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ORDINANCE NO: 2021-021

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors to add Division 4, Conversion Therapy for Minors Prohibited

WHEREAS, conversion therapy, also known as reparative therapy, ex-gay therapy, or sexual orientation and gender identity change efforts, is a range of discredited practices aimed at changing one's sexual orientation or gender identity; and,

WHEREAS, a national community of professionals in education, social work, health, mental health and counseling including the American Academy of Child and Adolescent Psychiatry have determined that there is no scientifically valid evidence that supports the practice of conversion therapy; and,

WHEREAS, such professionals have determined that there is no evidence that conversion therapy is effective or that an individual's sexual orientation or gender identity can be changed by conversion therapy; and,

WHEREAS, such professionals have also determined that conversion therapy is not only ineffective, but is substantially dangerous to an individual's mental and physical well-being and has also been shown to contribute to depression, self-harm, low self-esteem, family rejection, and suicide; and,

WHEREAS, all minors in the City of Columbia, including LGBTQ individuals under the age of 18 that reside within City limits, that seek therapy or treatment to assist them in understanding their individual development of gender identity or their sexual orientation should be free from exposure to the serious harms and risks caused by conversion therapy or reparative therapy; and,

WHEREAS, the City Council of the City of Columbia has a responsibility to protect the health, safety, and welfare of all people in our community, especially the physical and psychological well-being of minors, including LGBTQ youth; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and Council this 15th day of June, 2021, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors is amended to add Division 4, Conversion Therapy for Minors Prohibited, to read as follows:

DIVISION 4. CONVERSION THERAPY FOR MINORS PROHIBITED.

Sec. 14-170. Policy.

The City of Columbia, South Carolina has a compelling interest in protecting the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers. These provisions are exercises of the police power of the City for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose.

Sec. 14-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral treatment interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.

Gender identity means the gender-related identity, appearance, expression, behavior, mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

Minor means a person less than 18 years old.

Penalty. Any person that violates any provision of this section shall be guilty of a civil infraction, punishable by a civil penalty of a fine not to exceed \$500.00. Each violation of this ordinance shall be considered a separate and distinct offense.

Prohibited practice. It shall be unlawful for any provider, who is licensed by the City to engage in business, to provide conversion therapy or reparative therapy to a minor within City limits.

Provider means any licensed medical or mental health professional including, but not limited to, licensed professional counselors, licensed psychologists, licensed clinical social workers, provisional licensed professional counselors, provisional and temporary licensed psychologists, licensed and provisional licensed marital and family therapists, psychiatrists, certified substance abuse counselors, certified school counselors, behavior analysts, and any professional licensed under Title 40 of the South Carolina Code of Laws.

Sexual orientation means homosexuality, heterosexuality, asexuality, and bisexuality, or some combination thereof, by consenting adults, or as perceived by others, but not including sexual preference or practice between an adult and a minor.

Sec. 14-172. Intent.

It is City Council's intent that this ordinance regulate professional conduct by providers who are licensed by the City to engage in business and the manner in which providers deliver therapeutic treatment to minors within City limits, but does not otherwise prohibit or limit proponents or opponents of conversion therapy to speak about gender or sexual orientation conversion publicly and privately, including to their minors in forms other than conversion therapy.

Sec. 14-173. Conflicting provisions.


Should any provision, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Sec. 14-174-180. Reserved.

This ordinance is effective as of final reading.


Requested by:

Councilmembers Devine and Duval




Mayor

Approved by:




City Manager

Approved as to form:



City Attorney
Introduced: 5/4/2021
Final Reading: 6/15/2021

ATTEST:



City Clerk