

Submitted by: Chair Rivera, Assembly Member
Constant, and Vice-Chair Quinn-
Davidson
Prepared by: Assembly Counsel Office, Legal
Intern
For reading: June 23, 2020

**ANCHORAGE, ALASKA
AO No. 2020-65**

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE TITLE 16 BY ADDING CHAPTER 16.140 REGARDING MEDICAL AND MENTAL HEALTH PRACTICES, SUCH AS SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS WITH A MINOR.

1 **WHEREAS**, research demonstrates that sexual orientation and gender identity
2 change efforts can pose critical health risks to lesbian, gay, bisexual, and
3 transgender persons; and
4

5 **WHEREAS**, contemporary science recognizes that being lesbian, gay, bisexual, or
6 transgender is part of the natural spectrum of human identity and is not a disease,
7 disorder, or illness; and
8

9 **WHEREAS**, the Municipality of Anchorage has a compelling interest in protecting
10 the physical and psychological well-being of minors¹ that justifies protecting minors
11 from the risk of serious harm from sexual orientation and gender identity change
12 efforts in the Municipality; and
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14 **WHEREAS**, the Anchorage Assembly desires to protect minors within the
15 Municipality from harmful and discredited approaches to change sexual orientation
16 or gender identity with minors, including so-called “conversion” or “reparative”
17 therapy, finding that such efforts lack medical justification, are unethical, violate
18 fundamental human rights principles, and put minors at risk of suicide and other
19 long-term physical and psychological harms; and
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21 **WHEREAS**, no other means of protecting minors from the harms associated with
22 such efforts would be effective; now, therefore,
23

24 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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26 **Section 1.** Anchorage Municipal Code is amended by adding a new chapter
27 16.140 to read as follows:
28

29 **CHAPTER 16.140 MEDICAL AND MENTAL HEALTH PRACTICES**
30

31 Sections

32 16.140.010 General provisions; purposes.

33 16.140.020 Prohibition on sexual orientation and gender identity
34 change efforts with a minor.

¹ See *Ginsberg v. State of N.Y.*, 390 U.S. 629, 88 S.Ct. 1274 (1968); *Treacy v. Municipality of Anchorage*, 91 P.3d 252 (Alaska 2004).

1
2 **16.140.010 General provisions; purposes.**
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4 *Purpose.* This Chapter is an exercise of the Municipality's police power for
5 the public safety, health, and welfare in relation to the provision of medical
6 and mental health practices; and its provisions shall be liberally construed to
7 accomplish this purpose.
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9 **16.140.020 Prohibition on sexual orientation and gender identity**
10 **change efforts with a minor.**
11

12 A. *Findings and Intent.* Medical and mental health experts have
13 denounced efforts to change sexual orientation and gender identity as
14 ineffective and unsafe for people, especially minors. These efforts are
15 based on the discredited premise that being non-heterosexual or
16 transgender is a mental disorder that can be corrected or cured. It is
17 the intent of the Assembly that these unethical treatments that
18 correlate with serious and dangerous harm to the health and well-
19 being of minors be prohibited. Therefore, the assembly finds and
20 declares that protecting minors from efforts to change sexual
21 orientation or gender identity is necessary to further its compelling
22 interest in protecting the physical and psychological well-being of
23 minors, and no other means of protecting minors from the harms
24 associated with these treatments would be effective.
25

26 B. *Definitions.* The following words, terms, and phrases shall have the
27 meanings ascribed to them in this section, except where the context
28 clearly indicates a different meaning:
29

