

ORDINANCE NO. 2023-764

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE, CHAPTER 10, HEALTH AND SAFETY, TO PROVIDE A NEW PART 10, CONVERSION THERAPY, TO PROHIBIT MEDICAL AND MENTAL HEALTH PROFESSIONALS FROM ENGAGING IN OR FACILITATING CONVERSION THERAPY FOR MINORS IN THE TOWNSHIP AND PROVIDING FINDINGS AND INTENT, DEFINITIONS, VIOLATIONS, ENFORCEMENT, AND PENALTY PROVISIONS

WHEREAS, the Pennsylvania First Class Township Code empowers the Board of Commissioners of West Norriton Township to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care, and control of the Township and the maintenance of peace, good government, health and welfare of the West Norriton Township (“Township”) and its citizens;

WHEREAS, Section 1502.10(1)(i) of the Pennsylvania First Class Township Code provides the Board of Commissioners with the specific power to prohibit and regulate a business that is offensive and prejudicial to the public health or safety of the inhabitants of the Township;

WHEREAS, contemporary science recognizes that being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness;

WHEREAS, the value and effectiveness of conversion therapy has been denied by every major medical and mental health organization, including the American Psychological Association, American Psychiatric Association, American Medical Association, American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, American Counseling Association, American Psychoanalytic Association, American School Counselor Association, American School Health Association, National Association of Social Workers, and the Pan American Health Organization;

WHEREAS, the advertising and provision of conversion therapy in exchange for monetary compensation is therefore consumer fraud;

WHEREAS, conversion therapy has been proven to lead to critical health risks -- anxiety, depression, decreased self-esteem, substance abuse, homelessness, and suicide -- and minors are especially vulnerable to the harms associated with conversion therapy;

WHEREAS, the township has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by conversion therapy;

WHEREAS, Governor Wolf of the Commonwealth of Pennsylvania has by Executive Order 2022-2, recognized the many contributions of the LGBTQ+ citizens of the Commonwealth to the culture,

society, and economy, and declares all Pennsylvanians entitled to protection from conversion therapy;

WHEREAS, due to the findings set forth above, the Board of Commissioners finds that conversion therapy is injurious to the health, safety, general welfare and comfort of minors residing in or visiting the Township;

WHEREAS, due to the findings set forth above, the Board of Commissioners finds that medical and mental health professionals who engage in conversion therapy with minors facilitate business operations that are offensive and prejudicial to the public health and safety of minors within the Township;

WHEREAS, for the reasons set forth in more detail below, the Board of Commissioners intends to preserve, maintain, and enhance the health of its residents by prohibiting medical and mental health professionals from engaging in or facilitating conversion therapy for minors in the Township;

WHEREAS, Section 1502 of the Pennsylvania First Class Township Code also vests the Board of Commissioners with the specific power to provide for enforcement and penalty provisions in an ordinance;

WHEREAS, the Board of Commissioners has met the procedural requirements of the First Class Township Code for the adoption of the proposed ordinance, including advertising and holding a public hearing; and

WHEREAS, the Board of Commissioners, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of West Norriton Township will be served by this amendment of the West Norriton Township Code to prohibit medical and mental health professionals from engaging in conversion therapy with minors in the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the West Norriton Township, Montgomery County, Pennsylvania, as follows:

- I. **Code Amendment.** The Code of West Norriton Township, Chapter 10, Health and Safety, is hereby amended to provide a new Part 10, entitled “Conversion Therapy,” to provide as follows:

PART 10. CONVERSION THERAPY

§10-1001. Purpose and Findings.

