

ORDINANCE NO. ORD-21-25

First Reading: August 2, 2021
Public Hearing: August 16, 2021

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CHAPTER 123
(PROHIBITION OF CONVERSION THERAPY ON MINORS)

AN ORDINANCE TO ADD CHAPTER 123 (PROHIBITION OF CONVERSION THERAPY ON MINORS) TO TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Chapter 123 (Prohibition of Conversion Therapy on Minors) of Title IX of the Code of the City of Ann Arbor be added as follows:

9:700. -Title.

This chapter shall be known as the “Prohibition of Conversion Therapy on Minors Ordinance” of the City of Ann Arbor.

9:701. – Purpose.

It is the intent of the City to protect the physical and psychological well-being of minors, including lesbian, gay, bisexual, transgender, queer, and questioning youth, and to protect them from exposure to serious harms caused by efforts to change their sexual orientation, gender identity, or gender expression through practices commonly known as conversion therapy, reparative therapy, or sexual orientation or gender identity change efforts. The provisions of this chapter are the most narrowly-tailored means of achieving that compelling interest.

The Ann Arbor City Council hereby adopts and declares this chapter to be an exercise of the police power of the City for the public safety, health, and welfare of its citizenry, and its provisions shall be liberally construed to accomplish that purpose.

9:702 – Definitions.

For the purposes of this chapter, the following words and phrases have the following meanings:

- (1) *Conversion Therapy* means a counseling, practice, or treatment that seeks to change, reduce, or eliminate an individual’s Sexual Orientation, Gender

Identity, or Gender Expression.

Conversion Therapy does not include any counseling, practice, or treatment that provides (a) support and assistance to an individual receiving gender-affirming medical or psychological services, (b) acceptance, support, and understanding of an individual, (c) facilitation of an individual's coping, social support, and identity exploration and development, or (d) interventions to prevent or address unlawful conduct or unsafe sexual practices; but only to the extent that such a counseling, practice, or treatment does not seek to change, reduced, or eliminate an individual's Sexual Orientation, Gender Identity, or Gender Expression.

- (2) *Gender Expression* means an individual's actual or perceived gender-related appearance, expression, or behavior, regardless of their designated sex at birth.
- (3) *Gender Identity* means an individual's internal sense of their own sex and a defining component of sex. Sex includes, but is not limited to, an individual's gender, gender identity and gender expression.
- (4) *Provider* means a Person who is licensed by the State of Michigan to provide professional counseling, or who performs counseling as part of their professional training, under the Public Health Code of the State of Michigan, including but not limited to marriage and family therapists, medical practitioners, counselors, psychologists, psychotherapists, applied behavior analysts, and social workers.
- (5) *Sexual Orientation means* an individual's emotional, romantic, or sexual attractions, or the absence thereof, to people including but not limited to actual or perceived homosexuality, heterosexuality, pansexuality, or bisexuality. Sexual Orientation also means an individual's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

9:703. – Prohibition.

It shall be unlawful for any Provider to engage in or attempt to engage in Conversion Therapy on an individual less than eighteen years of age in the City of Ann Arbor.

9:704 – Penalties and Enforcement.

- (1) A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$500.00 for each day upon which a violation occurs.
- (2) These penalties shall not preclude any other remedies available at law or in equity, including injunctive relief in the circuit court.
- (3) Violations of this ordinance may be reported directly to the Ann Arbor Police Department.

9:705. - Private actions for damages or injunctive relief.

- (1) To the extent allowed by law, an individual may bring a civil action for appropriate injunctive relief or damages or both against a Person who violates this chapter.
- (2) Damages that may be sought in a civil action permitted under this chapter include damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.

9:706. – Severability.

If any part of this chapter is invalidated by law or a court of competent jurisdiction, the invalidated part shall be severed from this chapter and the remainder of this chapter shall remain in effect and be interpreted as closely as possible to the purpose and intent of this chapter without violating state or federal law.

Section 2. This ordinance shall take effect and be in force 10 days from the date of its publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of August 16, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on August 19, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk