

ORDINANCE

By Cunningham and Jenkins

Amending Title 15 of the Minneapolis Code of Ordinances relating to Offenses--Miscellaneous.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Title 15 of the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 402, including Sections 402.10 through 402.60, to read as follows:

CHAPTER 402. – PROHIBITION OF CONVERSION THERAPY

402.10. - Findings. Medical, mental health, and child welfare experts have denounced conversion therapy or reparative therapy as ineffective, unreliable, and unsafe for the people, including lesbian, gay, bisexual, transgender, and queer (LGBTQ) minors, who undergo such treatment. Conversion therapies or reparative therapies are based on the discredited premise that being LGBTQ is a mental disorder that can be cured or corrected. LGBTQ people must be free from ineffective and fraudulent conversion treatments that cause harm to mental health and well-being. Based on the foregoing, and due to the serious and dangerous harms caused to minors subjected to conversion therapy or reparative therapy, the city council finds and declares a compelling interest exists in protecting the physical and psychological well-being of minors by protecting them, including LGBTQ minors, from conversion therapy in the city and by limiting the risk of serious harm to LGBTQ minors caused by the exposure to conversion therapy. No other means of protecting minors from the harms associated with conversion therapy would be effective.

402.20. - Purpose. This chapter is an exercise of the police power of the city for the public health, safety, and welfare. Its provisions shall be liberally construed to accomplish that purpose. The purpose of this chapter is to protect the physical and psychological well-being of minors, including LGBTQ minors, from exposure to the serious harms caused by conversion therapy.

402.30. - Definitions. The following words and phrases used in this chapter shall have the meanings set forth below:

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. Conversion therapy shall not include counseling that provides assistance to an individual undergoing gender transition, or counseling that provides acceptance, support, and understanding of an individual or facilitates an individual's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change an individual's sexual orientation or gender identity.

Director means the director of the department of civil rights or their designee.

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

Gender identity means 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 means any person under the age of eighteen (18) years of age.

Provider means 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 offering such mental health services. A provider does not include members of the clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants.

Sexual orientation means a component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation 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.

402.40. - Prohibited practices. It shall be unlawful for any provider to provide conversion therapy or reparative therapy to a minor.

402.50. - Enforcement. Upon receipt of a report of an alleged violation of this chapter, the director may, as the director deems appropriate, issue a warning letter notifying the provider that the provision of conversion therapy or reparative therapy is prohibited and immediate compliance is required. Violations of this chapter shall be enforced exclusively through the administrative enforcement and hearing process contained in Chapter 2 of this Code. Each day of violation constitutes a separate offense. The civil fine for a first violation of this chapter shall be five hundred dollars (\$500.00). The civil fine for second and subsequent violations of this chapter shall be one thousand dollars (\$1,000.00).

402.60. - Severability. If any of the parts or provisions of this chapter or the application thereof to any person or circumstance is held invalid or unconstitutional by a decision of a court of competent jurisdiction, the remainder of this chapter, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable.