising the price of routine legal services because it "inhibit[ed] the free flow of commercial information").

Contracting "the spectrum of available knowledge" in this manner clearly implicates fundamental First Amendment concerns. *Griswold v. Connecticut*, 381 U.S. 479, 482 (1965). For the "right to receive information and ideas" applies to minors as well as to adults. *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 867 (1982) (plurality opinion); *see also Kreimer v. Bureau of Police for Town of Morristown*, 958 F.2d 1242, 1254-55 (3d Cir. 1992).

Where the rights to freedom of speech and to receive information and ideas are concerned, "[p]recision of regulation must be the touchstone." *NAACP v. Button*, 371 U.S. 415, 438 (1963). This proposed ordinance, however, is a "[b]road prophylactic rule[]" that significantly encroaches upon these fundamental rights. *Id.; see also id.* at 439 (recognizing that the government must justify "significant encroachment[s] upon personal liberty," including in the professional speech context, by "showing a subordinating interest which is compelling" (quotation omitted)).



IV. The proposed ordinance distorts the usual functioning of the counseling relationship—a private medium of expression—to suppress speech the government disfavors.

In Legal Services Corp. v. Velazquez, the Supreme Court considered a speech restriction imposed on lawyers representing the interests of indigent welfare recipients pursuant to a federal grant program, a scenario in which legislative discretion is normally at its height. See 531 U.S. 533, 536-37 (2001) (noting that the statute in question prohibited "legal representation funded by recipients of LSC moneys if the representation involve[d] an effort to amend or otherwise challenge existing welfare law"). The Supreme Court compared this speech regulation to previous government attempts "to use an existing medium of expression and to control it, in a class of cases, in ways which distort its usual functioning." Id. at 543.

Emphasizing the importance of the "accepted usage" of the mode of expression at issue, the Supreme Court explained that the First Amendment generally forbids government from regulating private speech forums "in an unconventional way to suppress speech inherent in the nature of the medium." *Id.* Strict scrutiny was therefore required, *see id.* at 553 (Scalia, J., dissenting) (noting that the majority applied "strict scrutiny"), because the statute in question "restrict[e]d LSC attorneys in advising their clients and in presenting arguments and analyses to the courts," thus "distort[ing] the legal system by altering the traditional role of [a certain class of] attorneys." *Id.* at 544. This unique disability ran counter to the general expectation that "attorneys should present all the reasonable and well-grounded arguments necessary for proper resolution of the case." *Id.* at 545. It was therefore inherently suspect. *Id.* at 546.

Just as "the ordinary course of litigation involves the expression of theories and postulates on both, or multiple, sides of an issue," *id.* at 548, counseling relationships also involve addressing divergent perspectives on the broad universe of issues people bring to their professional counselors, including discussions regarding same-sex attraction and gender identity. Law is not the only discipline to recognize the fundamental right to "independently ... define one's identity that is central to any concept of liberty." *Roberts v. U.S. Jaycees*, 468 U.S. 609, 619 (1984). The mental health professions have long grounded themselves on this perspective. *See*, e.g., Am. Counseling Ass'n Code of Ethics Preamble (2014) (defining "counseling" as empowering "diverse individuals ... to accomplish [their own] mental health ... goals" and emphasizing the importance of patient "autonomy"); Code of Ethics of the Nat'l Ass'n of Social Workers § 1.02 (2008) ("Social workers respect and promote the right of clients to self[-]determination and assist clients in their efforts to identify and clarify their goals.").

But the proposed ordinance renders it impossible for minor patients who desire to live a chaste life despite their same-sex attraction or who desire to live consistent with their biological sex to accomplish their mental health goals or exercise their fundamental right to self-determination. Such a burdensome regulation of speech, which fundamentally distorts the counseling relationship, "must be a last—not first—resort." *Thompson v. W. States Med. Ctr.*, 535 U.S. 357, 373 (2002).



V. The ordinance likely violates Arizona's Parents' Bill of Rights.

Under Arizona law, parents have the fundamental right "to direct the upbringing, education, health care and mental health of their children," including a child's "moral or religious training." A.R.S. § 1-601(A), -602(A)(4). Moreover, "any political subdivision of this state . . . shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored and is not otherwise served by a less restrictive means."

These fundamental rights clearly protect a parent's decision to seek professional counseling to assist his or her child in navigating issues related to human sexuality. As Justice Kennedy stated in *Obergefell v. Hodges*, the traditional view of marriage (which involves a traditional view of human sexuality) "long has been held—and continues to be held—in good faith by reasonable and sincere people here and throughout the world." 135 S. Ct. 2584, 2594 (2015). Reasonable and sincere parents should not be denied their fundamental right to direct the upbringing of their children simply because they hold to traditional views of human sexuality.

VI. Conclusion

The proposed ordinance is likely unconstitutional because it engages in viewpoint discrimination, is an impermissible content-based speech regulation, and impermissibly burdens free exercise of religion. It also interferes with the liberty interest of children and their parents to choose the therapy that they believe is best to further their therapeutic goals. Finally, it likely violates Arizona's Parents' Bill of Rights by infringing on a parent's right to direct a child's upbringing, health care, mental health, and moral and religious training.

Sincerely,

Cathi Cathi Herrod, Esq. President, Center for Arizona Policy

4. Milal Clash

W. Michael Clark, Esq. Legislative Counsel, Center for Arizona Policy

DATE 8/1/17 ATEM NO. RAIS

Katrina Martinez

From: Sent: To: Subject: Foster, Kristel <Kristel.Foster@tusd1.org> Monday, July 31, 2017 7:06 PM COB_mail Please protect our youth from conversion therapy

Dear Supervisors,

I am a resident of Pima County and elected to the Tucson Unified Governing Board to protect and care for the schools that serve the youngest members of our community. I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. This is not therapy, it is torturous, breaking young people rather than building their self esteem, self respect and self acceptance. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. assing this ordinance will make Pima County a safer, healthier place for our youth, all of them.

Sincerely,

Kristel Ann Foster TUSD Governing Board

> Kristel Ann Foster "...dream more than others think practical, expect more than others think possible..."

From: Sent: To: Subject: Andrew Gardner Monday, July 31, 2017 7:06 PM COB_mail In support of ordinance 2017-22

I am a resident of a Pima County, a registered voter, and a parent. I am writing tonight to urge you to vote in favor of Ordinance 2017-22 at tomorrow's meeting, banning for-profit conversion therapy.

No child should be subjected to the abuse that is conversion therapy. LGBTQ children in Pima County will be safer for the passage of this ordinance. Parents will still have the freedom to raise their children as they see fit, but they will not (and should not) have the freedom to pay someone to abuse their children.

Andrew Gardner

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Andrew Scott Gardner

From: Sent: To: Subject: Laura Horton (2017) Monday, July 31, 2017 6:47 PM COB_mail For-profit conversion therapy-PLEASE BAN!

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them.

Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Laura Horton-Charles

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and protected by law from unauthorized disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Sent: To: Subject: Daniel Molina **Constitute State** Monday, July 31, 2017 6:39 PM COB_mail Conversion Therapy Vote

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

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Sincerely, Daniel Molina Concerned Resident and registered Voter of Tucson AZ

Sent from my iPhone

From:	
Sent:	.0
To:	
Subject:	

Jeremey Lasher **California Barbaro on All Andre** Monday, July 31, 2017 6:38 PM COB_mail Please ban the torture of children.

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

	Jeremey Lasher
l	
	n MARKAR SAMAN

From:	Robert Yerachmiel Sniderman
Sent:	Monday, July 31, 2017 6:35 PM
То:	COB_mail
Subject:	l support the conversion therapy ban

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Robert Yerachmiel Sniderman

Doctoral Student

English Literature / Cultural, Social, Critical Theory University of Arizona

"Given the state the world is in, blissful ignorance is beneath contempt." -Ammiel Alcalay

From: Sent: To: Subject: Tylar Zinn **Gestazinn Gonarikasin** Monday, July 31, 2017 8:18 PM COB_mail Conversion therapy

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

1

Sincerely,

Tylar Zinn

From: Sent: To: Subject: Walter Eric Rau Monday, July 31, 2017 8:04 PM COB_mail Please Pass Ordinance 2017-22!

Dear Supervisors:

I am a resident of Pima County (Indian Ridge) and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely, Walter Eric Rau Sent from my iPhone

From: Sent: To: Subject: Aisha Sabatini Sloan **Sharan Andrea Alexan** Monday, July 31, 2017 7:58 PM COB_mail Item 15, Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Aisha Sloan

From:
Sent:
To:
Subject:

Kerrie Green **Corean Kerrie Organization** Monday, July 31, 2017 7:53 PM COB_mail For profit conversion therapy

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

4

Sincerely,

Kerrie Green

From: Sent: To: Subject:

Monday, July 31, 2017 7:40 PM COB_mail Item 15, Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass Item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

I personally know several people who have experience irreparable damage from being subjected to this practice when they were youth.

Sincerely, Doris Morris 5202 E 20th St. Tucson, AZ 85711

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From: Sent: To: Subject: Mary Anne Fout And House And And Monday, July 31, 2017 7:31 PM COB_mail Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County.

As the parent of a child who identifies as bisexual, I support this ordinance because no LGBTQ youth should ever be subjected to any practice which will harm them. Conversion therapy is not an evidence-based pratice and should not have governmental support. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed).

6

Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Mary Anne Fout

Sent from Yahoo Mail on Android

From: Sent: To: Subject: Elizabeth Frankie Rollins Monday, July 31, 2017 7:22 PM COB_mail URGENT! Ban for-profit conversion therapy for minors in Pima County

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

7

Sincerely, Elizabeth Rollins 1721 E. Lester St. Tucson, AZ 85719

From:
Sent:
To:
Subject:

Valerie ElGhaouti **Contraction and Contract Contract** Monday, July 31, 2017 7:17 PM COB_mail pass item 15,

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Valerie ElGhaouti

From:
Sent:
To:
Subject:

Monday, July 31, 2017 7:12 PM COB_mail Item 15, Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass Item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

I personally know several people who have experience irreparable damage from being subjected to this practice when they were youth.

Sincerely, Scott Morris 5202 E 20th St. Tucson, AZ 85711

From:	
Sent:	
To:	
Subjec	t:

Lisa O'Neil, Channell Commune Comp
Monday, July 31, 2017 10:15 PM
COB_mail
Message from Concerned Citizen: Ban For-Profit Conversation Therapy.

Dear Supervisors,

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Conversation therapy is abusive and dangerous and has life-long negative effects on youth's self-esteem, including self-harming behavior and even suicide. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Lisa M. O'Neill

From: Sent: To: Subject: William Simmons Monday, July 31, 2017 9:46 PM COB_mail Conversion Therapy Ban

Hello Supervisors:

I am a resident of Pima County who has worked in many capacities with LGBTQ youth and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. As a professor of gender & women's studies who has written and taught on these issues for years, I cannot believe that there is even any debate about this in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth, especially our most marginalized youth who are already facing enormous pressure from their parents and peers.

Sincerely,

William Paul Simmons

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From: Sent: To: Subject: Tempest DuJou**rest Constant** Monday, July 31, 2017 8:49 PM COB_mail Conversion therapy vote

As a victim and survivor of conversion therapies, I urge you to trust the science, and testamonies of people like myself, who suffered and were left hopeless and more confused. Many of these therapies are conducted by lay clergy, with no formal training, who sincerely believe they are doing what's "right" in the name of religion and social pressures. But this is not about religion at all. It's simply about people being allowed to understand and develop in an honest and sincere way. True to themselves. And learning to love themselves for who they really are.

The evidence that these therapies are damaging is overwhelming. Sexuality is not a choice. Consider when it was that YOU chose your sexuality.

Sincerely, Patrick Holt

From:	Carie Schneider
Sent:	Monday, July 31, 2017 8:48 PM
То:	COB_mail
Subject:	Comments on item 15, Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Multiple scientific studies have shown that these forms of therapy have no medical value, and in fact can cause great harm: <u>http://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy</u>

- California, Connecticut, Illinois, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and the District of Columbia have enacted laws or regulations to protect minors from being subjected to conversion therapy by state-licensed mental health providers.
- TWENTY YEARS AGO, in 1997, the American Psychiatric Association resolved against the practice.
- In 2009, the American Psychological Association issued a resolution against the practice, noting no evidence to support it, but much evidence to show its potential harms: http://www.nytimes.com/2009/08/06/health/06gay.html
- In fact, all of the following medical organizations have official stances against "conversion therapy":
 - o American Academy of Child Adolescent Psychiatry
 - o American Academy of Pediatrics
 - o American Association for Marriage and Family Therapy
 - o American Association for Marriage and Family Therapy
 - o American Counseling Association
 - o American Medical Association
 - o American Psychiatric Association
 - o American Psychoanalytic Association
 - o American Psychological Association
 - o American School Counselor Association
 - o National Association of Social Workers
 - o Pan American Health Organization (PAHO): Regional Office of the World Health Organization
 - World Psychiatric Association

Passing this ordinance will make Pima County a safer, healthier place for our youth,

Sincerely,

Carie Schneider

Tucson, AZ 85716

From: Sent: To: Subject: Magdalena Verdugo **(Sentradomnagdalen Keremakkous)** Monday, July 31, 2017 8:24 PM COB_mail Item 15, Ordinance 2017-22

Dear Pima County Supervisors,

I am a long time resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1st meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because our youth - LBGTQ youth - should never be subjected to a practice that will harm them. Furthermore, science has debunked the myth that sexual orientation can be changed (or should changed). Passing this ordinance will make Pima County a safer, healthier place for our youth to live.

