



Legislation Text

File #: Res 0130-2014, Version: A

Proposed Res. No. 130-A

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation which designates as professional misconduct, engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age.

By Council Members Dromm, Chin, Koo, Lander, Levine, Mendez, Rosenthal, Menchaca, Kallos, Levin, Rodriguez and the Public Advocate (Ms. James)

Whereas, The American Psychological Association (APA) defines a mental disorder as a "clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom"; and

Whereas, Lesbian, gay, bisexual, and other orientations are not mental disorders; and

Whereas, Homosexuality has been documented in many different cultures and historical eras; and

Whereas, Findings by the APA reveal that the longstanding consensus of the health and mental health professions is that homosexuality is a normal and positive variation of human sexual orientation; and

Whereas, Research by the APA shows that gay men, lesbians, and bisexual individuals form stable, committed relationships and form families that are equivalent to heterosexual relationships and families in essential respects; and

Whereas, Therapies aimed at changing sexual orientation are referred to as curative, reparative, or conversion therapy; and

Whereas, Currently, minors can be forced to undergo conversion therapy by their parents and ministers who refuse to accept that they are gay; and

Whereas, A common technique used in curative therapies involves tying homosexual desires to

emotional wounds in early childhood and, in some cases, to early sexual abuse; and

Whereas, According to the APA, all major national mental health organizations have officially expressed concerns about therapies promoted to modify sexual orientation; and

Whereas, For example, the American Psychoanalytic Association believes that efforts to repair an individual's sexual orientation are against the fundamental principles of psychoanalytic treatment and often result in substantial psychological pain; and

Whereas, The promotion of curative therapies reinforces stereotypes and contributes to a negative climate for the lesbian, gay, bisexual, and transgender (LGBT) community; and

Whereas, The Human Rights Campaign, the nation's largest LGBT rights organization, has reported significant evidence of harm to LGBT youth resulting from attempts to change their sexual orientation; and

Whereas, For example, LGBT youth whose families reject their sexual orientation are eight times more likely to have attempted suicide, six times more likely to report high levels of depression, three times more likely to use illegal drugs, and three times more likely to be at high risk for HIV and STDs; and

Whereas, An APA task force, Appropriate Therapeutic Responses to Sexual Orientation, released a 2009 report reviewing existing research on the efficacy of reparative therapy and found that there was very little methodologically sound research on sexual orientation change efforts and that it is unlikely these efforts would be able to reduce same-sex attraction; and

Whereas, The APA task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, and a feeling of being dehumanized; and

Whereas, According to the APA, beneficial responses by a therapist treating an individual who is troubled about his or her same-sex attraction include helping that person cope with social prejudice against homosexuality, and successfully resolving issues associated with and resulting from internal conflicts; and

Whereas, Furthermore, mental health professional organizations, such as the APA, call on their

members to respect a person's right to self-determination; be sensitive to a client's race, culture, ethnicity, age, gender, gender identity, sexual orientation, religion, socioeconomic status, language, and disability status when working with that client; and eliminate biases based on these factors; and

Whereas, The state of California became the first in the nation to enact legislation that would prohibit dangerous and discredited efforts by licensed mental health providers to change the sexual orientation of minor patients and this ban was upheld by the 9th U.S. Circuit Court of Appeals in August 2013; and

Whereas, This bill would provide that any sexual orientation change efforts attempted on a patient under 18 years of age by a mental health professional shall be considered unprofessional conduct and shall subject the provider to discipline by the provider's licensing entity; and

Whereas, Penalties for misconduct could range from temporary censorship and reprimand to the revoking of a license, up to \$10,000 in fines and community service; and

Whereas, New York State should not permit licensed mental health professionals to practice therapies that have been proven harmful and should take action to prohibit these harmful and discriminatory practices; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation which designates as professional misconduct, engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age.

CP
Res 1564/2012
LS 897/2014
12/22/2016