

To: **Mayor and City Council**  
From: **Ryan Schroeder, City Manager**  
Date: **August 17, 2020**

## **Consideration of 2nd Reading of Conversion Therapy Ban**

### **BACKGROUND INFORMATION:**

At the July 27, 2020, Council held the first reading of an ordinance banning conversion therapy of minors. The ordinance reviewed on July 27 is enclosed for Council review. However, the City Attorney has become aware of potential constitutional issues regarding the ordinance as drafted and is recommending the ordinance not be adopted at this time. Instead we are recommending that Council open the public hearing and continue the public hearing. Further, that we schedule a discussion at a future meeting (ostensibly August 31) to allow Council the opportunity to review issues to be addressed prior to adoption of the ordinance as proposed. Legal Counsel currently is researching issue areas and is not prepared for the discussion for August 17.

As per the ordinance draft, conversion therapy is defined as any practice or treatment by a provider that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, identity exploration, development, including sexual orientation and gender identity, and neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling is not conducted with the goal of changing the person's sexual orientation or gender identity.

According to the data we have compiled, 20 states and over 70 cities across the country have banned conversion therapy for minor children in some fashion. Within Minnesota, the Cities of Duluth, Minneapolis, St. Paul and Red Wing have adopted ordinance bans and Golden Valley and Rochester have adopted a resolution against the practice. According to the League of Minnesota Cities and Metro Cities, there has been some legislative discussion on this topic, but legislative support for a statewide ban does not appear to be in the immediate future.

**FISCAL IMPACT: N/A**

### **STAFF RECOMMENDATION:**

Open the public hearing and continue the public hearing to a date certain with the understanding that staff intends an OCWS discussion at the August 31 meeting.