Respectfully, Magdalena Verdugo

From: Sent: To: Subject: jim walsh Tuesday, August 1, 2017 7:40 AM COB_mail Support Conversion Therapy Ban

Our family won't be able to attend today's hearing, so we are asking you to relay to the Supervisors our support for the ordinance banning conversion therapy in Pima County.

We fully agree that 'Being lesbian, gay, bisexual, transgender, or gender nonconforming is not a disorder, disease, illness, deficiency, or shortcoming,' and hope that Pima County will adopt the measure.

Thank you,

Jim Walsh and Sarah Roberts

And if you see no present fruit, yet persevere. Be not overcome with evil, as all are who avenge themselves. But overcome evil with good.

From:	
Sent:	
To:	
Subiect:	

Sandra Shattuck **Colline Concernance** Tuesday, August 1, 2017 7:24 AM COB_mail Pass Item 15, Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth. Sincerely,

Sandra D. Shattuck, PhD

From: Sent: To: Subject: Pettit, Jessie M - (jmpettit) <jmpettit@email.arizona.edu> Tuesday, August 1, 2017 6:55 AM COB_mail Ordinance 2017-22

Hello,

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Jessie M. Pettit

Jessie Pettit, MD, IBCLC

Assistant Professor Residency Program Director University of Arizona Family Medicine Residency Program

707 N Alvernon Way, Suite 101 Tucson, AZ 85711

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From: Sent: To: Subject: pam uschuk **asstatusen ekonomiseren** Tuesday, August 1, 2017 5:44 AM COB_mail Conversion therapy ban

Dear Supervisors:

I am a tax payer and resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

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Sincerely,

Pamela Uschuk 5401 N. Cresta Loma Drive Tucson, AZ 84704

From:
Sent:
To:
Subject:

Heather Metcalf **Content of the second secon**

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Multiple scientific studies have shown that these forms of therapy have no medical value, and in fact can cause great harm: <u>http://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy</u>

• California, Connecticut, Illinois, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and the District of Columbia have enacted laws or regulations to protect minors from being subjected to conversion therapy by state-licensed mental health providers.

- Twenty years ago, in 1997, the American Psychiatric Association resolved against the practice.
- In 2009, the American Psychological Association issued a resolution against the practice, noting no evidence to support it, but much evidence to show its potential harms:

http://www.nytimes.com/2009/08/06/health/06gay.html

- In fact, all of the following medical organizations have official stances against "conversion therapy":
- o American Academy of Child Adolescent Psychiatry
- o American Academy of Pediatrics
- o American Association for Marriage and Family Therapy
- o American Association for Marriage and Family Therapy
- o American Counseling Association
- o American Medical Association
- o American Psychiatric Association
- o American Psychoanalytic Association
- o American Psychological Association
- o American School Counselor Association
- o National Association of Social Workers
- o Pan American Health Organization (PAHO): Regional Office of the World Health Organization
- o World Psychiatric Association

Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely, Heather Metcalf

From: Sent: To: Subject: Kristen Nelson **Experimental Andrease** Tuesday, August 1, 2017 5:00 AM COB_mail Item 15

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Kristen E. Nelson

From:
Sent:
To:
Subject:

Rachel Seelen **Craning Seelen Company** Monday, July 31, 2017 10:51 PM COB_mail 8/1/17 Hearing. Conversion Therapy

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely, Rachel Quinn

From: Sent: To: Subject: Attachments: Andres Cano Monday, July 31, 2017 10:44 PM COB_mail Constituent correspondence Sexual Orientation Change Efforts a Threat to the Health of the Public.docx; ATT00001.txt

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AGENDA MATERIAL

ITEM NO. RA 15

Please forward the attached correspondence re: item 15.

Sexual Orientation Change Efforts a Threat to the Health of the Public

The preponderance of the professional health care community thanks the Pima County Board of Supervisors for addressing the health of the public in Southern Arizona through a proposal that bans fee-based Sexual Orientation Change Efforts (SOCE) for youth in Pima County.

SOCE seeks to change an individual's sexual orientation from gay or lesbian to heterosexual, and / or an individual's gender identity or expression to gender conforming to their initial biological gender assigned. The proposed in Pima Coutny would end fee-based SOCE by medical and other mental health professionals for youth in Pima County to help protect LGBT youth from practices detrimental to their mental health and development.

Adolescent LGBT health disparities are prominent. LGBT adolescents have an increased risk of mental health distress, risk taking, and isolation / loneliness, and lower self-esteem compared to non-LGBT youth (Ng, Garofalo, McConnel). LGBT teens start using substance earlier and more often than non-LGBT youth (Marshal).

These health disparities have led to problems that make the headlines more often: depression and suicidality. LGB youth are up to 4 times more likely to have seriously contemplated suicide or attempted suicide compared to non-LGB youth (Newtown). A major factor driving this is family support or rejection. LGBT individuals with high family rejection during adolescence, compared ot LGBT individuals with family support are 3.4 times more likely to use illegal drugs, 5.9 times more likely to report depression, and 8.4 times more likely to have attempted suicide (Ng, Reitman, McConnell).

Forcing LGBT youth to undergo SOCE is the ultimate manifestation of family rejection and a threat to the health of LGBT youth throughout Pima County. Every major medical organization agrees that SOCE are harmful to LGBT youth and that these efforts should not be performed. By banning SOCE in Pima County, the Pima County Board of Supervisors would be following the advice of organizations representing hundreds of thousands of physicians and other health care professionals to improve the health of the public.

Ravi Grivois-Shah, MD MPH MBA FAAFP Family Physician Associate Professor, Univeristy of Arizona College of Medicine Banner Unversity Medical Group

American Academy of Family Physcians:

The American Academy of Family Physicians (AAFP) opposes the use of "reparative" or "conversion" therapy of lesbian, gay, bisexual or transsexual individuals. The AAFP recommends that parents, guardians, young people, and their families seek support and

services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority persons of all ages. <u>http://www.aafp.org/about/policies/all/reparative-therapy.html</u>

American Academy of Child and Adolescent Psychiatry:

Clinicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated http://www.guideline.gov/content.aspx?id=38417#Section420

American Academy of Pediatrics:

Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation.

http://pediatrics.aappublications.org/content/92/4/631.full.pdf

Other statements from health care organizations:

http://www.hrc.org/resources/policy-and-position-statements-on-conversion-therapy

Sources:

Garofalo R (adapted by The Fenway Institute). "Caring for LGBTQ Youth." 2015. <u>http://www.lgbthealtheducation.org/wp-content/uploads/Module-4-Caring-for-LGBTQ-Youth.pdf</u>

Marshal, MP, et. al. "Individual trajectories of substance use in lesbian, gay and bisexual youth and heterosexual youth." Addiction. 2009 Mar 13.

McConnell EA, et al. Families matter: Social support and mental health trajectories among lesbian, gay, bisexual, and transgender youth. Journal of Adolescent Health 2016; 59: 674-80.

Newton DE. LGBT Youth Issues Today. ABC-CLIO: Denver, 2014.

Ng HH, Blaschke GS. "Pediatric and Adolescent LGBT Health" in *Lesbian, Gay, Bisexual, and Transgender Healthcare* (Eckstrand KL, Ehrenfeld JM, eds.) pp143-67; 2016

Reitman DS, et al. "Recommendations for Promoting the Health and Well-Being of Lesbian, Gay, and Transgender Adolescents: A Position Paper of the Society for Adolescent Health and Medicine." J Adolescent Health. Apr 2013; 52(4): 506-10.

Subject: August 1, 2017 Board of Supervisors Meeting

From: Debbie Ensign Chister Methods and American

To: ClerkoftheBoard@pima.gov;

Date: Monday, July 31, 2017 9:32 PM

Good morning Ms. Casteneda,

I would like to present my comment to the Board for this morning's meeting:

I urge the Pima County Board of Supervisors to vote for an ordinance prohibiting "for-profit" sexual orientation conversion therapy for minors in Pima County.

I have a Masters Degree in Counseling and know it is harmful to children to try to change their sexual orientation.

Please prevent this abusive practice.

