



Legislation Text

File #: R-1819-85, **Version:** 3

RESOLUTION R-1819-85: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, URGING THE OKLAHOMA STATE LEGISLATURE TO PASS HOUSE BILL 2456, CREATING THE YOUTH MENTAL HEALTH PROTECTION ACT PROHIBITING HEALTH CARE AND MENTAL HEALTH PROFESSIONALS FROM PROVIDING CONVERSION THERAPY TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.

BACKGROUND: Staff was asked to prepare a resolution urging the Oklahoma State Legislature to pass House Bill (HB) 2456, which creates the Youth Mental Health Protection Act, prohibiting health care and mental health professionals from providing conversion therapy to persons under eighteen (18) years of age.

At its January 28, 2019 meeting, the Human Rights Commission (HRC) discussed HB 2456 and voted unanimously to recommend that City Council adopt a resolution in support of the bill and urging the Oklahoma State Legislature to pass it this legislative session.

At its February 12, 2019, City Council Conference, Council discussed the draft resolution and directed Staff to place the resolution on its February 26, 2019, Consent Agenda.

DISCUSSION: Sage Mauldin, a Norman Human Rights Commissioner and also Adjunct Professor of Human Relations in the Department of Human Relations and an Affiliate Faculty Member of the Women's and Gender Studies Program at the University of Oklahoma, authored HB 2456, which is sponsored by Representative Jason Dunnington.

HB 2456 creates the Youth Mental Health Protection Act, which would be codified at 59 O.S. §§ 1925.19 - 1925.21. It defines "conversion therapy" as "any practice or treatment that seeks to change a person's sexual orientation or gender identity, including, but not limited to, any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex."

The bill provides that "conversion therapy" does not include "counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change sexual orientation or gender identity" or "mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including, but not limited to, an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change sexual orientation or gender identity."

The prohibition of conversion therapy would state "[n]o provider, as defined in Section 725.2 of Title 59 of the Oklahoma Statutes, shall provide conversion therapy to any person under eighteen (18) years of age. The provision of conversion therapy in violation of the provisions of the Youth Mental Health Protection Act shall be grounds for disciplinary action by the provider's licensing board." 59 O.S. § 725.2 is entitled, "Right to Use Word 'Doctor' or Abbreviation Thereof" and lists nine classes of persons who shall have the right to be referred to as a doctor.

HB 2456 also amends the following statutory provisions to add the provision of conversion therapy to minors as grounds for discipline and/or refusal to admit, reinstate, or suspend a license imposed by various medical boards:

- 1) 59 O.S. § 567.8 (Disciplinary action under Oklahoma Nursing Practice Act - Oklahoma Board of Nursing);
- 2) 59 O.S. § 509 (Definition of "unprofessional conduct" - Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act);
- 3) 59 O.S. § 637 (Refusal, Suspension, or Revocation of License under Oklahoma Osteopathic Medicine Act - State Board of Osteopathic Examiners);
- 4) 59 O.S. § 1370 (Disciplinary Action/Suspension, Probation, or Revocation of License under Psychologists

Licensing Act - State Board of Examiners of Psychologists);

- 5) 59 O.S. § 1912 (Denial, Revocation, Suspension, or Probation of License under Licensed Professional Counselors Act - State Board of Behavioral Health Licensure);
- 6) 59 O.S. § 1925.15 (Denial, Revocation, Suspension, or Probation of License under Marital and Family Therapist Licensure Act - State Board of Behavioral Health Licensure); and
- 7) 59 O.S. 1941 (Denial, Revocation, Suspension, or Probation of License under Licensed Behavioral Practitioner Act - State Board of Behavioral Health).

HB 2456 is not applicable to religious non-licensed practitioners but rather only to licensed medical and mental health professionals as outlined above. If passed, these changes to the law would become effective November 1, 2019.

Currently, fifteen (15) states (Hawaii, Washington, Oregon, Nevada, California, New Mexico, Illinois, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, New York, Vermont, and New Hampshire) and the District of Columbia have laws banning conversion therapy for minors.

The American Psychiatric Association has consistently opposed the practice of conversion therapy since 1998 and issued a public statement in 2013 warning that conversion therapy represents “a significant risk of harm by subjecting individuals to forms of treatment which have not been scientifically validated and by undermining self-esteem when sexual orientation fails to change.” The American Psychological Association, American Academy of Child and Adolescent Psychiatry, and American School Counselor Association also oppose the practice of conversion therapy, concluding that sexual orientation and gender identity change efforts can pose critical health risks to LGBTQ people, including depression, suicide, substance abuse, self-hatred, and a feeling of being dehumanized.

RECOMMENDATION: The proposed Resolution is being presented for formal City Council consideration at this time.