A. Purpose.

The purpose of this Part is to:

- (1) Ban the practice of Conversion Therapy by Medical and Mental Health Professionals on Minors in West Norriton Township;
- (2) Protect Minors from the physical, psychological, behavioral and mental health injuries caused by

Conversion Therapy, including, but not limited to, the unwarranted guilt and anxiety caused by Conversion Therapy that can lead to anxiety, depression, decreased self-esteem, substance abuse, homelessness, self-harm, and/or suicide; and

- (3) Prevent Medical and Mental Health Professionals from misrepresenting to the public that their practice or business operations within the Township can change the Sexual Orientation or Gender Identity or Expression of a Minor or otherwise possess any scientific credibility or clinical utility;

B. Findings.

- (1) The American Psychological Association has determined that homosexuality is not a mental disorder.
- (2) The American Psychological Association is concerned about the resurgence of sexual orientation change efforts, which promote the notion that sexual orientation can be changed;
- (3) The American Psychological Association advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth;
- (4) Conversion therapy has been overwhelmingly rejected by the scientific, medical, and educational communities and numerous professional organizations have denounced conversion therapy due to its lack of scientific validation, as well as its negative and dangerous impact on the health and wellbeing of LGBTQIA+ persons and communities, and the specific harm it causes to the mental health of LGBTQIA+ children;
- (5) Minors are especially vulnerable to Conversion Therapy, which can lead to depression, anxiety, drug use, homelessness, and suicide.
- (6) The American College of Physicians opposes the use of Conversion Therapy, also known as “reorientation” or “reparative” therapy, for the treatment of LGBTQ persons.
- (7) The American Psychiatric Association has determined that, “there is no published scientific evidence supporting the efficacy of ‘reparative therapy’ as a treatment to change one’s sexual orientation.” However, the potential risks of such therapy are great and include depression, anxiety, and self-destructive behavior.
- (8) The American Psychiatric Association opposes the use of Conversion Therapy based upon the assumption that homosexuality is a mental disorder based upon the assumption that a patient should change their homosexual orientation
- (9) An important goal of West Norriton Township is to protect Minors within the Township from the potential and actual harms caused by Conversion Therapy;

- 2) Performs or offers Counseling as part of such person's professional training or services and maintains a medical, pharmacological, osteopathic, nursing, or social work license from a Commonwealth or federal agency or board, including any license from the State Board of Medicine, State Board of Pharmacy, State Board of Nursing, State Board of Psychology, State Board of Osteopathic Medicine, or the State Board of Social Workers, Marriage & Family Therapists and Professional Counselors; or
- 3) A student, intern, trainee, apprentice, or assistant who provides, facilitates, or assists with Counseling under the auspices, guidance, direction, or supervision of a person licensed under subsections (1) or (2) above.

MINOR - A person less than eighteen (18) years of age.

SEXUAL ORIENTATION - Actual or perceived homosexuality, bisexuality, or heterosexuality.

GENDER IDENTITY OR EXPRESSION - The actual or perceived gender-related identity, expression, appearance, behavior, physical characteristics, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's physical anatomy, chromosomal sex, or assigned sex at birth.

TOWNSHIP – The Township of West Norriton, Montgomery County, Pennsylvania.

§10-1003. Conversion Therapy Prohibited.

- A. No Medical or Mental Health Professional shall engage in Counseling that includes, facilitates, or consists of Conversion Therapy for a Minor in the Township. A Medical or Mental Health Professional with a business/practice located in the Township shall be deemed to have facilitated Conversion Therapy for a Minor in the Township even if the Conversion Therapy practice or treatment provided to a Minor occurs outside of the Township.
- B. No Medical or Mental Health Professional located within the Township shall solicit, advertise, offer, promote, or market Counseling that includes, facilitates, or consists of Conversion Therapy for a Minor, or could be utilized by, for, or on the behalf of a Minor.

§10-1004. Violation.

It shall be unlawful and a violation of this Part for any Medical or Mental Health Professional and/or any entity or organization employing or utilizing the Counseling services of a Medical or Mental Health Professional to violate Section 10-1003 above or permit or facilitate a violation thereof.

§10-1005. Enforcement.