Respectfully,

Deborah Ensign Pima County Resident, District 3 AGENDA MATERIAL

ITEM NO. RA 15

DATE 8/1/17

From: Sent: To: Subject: Adam Ragan **Generative Research** Tuesday, August 1, 2017 8:25 AM COB_mail Support for Ordinance 2017-22

Dear Supervisors:

I am a resident of Pima County and the Associate Director of LGBTQ Initiatives at the Southern Arizona AIDS Foundation (SAAF). I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban forprofit conversion therapy for minors in Pima County. SAAF's mission is to cultivate a healthy and stigma-free society through transformative action. Sexual orientation isn't a choice and there is nothing wrong with youth who are LGBTQ. Subjecting them to attempts to cure, change, or alter their sexual orientation does nothing else but destroy youths' selfworth. Ordinance 2017-22 truly can transform our community by laying out our values here in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

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Adam Ragan

Associate Director of LGBTQ Initiatives Southern Arizona AIDS Foundation aragan@saaf.org (520) 547-6171 (office) (520) 500-7811 (cell)

From:	Jeff Utsch <jeff@freedomexpoaz.com></jeff@freedomexpoaz.com>
Sent:	Tuesday, August 1, 2017 8:39 AM
То:	District1
Cc:	COB_mail; Jeff Utsch
Subject:	Letter on Ordinance

If you believe that the Board of Supervisors has the power to pass this ordinance then by rational argument you would also believe that the Supervisors would have the power to coerce those who identify as being transgender or homosexual to go through "conversion therapy". Both are ridiculous but it is exactly what one is saying in supporting this ordinance. The Board has no such power in either case.

It really doesn't matter which side one is on. Both sides should be against government going outside its mandated and delegated powers to coerce us into doing what it thinks is right. This is NOT a government function as these ideas are best debated and solved in the public arena. Amazing how we turn to government to try and solve social issues that government has no business being involved in. The higher principle is Freedom and individual choice. The higher principle is Freedom of Religion and individual thought. The higher principle is winning the war of public opinion to effect personal choice and change. The principle of government knows best and that it will force us to comply to its whims is NOT what this nation is founded on. Actually it is exactly the opposite. Even if 99% of the people agreed to ordinances like this the 1% should be free to choose otherwise.

People can have strong opinions on both sides but to use government to be the arbiter of these kinds of issues is not only wrong but unconstitutional on a State and national level. This infringes on unalienable rights of parents and their children.

Equally wrong would be to pass an ordinance that stated all homosexuals and transgender identifying individuals are mandated to go through this kind of therapy. As stated above, if you would be against this then you should be against the ordinance that is being proposed. Unconstitutional use of government force is wrong either way and should be condemned in the extreme in taking away the liberty of the people of Pima County. Personal choice and persuasion is the answer.

America is known for our ability to understand and empathize with differences of opinions and values. Why should this be any different in how we handle this issue in going forward? Why would any county in America have the power to tell its citizens how they should think and act in their personal lives in such an intimate and polarizing subject?

We have fought wars to protect individual liberties such as this and we are considering the force of government to solve the issue? It would only bring resentment and a bigger divide in the community and feelings of injustice and government overreach. In the end it would be a lose/lose if this ordinance were to pass.

Jeff Utsch Pima County Resident Constitutional Historian

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DATE SI	17	I TFM	I NO.	RA	(5

PLIG OLT 7 RM 10:10 PC CLK OF BD

From:	Travis Craddock
Sent:	Tuesday, August 1, 2017 10:11 AM
То:	COB_mail
Subject:	Pass Item 15, Ordinance 2017-22, at the August 1 Meeting TODAY

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

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Sincerely,

Travis Craddock

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Travis Craddock

e: p:			

DATE_8/1/17 ITEM NO. 29 IS

Alina Barcenas

From:	Robert Rowley
Sent:	Tuesday, August 1, 2017 1:31 PM
То:	COB_mail
Subject:	Item 15, Ordinance 2017-22, at the August 1 meeting

Dear Supervisors:

I am a resident of Pima County and I strongly urge you to pass item 15, Ordinance 2017-22, at the August 1 meeting. This ordinance will ban for-profit conversion therapy for minors in Pima County. I support this ordinance because LGBTQ youth should never be subjected to a practice that will harm them. Further, science has debunked the myth that sexual orientation can be changed (or that it even should be changed). Passing this ordinance will make Pima County a safer, healthier place for our youth.

Sincerely,

Robert Rowley