

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Westchester

FILED
STATE RECORDS

OCT 26 2018

Local Law No. 7 of the year 2018

DEPARTMENT OF STATE

A local law creating a new Chapter 434 of the Laws of Westchester County in relation to banning conversion therapy for minors.

Be it enacted by the Board of Legislators of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Westchester

as follows:

Section 1. Chapter 434 of the Laws of Westchester County is hereby enacted to read as follows:

CHAPTER 434

CONVERSION THERAPY FOR MINORS PROHIBITED

- Sec. 434.01. Legislative findings.
- Sec. 434.11. Definitions.
- Sec. 434.21. Prohibited conduct.
- Sec. 434.31. Penalties.
- Sec. 434.41. Private right of action.
- Sec. 434.51. Severability.
- Sec. 434.61. Reverse preemption.

Sec. 434.01. Legislative findings.

Conversion therapy is a dangerous practice aimed at altering the sexual orientation or gender identity of an individual. It has been thoroughly discredited and denounced by nearly all leading health agencies, including the American Academy of Child Adolescent Psychiatry, the American Academy of Pediatrics, the American Counseling Association, the American Medical Association, the American Psychiatric Association, the American Psychological Association, the World Health Organization, and the World Psychiatric Association. Conversion therapy can cause long-term psychological and physiological harm to those subject to its methodologies. Minors are at a particularly elevated risk of harm. Therefore, a prohibition on the administration of conversion therapy for minors is necessary to protect the health, safety, and welfare of minors in Westchester County.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Sec. 434.11. Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms have the following meanings:

1. "Conversion therapy" means any services, offered or provided to consumers for a fee, that seek to change a person's sexual orientation or gender identity including, but not limited to, any effort to change gender expression or to eliminate or reduce sexual or romantic attraction or feelings toward persons of the same gender or sex. "Conversion therapy" does not include counseling intended to (a) assist a person undergoing gender transition; (b) provide acceptance, support and understanding to the person, or (c) facilitate the person's coping, social support or identity exploration and development, including, but not limited to, any therapeutic intervention that is neutral with regard to sexual orientation and seeks to prevent or address unlawful conduct or unsafe sexual practices, provided such counseling does not seek to change the person's sexual orientation or gender identity.

2. "Minor" means any person under eighteen years of age.

Sec. 434.21. Prohibited conduct.

It is unlawful for any person to offer or provide conversion therapy services to minors.

Sec. 434.31. Penalties.

Any person who knowingly violates Sec. 434.21 shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year imprisonment.

Sec. 434.41. Private right of action.

Any minor subjected to conversion therapy, in violation of this Chapter, may bring a private right of action, against the person or persons who provided conversion therapy, to recover compensatory and consequential damages. A successful plaintiff in such action shall be entitled to

recover reasonable costs and attorneys' fees. Any applicable statute of limitations shall be subject to tolling in accordance with the provisions of the New York State Civil Practice Law and Rules, as a private right of action accrued by a minor is intended to survive until that minor has obtained the age of majority and can bring an action on their own behalf.

Sec. 434.51. Severability.

If any section, subsection, sentence, clause, phrase or other portion of this Chapter is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Chapter, which remaining portions shall continue in full force and effect.

Sec. 434.61. Reverse preemption.

This Chapter shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The county legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation, or pertinent preempting State or federal regulations have been enacted for the purposes of triggering the provisions of this Section.

Section 2. This Local Law shall take effect immediately, and shall have no retroactive effect. The private right of action provided for in Sec. 434.41 shall only exist for conversion therapy provided after the effective date of this Local Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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 _____ on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

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. 7 of 2018 of the (County)(City)(Town)(Village) of Westchester was duly passed by the Board of Legislators on October 1, 2018, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the County Executive and was deemed duly adopted *(Elective Chief Executive Officer*)* on October 12, 2018, 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 _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

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.

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 _____ on _____ 20____, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

* 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.

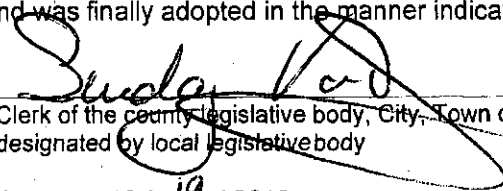
5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City
of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the
Municipal Home Rule Law, 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,
_____ 2____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer
designated by local legislative body

Date: 10 / 19 / 2018

Seal)

**Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized
attorney of locality.)**

STATE OF NEW YORK COUNTY OF _____

the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been
had or taken for the enactment of the local law annexed hereto.

Signature Title _____

County _____

City of Westchester _____

Town _____

Village _____

Date: _____