30 *Minor* refers to any person under 18 years of age.
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32 *Provider* means any person licensed, certified, or registered to
33 provide professional counseling including, but not limited to, behavior
34 analysts, licensed professional counselors, marital and family
35 therapists or associates, physicians or assistants, osteopaths or
36 assistants, registered or practical nurses or assistive personnel,
37 certified nurse aides, physical or occupational therapists or assistants,
38 psychologists or psychological associates, social workers or
39 associates, licensed professional conservators or guardians,
40 naturopaths, or a person who performs counseling as part of the
41 person's professional training.
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43 *Sexual orientation or gender identity change efforts*, also
44 known as *conversion therapy* or *reparative therapy*, means any
45 counseling, practice, or treatment that seeks to change a person's
46 sexual orientation or gender identity including, but not limited to,
47 efforts to change behaviors or gender expression, or reduce or
48 eliminate sexual or romantic attraction or feelings toward a person of
49 the same gender. Sexual orientation or gender identity change efforts
50 do not include counseling that does not seek to change sexual
51 orientation or gender identity and that:

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- a. Assists a person undergoing gender transition;
 - b. Provides acceptance, support, and understanding to the person; or
 - c. Facilitates a person’s coping, social support, identity exploration, and development, including sexual orientation and gender identity-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices.
- C. *Prohibition on sexual orientation and gender identity change efforts.* It is unlawful for any provider to provide, apply, or use sexual orientation or gender identity change efforts with a patient who is a minor.
- D. *Private action.* Any person aggrieved, harmed, injured, or suffering loss or damages by the act or omission of another person constituting a violation of the provisions of this section may, following 30 days written notice to the municipal attorney or department, commence and maintain a civil action for injunctive relief authorized by Section 1.45.010B. In any action under this section, the Municipality, if not a party, may intervene as a matter of right.
- E. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60. Each day in violation constitutes a separate offense.

Section 2. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

14.60.030 - Fine schedule.

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
***	***	***
<u>16.140.020C.</u>	<u>Providing, applying, or using sexual orientation or gender identity change efforts with a minor</u>	<u>500.00</u>
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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO

1 No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-
 2 4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1,
 3 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO
 4 No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-
 5 1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-
 6 1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO
 7 No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No.
 8 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-
 9 54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07;
 10 AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-
 11 84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-
 12 09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO
 13 No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39,
 14 § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-
 15 11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO
 16 No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12;
 17 AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No.
 18 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-
 19 85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3,
 20 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-
 21 15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No.
 22 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16; AO No. 2016-
 23 76(S), § 7, 7-12-16; AO No. 2016-81(S), § 4, 8-25-16; AO No. 2016-83(S),
 24 § 9, 7-26-16; AO No. 2016-82, § 3, 8-9-16; AO No. 2016-116, § 2, 10-18-
 25 16; AO No. 2016-115(S), § 2, 11-15-16; AO No. 2016-124(S), § 11, 12-20-
 26 16; AO No. 2017-26, § 2, 5-1-17; AO No. 2017-29(S), § 61, 6-1-17; AO
 27 No. 2017-30, § 3, 3-21-17; AO No. 2017-31(S), § 5, 5-26-17; AO No. 2017-
 28 119(S), § 4, 11-9-17; AO No. 2017-101, § 2, 2-5-18; AO No. 2017-161(S), §
 29 3, 2-27-18; AO No. 2017-16, § 3, 2-14-17; AO No. 2018-63(S), § 2, 8-28-18;
 30 AO No. 2018-100(S), § 2, 1-1-19; AO No. 2018-110, § 2, 12-18-18; AO No.
 31 2019-9(S), § 2, 2-12-19; AO No. 2019-12, § 2, 3-5-19; AO No. 2019-15(S)
 32 , § 2, 3-19-19; AO No. 2019-34, § 5, 4-18-19; AO No. 2019-50(S), § 2, 6-6-
 33 19; AO No. 2019-66, § 26, 6-18-19; AO No. 2019-74(S), § 2, 6-18-19; AO
 34 No. 2019-79(S), § 2, 7-9-19; AO No. 2019-90(S), § 7, 8-20-19; Ord. No.
 35 2020-4(S), § 3, 6-24-20)

36
 37 **Section 3.** This ordinance shall be effective 30 days after passage and approval by
 38 the Assembly.

39
 40 PASSED AND APPROVED by the Anchorage Assembly this _____ day
 41 of _____, 2020.

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 46 _____
 Chair

47 ATTEST:
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Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 366-2020

Meeting Date: June 23, 2020

1 **From:** Chair Rivera, Assembly Member Constant, and
2 Vice-Chair Quinn-Davidson
3

4 **Subject:** AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING
5 ANCHORAGE MUNICIPAL CODE TITLE 16 BY ADDING CHAPTER
6 16.140 REGARDING MEDICAL AND MENTAL HEALTH
7 PRACTICES, SUCH AS SEXUAL ORIENTATION OR GENDER
8 IDENTITY CHANGE EFFORTS WITH A MINOR.
9

10 This ordinance addresses an important issue in mental and behavioral health
11 practices. The use of sexual orientation or gender identity change efforts, also known
12 as “conversion therapy,” is harmful and too often youth are subjected to it and have
13 no say in the decision for its use. The number of organizations that decry conversion
14 therapy demonstrate the widespread agreement on the harm it causes. For example,
15 the American Medical Association also put out an issue brief with more info on the
16 harm of conversion therapy and opposing the practice.¹ It addressed the medical
17 ethics of providing conversion therapy and identified additional “social and
18 interpersonal harm,” including alienation, loneliness, social isolation, interference with
19 intimate relationships and loss of social supports. A comprehensive list of medical
20 groups that oppose this practice is available from Human Rights Campaign.²
21

22 In 2009, the American Psychological Association Task Force on Appropriate
23 Therapeutic Responses to Sexual Orientation concluded that efforts to change sexual
24 orientation and gender identity are unlikely to produce anticipated outcomes and can
25 pose unintended harmful side effects to participants, such as a sense of having
26 wasted time and resources, confusion, shame, guilt, helplessness, hopelessness,
27 loss of faith, decreased self-esteem and authenticity towards others, increased self-
28 hatred and negative perceptions, social withdrawal, a feeling of being dehumanized
29 and untrue to self, depression, increased substance abuse and high-risk sexual
30 behaviors, and suicidality.³
31

32 Also in 2009, the American Psychological Association issued a Resolution on
33 Appropriate Affirmative Responses to Sexual Orientation Distress and Change
34 Efforts, that, among other things, advises persons to avoid efforts to change sexual
35 orientation or gender identity that portray homosexuality as a mental illness or
36 developmental disorder, while encouraging psychotherapy, social support, and

¹ American Medical Association, *Issue brief: LGBTQ change efforts (so-called “conversion therapy”)*, (2019), see <https://www.ama-assn.org/system/files/2019-12/conversion-therapy-issue-brief.pdf> (accessed June 17, 2020).

² See <https://www.hrc.org/resources/policy-and-position-statements-on-conversion-therapy> (accessed June 17, 2020).

³ American Psychological Association, *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation*, (2009).

1 educational services that provide accurate information on sexual orientation and
2 sexuality, increase family and school support, and reduce rejection of sexual minority
3 youth.⁴
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5 The Substance Abuse and Mental Health Services Administration has concluded that:

- 6 • “Conversion therapy perpetuates outdated views of gender roles and identities
7 as well as the negative stereotype that being a sexual or gender minority or
8 identifying as LGBTQ is an abnormal aspect of human development. Most
9 importantly, it may put young people at risk of serious harm.”
- 10 • “Conversion therapy—efforts to change an individual’s sexual orientation,
11 gender identity, or gender expression — is a practice that is not supported by
12 credible evidence, and has been disavowed by behavioral health experts and
13 associations.”
- 14 • “Same-gender sexual identity, behavior, and attraction are not mental
15 disorders. Same-gender sexual attractions are part of the normal spectrum of
16 sexual orientation. Sexual orientation change in children and adolescents
17 should not be a goal of mental health and behavioral interventions.”⁵
18

