



Allegheny County Council

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Legislation Details (With Text)

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Title: 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, "Therapy," in order to protect the health, safety and well-being of minors living within the County.
Sponsors: Sam DeMarco
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Date	Ver.	Action By	Action	Result
12/31/2021	1	Chief Clerk	Expired by Rule	
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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, "Therapy," in order to protect the health, safety and well-being of minors living within the County.

WHEREAS, therapy goals, and the viewpoint expressed within those goals, are constitutionally protected speech under the First Amendment;

WHEREAS, studies have shown that counseling to reduce or manage unwanted same-sex attraction and unwanted feelings regarding gender can be effective when a person's personal goals align with the goals of the counseling;

WHEREAS, all people, including minors, should be able to receive treatment for the therapy goals they have made for themselves;

WHEREAS, while the goal of seeking to live consistent with one's beliefs or views regarding sexual attractions or feelings associated with their gender is a legitimate focus for therapy, certain methods of treating minors are physically harmful and ineffective

WHEREAS, the County of Allegheny has a vested interest in protecting the psychological and physical well-being of all minors and preventing the serious harms caused by physically harmful methods of treatment;

WHEREAS, it is the judgment of Council that prohibiting certain physically harmful methods, while preserving the freedom of all persons to pursue their self-determined counseling goals and objectives, will inure to the benefit of those residents;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The preamble to this Ordinance is hereby incorporated in its entirety herein.

SECTION 2. Amendment of the Code.

The Allegheny County Code of Ordinances, Division 5, entitled "Health and Sanitation," is hereby amended and supplemented through the creation of a new Chapter 540, entitled "Sexual Orientation and Gender Identity Conversion Therapy," and comprised as follows:

Chapter 540 Sexual Orientation and Gender Identity Conversion Therapy

§540-1. Definitions.

For the purposes of this Chapter:

- A. "Mental healthcare services" means all therapies, courses of treatment, and communication, including speech, counseling, or "talk therapy," provided by a mental healthcare professional to a patient or client intended to aid his or her own self-determined objectives.
- B. "Mental healthcare professional" means any licensed medical, mental health, or human services professional licensed under Pennsylvania law, including any psychologist, psychiatrist, social worker, psychiatric nurse, allied mental health and human services professional, licensed marriage and family therapist, licensed rehabilitation counselor, licensed mental health counselor, licensed educational psychologist or school counselor, or any of their respective interns or trainees, or any other person designated or licensed as a mental health or human service professional, or behavioral science professional under Pennsylvania law who provide mental healthcare services. This term shall also include persons who provide unlicensed services that are substantially the same as the licensed services referenced within this definition.
- C. "Minor" means a person less than eighteen (18) years of age.
- D. "Patient" or "client" means any person under the care of a mental healthcare professional.

§540-2. Prohibited practices.

Any mental healthcare professional or physician, who engages in any of the following practices upon a minor, or causes them to be performed, for the purposes of attempting to change, reinforce, or affirm the minor's feelings of sexual attraction, sexual behaviors, or identity:

1. Any therapy method to which the minor has communicated to the mental healthcare professional or physician that he or she does not consent;

2. Any therapy method causing physical pain to a minor, or which is designed with the intent to cause the patient to believe that physical pain would occur, including but not limited to:
 - a. Electroshocking a minor's body part;
 - b. Penetrating a minor's fingers with needles;
 - c. Injecting a minor with drugs to induce vomiting;
 - d. Slapping, hitting, punching, kicking, striking with an inanimate object, or any other physical contact between a mental health professional and a minor or another client/patient and a minor which causes physical pain in the minor.
 - e. Inflicting other physical pain, or fear of physical pain, upon a minor.

§540-3. Protected practices.

Within the geographic boundaries of Allegheny County, the following shall not be banned, prohibited, or create cause to discipline:

- a. Mental healthcare professionals from providing mental healthcare services to aid patients or clients in their self-determined objectives related to their sexuality or identity, including attractions, behaviors, or other emotional issues;
- b. Any parent or legal guardian from consenting or withholding consent to mental healthcare services for their minor child that aid the minor patient or client in reaching their self-determined objectives related to their sexuality or identity, including attractions, behaviors, or other emotional issues, subject to 50 P.S. §§7101-7503 and 35 P.S. §10101.1; and
- c. Any parent or legal guardian from consenting or withholding consent to mental healthcare services for their minor child for gender dysphoria treatment or other treatments that are designed and intended to form a child's perceptions about their biological sex, subject to 50 P.S. §§7101-7503 and 35 P.S. §10101.1.

SECTION 3. Effective Date.

The provisions of this Ordinance shall become effective immediately upon final approval.

SECTION 4. Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that

provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. Repealer.

Any county, municipal, or city ordinance, or part thereof, conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.