Local Law No. 1 of the year 2018

A local law "Erie County Conversion Therapy Ban"

Be it enacted by the [Name of Legislative Body] of the

[County] of Erie as follows:

Section 1: Legislative Intent

The purpose of this law is to ensure the physical and psychological well-being of minors. There is significant evidence that reparative or conversion therapy can cause serious psychological harm to minors who have been exposed to sexual orientation or gender identity change efforts. The practice is opposed by nearly all leading health agencies including: American Academy of Child Adolescent Psychiatry, American Academy of Pediatrics, American Association for Marriage and Family Therapy, American College of Physicians, American Counseling Association, American Medical Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association, American School Counselor Association, American School Health Association, National Association of Social Workers, World Health Organization and the World Psychiatric Association.
Section 2: Definitions

A. "Conversion therapy" means any formal treatment that aims to change sexual orientation and gender identity of a minor. This includes attempting to change a person's sexual orientation from homosexual to heterosexual as well as from heterosexual to homosexual.
B. "Minor" means any person less than eighteen (18) years of age.
C. "Reparative therapy" has the same meaning as conversion therapy.
D. "Sexual Orientation or Gender Identity Change Efforts" means conversion therapy, reparative therapy, or any other practice that seeks to change an individual's sexual orientation or gender identity. "Sexual Orientation or Gender Identity Change Efforts" do not include psychotherapies that provide acceptance, support, and understanding for clients. And in addition do not prohibit clergy from pastoral counseling, teaching, or relaying of their religion's doctrine.
E. "Formal Treatment" is defined as a continued effort through a program or through many sessions or meetings to change a minor's sexual identity or orientation.

Section 3: Prohibition

The administering sexual orientation or gender identity change efforts, conversion therapy, or reparative therapy upon a minor within the geographic boundaries of the County of Erie is prohibited.

Section 4: Penalties

Any person who knowingly violates the provisions of this local law shall be guilty of an unspecified misdemeanor punishable by a fine of up to $1000 and or up to one year in prison.

Section 5: Effective Date

This local law shall be effective upon filing with the Secretary of State.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.
1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. _______ of 20____ of the (County)(City)(Town)(Village) of ____________ was duly passed by the (Name of Legislative Body) on __________ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer) *
I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2018 of the (County)(City) of Erie County was duly passed by the Erie County Legislature on February 15, 2018, and was (approved)(not approved) by the (Name of Legislative Body) (repassed after disapproval) by the (Elective Chief Executive Officer) on __________ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on __________ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. ____________ of 20____ of the (County)(City)(Town)(Village) of ____________ was duly passed by the (Name of Legislative Body) (repassed after disapproval) by the (Elective Chief Executive Officer) on __________ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. ____________ of 20____ of the (County)(City)(Town)(Village) of ____________ was duly passed by the (Name of Legislative Body) (repassed after disapproval) by the (Elective Chief Executive Officer) on __________ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.
6. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 20__ of the City of ____________ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ____________ 20__, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. ___________ of 20__ of the County of ____________, State of New York, having been submitted to the electors at the General Election of November ____________ 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __________ above.

[Signature]

[Seal]

Date: ____________

(Seal)
A Public Hearing was held on the foregoing Local Law Intro. No. 5-2-2017 on February 23, 2018 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this day of , 2018.

Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2-2017 on February 23, 2018 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this day of , 2018.

Mark C. Poloncarz