- A. Notice of Violation. Should any Medical or Mental Health Professional and/or any entity or organization employing or utilizing the Counseling services of a Medical or Mental Health Professional violate any provision of this Part 10 of the township code, the Township shall prepare a written notice of violation and demand a cease and desist of the prohibited activity. The notice shall specify the violation and the time limitation to establish compliance. Failure to comply with the provisions of the notice of violation shall subject the violator to the penalties herein.

- (10) An important goal of West Norriton Township is to prevent businesses or business practitioners within the Township from promoting, advertising, or participating in business practices that misrepresent to the public or otherwise falsify the potential outcomes of their therapeutic or counseling practice;
- (11) West Norriton Township has a compelling interest in protecting the physical and psychological well-being of Minors within the Township, including lesbian, gay, bisexual, and transgender youth, and in protecting Minors against exposure to serious harms caused by Conversion Therapy.
- (12) It is a proper exercise of the police powers of West Norriton Township to prohibit Medical and Mental Health Professionals from engaging in or facilitating Conversion Therapy for Minors in order to protect the public welfare, prosperity, health, and peace of the West Norriton Township community and to provide penalties for the engagement in or the facilitation of Conversion Therapy for Minors.

§10-1002. Definitions.

For purposes of this Part, the following terms shall be defined as follows:

CONVERSION THERAPY – “Sexual orientation or gender identity change efforts,” also referred to as “conversion therapy,” refers to any practices or treatments that seek to change an individual’s sexual orientation and/or gender identity, including, but not limited to, 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 shall not include Counseling or Medical Practice that:

- (1) Provides assistance to a person undergoing a gender transition; and/or
- (2) Provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including Sexual Orientation-neutral and/or Gender Identity or Gender Expression-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such Counseling does not seek to change a person’s Sexual Orientation and/or Gender Identity or Expression.

COUNSELING – includes any medical, psychiatric, psychological, behavioral, emotional, or similar mental health care, counseling, practice, therapy, intervention, service or treatment provided, offered, performed, facilitated, or rendered by or through a Medical or Mental Health Professional.

MEDICAL OR MENTAL HEALTH PROFESSIONAL – A person who is:

- 1) Licensed under Pennsylvania law to provide, perform, or render Counseling to a person;

- B. **Service of Notice.** The written notice of violation shall be served upon the Medical or Mental Health Professional and/or any entity or organization employing or utilizing the Counseling services of a Medical or Mental Health Professional. Such notice of violation shall be served either by certified mail to the last known physical or post office address, delivered in person, or by delivering it to and leaving it in the possession of any person in charge of the premises where the prohibited activity is alleged to be occurring. Posting a copy in a conspicuous place at the main entrance door of the business or personal address of the Medical or Mental Health Professional or the registered or advertised address of the entity or organization employing or utilizing the Counseling services of a Medical or Mental Health Professional shall be deemed the equivalent of personal delivery.

§10-1005. Penalties.

- A. **Penalties.** Any Medical or Mental Health Professional and/or entity or organization employing or utilizing the Counseling services of a Medical or Mental Health Professional who violates a provision of this Part, or should otherwise fail to comply with any requirements within this Part, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Township through enforcement proceedings.
- B. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, such person may be sentenced and committed to the county correctional facility for a period not exceeding 30 days.
- C. If the penalty is not paid, the Township may initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this Part that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this Part in equity in the Court of Common Pleas of Montgomery County.
- D. **Nonexclusive remedies.** The penalty provisions of this Part shall not limit the ability of the Township to enforce other Township ordinances and to utilize the penalties, remedies and procedures provided under such other Township ordinances and/or Federal or Commonwealth laws.

II. Severability. The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

III. Repealer. Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

IV. Effective Date. This Ordinance shall become effective upon enactment as provided by law.

V. Failure to Enforce Not a Waiver. The failure of West Norriton Township to enforce any provision of this Ordinance shall not constitute a waiver by West Norriton Township of its rights to future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this _____ day of _____, 2023.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

By: _____
Jason Bobst, Township Secretary

By: _____
Peter Smock, Chair
West Norriton Township
Board of Commissioners