



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Penalty Schedule for Violation of the  
Prohibition on Conversion Therapy

as made available for public inspection

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THE COUNCIL OF  
THE CITY OF NEW YORK

**BARRY S. GRODENCHIK**

COUNCIL MEMBER, 23<sup>RD</sup> DISTRICT, QUEENS

June 11, 2018

**Re: Testimony in Support of Department of Consumer Affairs amendment to Chapter 6 of Title 6 of the City of New York to establish fixed penalties for the violations of the laws related to the prohibition of conversion therapy**

In 2011, the New York State Legislature passed the Marriage Equality Act, and less than five years later, the United States Supreme Court decided in a landmark case that marriage is a civil right that cannot be denied to LGBTQ individuals. There is widespread recognition that remarkable strides have been made by the LGBTQ community; New York has always led the charge when it comes to equal rights, and today is no different. The injustice this time is happening to our children. What does it say about us as a society when marriage equality is the law of the land, yet LGBTQ youth may be told that their existence is flawed?

Conversion therapy has the intent and purpose of changing the sexual or gender identity of the individual subject to the treatment. However, the nation's leading professional medical, health, and mental health organizations do not support efforts to change young people's sexual orientation through therapy and have raised serious concerns about the harm caused by such efforts. Over the last four decades, "reparative" therapists have not produced any rigorous scientific research to substantiate their claims, which remain unsupported by medical and scientific data.

The American Psychological Association (APA), the American School Counselors Association (ASCA), and the National Association of Social Workers (NASW) unequivocally condemn the practice. Twelve states, including Massachusetts and California, and over one hundred thirty municipalities have outlawed conversion therapy in all of its forms to protect residents within their jurisdictions.

Conversion therapy bans have been crucial in fighting the disingenuous tactics used by unscrupulous individuals and organizations seeking to mold the world in their two-dimensional image. According to a study published by the UCLA School of Law's Williams Institute, "An estimated 6,000 LGBT youth (ages 13-17) who live in states with conversion therapy bans would have received such therapy from a licensed health care professional before age eighteen if their state had not banned the practice."

In 2017, conversion therapy was banned by the New York City Council; the same year, Senator Patty Murray of Washington State introduced the Therapeutic Fraud Prevention Act in the United States House of Representatives. This legislation would prohibit, as an unfair or deceptive practice, commercial sexual orientation conversion therapy and would allow the Federal Trade Commission and state attorneys general to bring enforcement actions.

For individuals, there can be severe consequences when the dangerous practice is permitted. For example, Alex Cooper, a now out lesbian who grew up in a Mormon family, recounts her experiences in conversion therapy for *Equality* magazine. Ms. Cooper describes psychological and physical abuse, including domestic training designed to foster “motherly instincts”; she was forced to carry a forty-pound backpack full of rocks, in order to, as she states, “feel the physical burdens of being gay.” Methods range from separating men from their mothers for years at a time to prevent their effeminate influence to having a group of underage young men stand in a room unclothed. The emotional and psychological toll this purported therapy takes on young people only further isolates them and ostracizes them from their peers and families. While in conversion therapy, teenagers and young adults are often not allowed to attend school, causing a gap in their studies.

Research on the emotional impact conversion therapy can have on young people has yielded devastating results, including from the American Psychiatric Association, in its 2000 position statement on “reparative” therapy, which states, “The American Psychiatric Association opposes any psychiatric treatment, such as reparative or conversion therapy, which is based upon the assumption that homosexuality per se is a mental disorder or based upon the priori assumption that the patient should change his/her sexual orientation.”

In conversion therapy, the possibility that a person might achieve happiness and satisfaction in interpersonal relationships as a gay, lesbian, or transgender individual is not presented, nor are alternative approaches to dealing with the effects of societal stigmatization. The APA recommends that “ethical practitioners refrain from attempts to change individuals’ sexual orientation, keeping in mind the medical dictum to first, do no harm.”

Many patients who have undergone reparative therapy convey that they are inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction; they are told their futures are not only bleak, but unlivable. The potential risks of reparative therapy are great, including depression, anxiety, decreased self-esteem, substance abuse, homelessness, and self-destructive and suicidal behaviors.

This city can and must actively reject and stigmatize the bigoted and predatory actions of the organizations and individuals who seek to do harm to our children and the LGBTQ community at-large. LGBTQ youth are generally living in an unprecedented time of acceptance and self-expression, but conversion therapy must be absolutely verboten.

As the New York City Council Member representing the 23<sup>rd</sup> District, I fully support both the enacted ban on conversion therapy and the proposed regulation to establish fixed penalties for violations thereof.

Sincerely,

A handwritten signature in black ink that reads "Barry S. Grodenchik". The signature is written in a cursive, flowing style.

BARRY S. GRODENCHIK  
Council Member

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