

Allegheny County Council

*County of Allegheny
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Meeting Minutes

Wednesday, November 20, 2019

4:00 PM

Conference Room I

Committee on Health & Human Services

*John Palmiere, Chair; Patrick Catena, Nick Futules, Cindy Kirk, Paul Klein, Bob Macey
and Sue Means, Members*

I. Call to Order

The meeting was called to order at 4:00.

Invited Guests:

William D. McKain, CPA, Allegheny County Manager or designee(s)
Other Guests TBD

Mr. Weaver and Mr. Schube were present from the PA Family Institute/Independence Law Center. Mr. Barker was present from the Office of County Council.

II. Roll Call

Members Present: 5 - Nick Futules, Paul Klein, Bob Macey, Sue Means and John Palmiere

Members Absent: 0

Members Phone: 2 - Patrick Catena and Cindy Kirk

III. Approval of Minutes

IV. Agenda Items

Ordinances

[11000-19](#)

An Ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 5, entitled "Health and Sanitation," through the creation of a new Chapter 540, entitled "Sexual Orientation and Gender Identity Conversion Therapy," in order to protect the health, safety and well-being of minors living within the County.

Sponsors: Council Member DeFazio, Council Member Klein, Council Member Ranalli-Russell, Council Member Prizio and Council Member Walton

At the request of the Chair, the clerk read the title of the bill and Mr. Klein discussed the intent behind the proposed ordinance, noting that the goal was to address a type of therapy that has largely been discredited and is broadly disfavored by the professional psychological community. Mr. Klein noted that there is no intent to interfere in the parent/child relationship, nor to limit the right of anyone to seek advice from qualified individuals, and indicated that the thought process was specifically to allow individuals to seek assistance when they may need it. Mr. Klein suggested that many of the comments that he has received appear to be based upon misconceptions regarding the bill, and that a large number of other jurisdictions, including the City of Pittsburgh, have enacted similar measures. Mr. Klein emphasized his belief that the psychological impacts of conversion therapy should not be deemphasized in favor of focusing solely on physical impacts from the harshest measures that have been undertaken over time because of the lasting potential impacts of psychological injuries.

Mr. Klein also suggested that the Council has a long lasting tradition of wanting to thoroughly vet proposed legislation, and that this tradition should be followed in this instance, particularly in light of the large amount of medical expertise in the areas of psychology, counselling, and other relevant fields that is available within Allegheny

County. Mr. Klein indicated that his belief is that the Council owes the residents of the County who may be subject to harm their very best efforts in determining the appropriate course of action.

Mr. Macey suggested that there may not be a need to pursue a legislative remedy at this time, but noted that if such action should be pursued, more time should be taken in order to formulate the best possible ordinance given changing social mores, and expressed a belief that it is not necessarily the job of the County to dictate specific therapy or other psychological decisions to anyone.

The Chair and Mr. Futules discussed the history of the bills, with the Chair noting that this first meeting would be informational only, and is being held only to inform additional proceedings relating to the bill. The Chair indicated that his preference would be to wrap up the discussion before the end of the year, and noted that he would be perfectly willing to put time in over the coming days in order to attempt to make that happen. Mr. Futules and the Chair discussed the upcoming meeting schedule, and the difficulties inherent in having two separate bills on the same subject matter pending at the same time.

Ms. Kirk indicated that her understanding is that the sponsors of the two bills could not reach a consensus bill, and Mr. DeMarco indicated that his understanding matches Ms. Krik's.

Mr. DeMarco suggested that the Klein bill restricts therapy goals, while the Means bill instead restricts therapy methods.

Mr. Catena indicated that he attempted to help mediate the differences between the sponsors, and noted that the two concepts are different enough to make it very difficult to combine the two. He noted that he believes the Klein bill is too ambiguous with regard to the definition of therapists, and that he would recommend adjusting that definition if the Klein bill was to be pursued.

Ms. Means suggested that Mr. Klein's bill is overly vague and she indicated that she believes that hers is more specific.

The Chair and Mr. Klein discussed the possibility of having additional expert testimony available for another meeting within the next week or so.

Mr. Futules and the clerk discussed the consequences of multiple bills being referred to the full Council. The Chair and Mr. Klein discussed the same issue, with Mr. Klein noting that it would probably be wiser to only release one bill if and when that time comes. Ms. Means indicated that she would be willing to have some additional testimony offered within the next week or so.

Ms. Means opined that passing the Klein bill would subject the County to expensive lawsuits because it's vagueness renders it unconstitutional.

Mr. Futules suggested that both bills may well be flawed, and that it may be unwise to try to get into a discussion of one bill as more or less flawed than the other.

Ms. Means moved to end debate on the bill, and Ms. Kirk seconded the motion.

Ms. Means withdrew her motion.

Ordinances, Division 5, entitled “Health and Sanitation,” through the creation of a new Chapter 540, entitled, “Therapy,” in order to protect the health, safety and well-being of minors living within the County.

Sponsors: Council Member Means, Council Member DeMarco and Council Member Ranalli-Russell

At the request of the Chair, Mr. Schube came to the table.

Mr. Futules and Ms. Means discussed authorship of the bill, and Ms. Means noted that Mr. Schube was the drafter.

Mr. Schube discussed his background, and provided a very brief background of litigation regarding conversion therapy, mentioned the Pickup and King cases, and then discussed the more recent NIFLA crisis pregnancy center case in drawing a distinction between professional speech and conduct, noting that Justice Thomas believed that Pickup and King were wrongly decided, and that the First Amendment should protect counsellors. Mr. Schube noted the Florida case in which the NIFLA decision was cited and New York's voluntary repeal. Mr. Schube highlighted the expense of civil rights cases.

Mr. Schube described his NIFLA-based argument relating to Mr. Klein's bill.

The Chair expressed a desire to send only a single bill to the full Council.

Ms. Means and Mr. Klein discussed the bills' histories.

Mr. Schube suggested that accredited entities should be disregarded because they do not necessarily explain the basis of their conclusion.

Mr. Schube noted that his wife is a counsellor and has described the process to him as entirely innocuous and described his own priority as self-determination for the minor patient.

In response to questions from Mr. Futules, Mr. Schube suggested that there are two pending cases on the subject, plus the now-mooted New York case.

In response to questions from Mr. Futules and Mr. Klein, Mr. Schube noted that he had discussed the bills with other similarly-oriented entities.

Mr. Klein noted that family and other pressures may heavily influence minors' beliefs and/or therapy decisions, and that the whole point is to avoid directing outcomes.

Ms. Means again highlighted the litigation issue.

Mr. Catena noted that one of the sticking points between the Klein ordinance and the Means ordinance is that the Means version does not address mental health harms.

The Chair repeated his desire to continue the discussion in the next week with a thorough conversation.

V. Adjournment

The meeting was adjourned at 5:09.