

## LOCAL LAW NO. "E" FOR 2018

### A LOCAL LAW TO PROHIBIT THE USE OF CONVERSION THERAPY FOR MINORS IN ALBANY COUNTY

Introduced: 3/12/18

By Messrs. Clenahan, A. Joyce, Feeney, Bullock, Ms. Chapman, Messrs. Clay, Commisso, Ethier, Fein, R. Joyce, Mss. McKnight, McLean Lane, Messrs. Miller, O'Brien, Ms. Plotsky, Mr. Simpson and Ms. Willingham:

BE IT ENACTED by the Albany County Legislature as follows:

#### Section 1. Legislative Intent.

The Legislature finds that conversion therapy is a form of treatment that is designed to change an individual's sexual orientation from homosexual to heterosexual, usually through psychological means.

The Legislature further finds that the American Psychological Association, the American Psychiatric Association and the American Medical Association have all denounced conversion therapy as ineffective and potentially harmful.

The Legislature further finds that conversion therapy is a harmful and discredited practice that uses rejection, shame and psychological abuse aimed at changing sexual orientation or gender identity/expression.

#### Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

- (a) "Conversion therapy" shall mean any services, offered or provided to consumers for a fee, that seek to change a person's sexual orientation or seek to change a person's gender identity to conform to the sex of such individual that was recorded at birth.
- (b) "Minor" shall mean anyone under eighteen (18) years of age.

#### Section 3. Prohibitions.

It is unlawful for any person to offer or provide conversion therapy services to a minor. This prohibition does not proscribe services that provide assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person's sexual orientation or facilitates a person'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 such services do not seek to change an individual's sexual orientation or gender identity.

#### Section 4. Penalties for offenses.

Any person who violates this Local Law or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$1,000 for the first violation, \$2,500 for the second violation, and \$5,000 for each subsequent violation. Each instance a person is found to have violated this Local Law shall be considered a separate violation, except that multiple violations of this Local Law with regards to the same consumer shall be considered a single violation.

#### Section 5. Rules and Regulations.

The Albany County Human Rights Commission may promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this Local Law.

#### Section 6. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

#### Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### Section 8. Effective Date.

This Local Law shall take effect within sixty (60) days of its filing with the Secretary of State.

*Referred to Law and Health Committees - 3/12/18*

*Favorable Recommendation Law Committee – 5/21/18*

*Favorable Recommendation Health Committee – 7/9/18*

*On roll call the following voted in favor: Messrs. Beston, Bullock, Burgdorf, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Ethier, Feeney, Fein, Grimm, Higgins, A. Joyce, R.*

*Joyce, Mss. Lekakis, Lockart, Messrs. Mauriello, Mayo, Mss. McKnight, McLean Lane, Messrs. Mendick, Miller, O'Brien, Ms. Plotsky, Messrs. Reinhardt, Simpson, Smith, Stevens, Touchette, Tunny, Ward and Ms. Willingham – 37*

*Those opposed: Mr. Signoracci*

*Local Law was adopted – 7/9/18*