

ORDINANCE NO. 2019-77

AN ORDINANCE ADOPTING CHAPTER 723 "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio will like to implement a ban on conversion therapy practices in Kent for underage youth; and

WHEREAS, currently conversion therapy is legal in Ohio but some Ohio cities have adopted local bans on these efforts to prohibit a "forced" change in a person's sexual orientation or gender identity due to the adverse mental health outcomes of such practices; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Chapter 723 of the Codified Ordinances be adopted as set forth in the document entitled "Chapter 723 – Sexual Orientation or Gender Identity Change Efforts", attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: July 17, 2019
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: July 17, 2019
Date

ATTEST: Dawn Bishop
Dawn Bishop
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE NO. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

DAWN BISHOP
INTERIM CLERK OF COUNCIL

Chapter 723 - SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS

Sec. 723.01 - Definitions.

For the purpose of this chapter, the terms, words and phrases defined herein shall have the meanings respectively ascribed to them, unless a different meaning is clearly indicated by the context.

"Conversion therapy" means any treatment that aims to change sexual orientation to heterosexual or to convert an individual who identifies with a gender other than the gender assigned at birth to the originally assigned gender.

"Mental health professional" means an individual who is licensed, certified or registered under the laws of the State of Ohio to provide, to an individual or a group, mental health services, including but not limited to, the assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. Mental health professionals include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed clinical social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services in a mental health clinical setting regardless of whether the person has a license, is certified or registered.

"Minor" means a person less than eighteen (18) years of age.

"Reparative therapy" has the same meaning as conversion therapy, which is defined in Section 723.01 herein.

"Sexual orientation or gender identity change efforts" means conversion therapy, reparative therapy or any other practices by mental health professionals that seek to change an individual's sexual orientation or to change gender identity to a gender other than that with which the individual personally identifies, including efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. "Sexual orientation or gender identity change efforts" does not include psychotherapies that provide acceptance, support, and understanding of clients or the facilitation of clients' coping, social support, identity exploration and development, and other psychotherapies that do not seek to change sexual orientation or to change gender identity to a gender other than that with which the individual personally identifies.

Sec. 723.02. - Sexual Orientation or Gender Identity Change Efforts Prohibited.

No mental health professional shall engage, within the geographic boundaries of the City of Kent, in sexual orientation or gender identity change efforts with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for his or her services. If the city manager or his designee receives a report of a violation of this provision, the city manager or his designee shall mail to the mental health professional written notice to immediately cease and desist offering to provide or engaging in sexual orientation or gender identity change efforts. The failure of the mental health professional to immediately cease and desist shall subject the mental health professional to the civil fine provided in Section 723.99 of this chapter.

Sec. 723.99. - Penalties.

Violation of Section 723.02 will result in a Civil Offense as provided for in Section 501.13.