19 A 2018 study by The Family Acceptance Project found the following:

- 20 • Rates of attempted suicide by LGBT young people whose parents tried to
21 change their sexual orientation were more than double (48%) the rate of LGBT
22 young adults who reported no conversion experiences (22%). Suicide attempts
23 nearly tripled for LGBT young people who reported both home-based efforts to
24 change their sexual orientation by parents and intervention efforts by
25 therapists and religious leaders (63%).
- 26 • High levels of depression more than doubled (33%) for LGBT young people
27 whose parents tried to change their sexual orientation compared with those
28 who reported no conversion experiences (16%) and more than tripled (52%)
29 for LGBT young people who reported both home-based efforts to change their
30 sexual orientation by parents and external sexual orientation change efforts by
31 therapists and religious leaders.
- 32 • Sexual orientation change experiences during adolescence by both parents /
33 caregivers and externally by therapists and religious leaders were associated
34 with lower young adult socioeconomic status: less educational attainment and
35 lower weekly income.⁶
36

37 The State of Illinois passed its Youth Mental Health Protection Act, with thorough
38 findings that cites the above groups’ positions plus some additional studies as
39 justification for the measure. The State of California enacted a law in 2012 prohibiting
40 any mental health provider from engaging in sexual orientation change efforts with a
41 patient who is a minor, and it survived First Amendment challenges on two separate

⁴ *Id.* at Appendix A.

⁵ Substance Abuse and Mental Health Services Administration, *Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth*. HHS Publication No. (SMA) 15-4928. Rockville, MD (2015).

⁶ Caitlin Ryan, et al., *Parent-Initiated Sexual Orientation Change Efforts With LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment*, *Journal of Homosexuality*, 67:2, 159-173 (2020), DOI: 10.1080/00918369.2018.1538407, see <https://www.tandfonline.com/doi/full/10.1080/00918369.2018.1538407> (accessed June 17, 2020).

1 appeals to the Ninth Circuit Court of Appeals.⁷ This ordinance is very similar.

2
3 The harms from sexual orientation or gender identity change efforts are a local
4 concern in Anchorage. The Anchorage Press published a three-part series on
5 persons who are homosexual and the difficulties and oppression they faced growing
6 up in Alaska, some of them from Anchorage. The third part of the series,
7 “Conversion, The real hell,” focused on the stories of two young Alaskans who faced
8 conversion therapy forced on them by their families when they were minors.⁸ Their
9 stories end on a good note, but not without enduring effects of the trauma they
10 suffered as a result of being subjected to sexual orientation or gender identity change
11 efforts. How many other unreported stories of Alaskans with similar experiences are
12 there? This ordinance is intended to reduce the incidence of these occurrences, and
13 hold professional therapists and counselors in Anchorage accountable to a practice
14 standard that is supported by national professional associations.

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16 **We request your support for the ordinance.**

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18 Prepared by: Assembly Counsel’s Office
19 Respectfully submitted: Felix Rivera, Assembly Chair
20 District 4, Midtown Anchorage

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22 Christopher Constant, Assembly Member
23 District 1, Downtown Anchorage

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25 Austin Quinn-Davidson, Assembly Vice-Chair
26 District 3, West Anchorage
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⁷ 2012 Cal. Legis. Serv. Ch. 835 (S.B. 1172); and see *Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014), *abrogated* by *National Inst. Of Family & Life Advocates v. Becerra*, 138 S.Ct. 2361, 201 L.Ed.2d 835 (2018), and *Welch v. Brown*, 834 F.3d 1041 (9th Cir. 2016).

⁸ RJ Johnson, “Conversion, The real hell.” Anchorage Press, Nov. 2, 2018 (see https://www.anchoragepress.com/news/conversion-the-real-hell/article_c570e40a-ded5-11e8-8e9e-2b28e7b54703.html), accessed June 17, 2020).