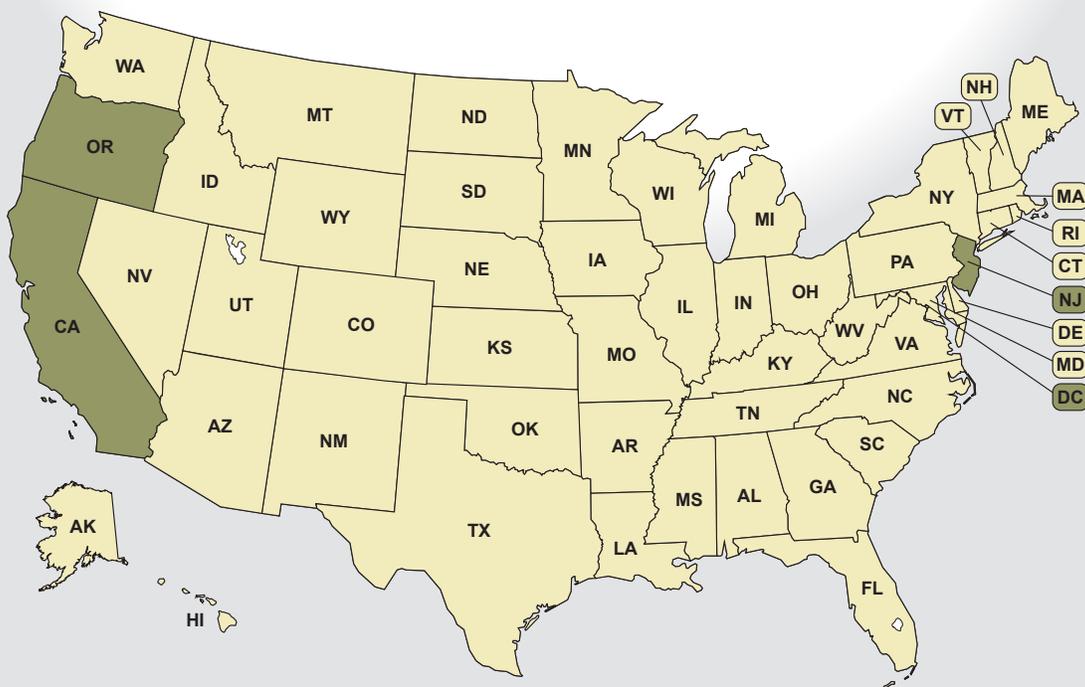


# LGBT POLICY SPOTLIGHT: CONVERSION THERAPY BANS



**19%** of LGBT population lives in states that have laws banning conversion therapy for minors (3 states + D.C.)

**81%** of LGBT population lives in states with no laws banning conversion therapy for minors (47 states)



## OVERVIEW

Conversion therapy, also referred to as “Reparative Therapy” or “Ex-Gay Therapy,” is a widely discredited practice that attempts to change an individual’s sexual orientation or gender identity. Practices to “cure” individuals of their same-sex sexual orientations and transgender identities include a number of techniques ranging from shaming to hypnosis to inducing vomiting to electric shocks.

Three states and the District of Columbia have laws protecting children from conversion therapy, meaning 17% of the lesbian, gay, bisexual and transgender (LGBT) population live in a state or district with these laws. In 2012, California passed the first conversion therapy law (Senate Bill 1172) which prohibits state-licensed health care providers from engaging in conversion therapy with people under the age of 18. In 2013 and 2014, respectively, New Jersey and Washington D.C. enacted similar laws (Assembly Bill 3371; Council Bill 200501). Most recently, Oregon passed a law prohibiting conversion therapy (House Bill 2307).

Although only three states and the District of Columbia have passed such laws, 22 states<sup>1</sup> have introduced bills to ban conversion therapy. Unfortunately, the success of these bills is varied. Earlier this year, a Virginia General Assembly struck down a bill that would have protected LGBT youth from conversion therapy in the commonwealth.<sup>2</sup>

Anti-LGBT activists are attempting to secure their ability to engage in harmful conversion therapy practices. Oklahoma State Representative Sally Kern recently introduced the so-called “Freedom to Obtain Conversion Therapy Act (HB1598),” which would allow therapists the unrestricted right to engage in conversion therapy and protect parents’ rights to force their children to undergo such treatment. The bill passed out of an Oklahoma House committee in February, 2015, but failed in the state House shortly after.

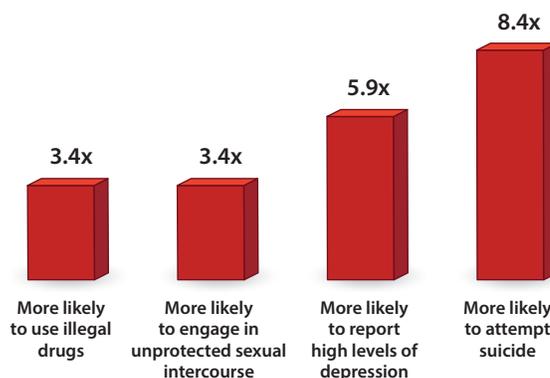
Anti-LGBT activists have also sued to have existing conversion therapy bans overturned. However, to date, federal appellate courts have upheld the constitutionality of both California and New Jersey’s laws protecting youth from conversion therapy.

<sup>1</sup> Arizona, Colorado, Connecticut, Florida, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

<sup>2</sup> <http://www.washingtonblade.com/2015/01/22/bill-seeking-conversion-therapy-ban-dies-via-senate-committee>.

**Figure 1: Negative Outcomes of Familial Rejection for LGB Youth**

Compared to Peers Who Experience Little or No Family Rejection, LGB Teens Who Experience High Levels of Family Rejection Are...



Source: Ryan, Caitlin, et al. “Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults.” *Pediatrics* 123.1 (2009): 346-352.

### American Psychological Association Statement Confirms Harms of Reparative or Conversion Therapy

“The potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian is not presented, nor are alternative approaches to dealing with the effects of societal stigmatization discussed. Therefore, 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 a priori assumption that the patient should change his/her sexual homosexual orientation.”

Am J Psychiatry. 2000 Oct;157(10):1719-21. Position statement on therapies focused on attempts to change sexual orientation (reparative or conversion therapies). APA. Commission on Psychotherapy by Psychiatrists.

## HARMS OF CONVERSION THERAPY

There is broad consensus in the medical community that sexual orientation and gender identity are immutable traits—and that attempts to change these characteristics through conversion therapy or other means are not only unnecessary and ineffective, but also very harmful.<sup>3</sup> Years of psychological research on the outcomes of conversion therapy has found that these techniques result in long-lasting damage. In 2009, the American Psychological Association (APA) issued a report enumerating the direct risks of conversion therapy to include among others: depression, guilt, helplessness, hopelessness, shame, social withdrawal, substance abuse, stress, self-blame, decreased self-esteem, increased self-hatred, problems in sexual and emotional intimacy, high-risk sexual behaviors, and a distinct rise in suicidality.<sup>4</sup>

The risks are even greater for young people. According to research by Dr. Caitlin Ryan et al. at the Family Acceptance Project, LGB teens who reported higher levels of family rejection, including admission to conversion therapy, were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sex when compared to LGB peers that reported no or low levels of family rejection.<sup>5</sup>

Laws protecting LGBT children from conversion therapy are needed to ensure that therapists who are licensed by the state are providing competent care and are not harming patients. These laws are especially needed to protect minors, who are almost always forced

### New Jersey Judge Rules Conversion Therapy is Consumer Fraud

In February 2015, New Jersey Superior Court judge found that Jews Offering New Alternatives for Healing (JONAH), a conversion-therapy provider offering services, is in violation of the Consumer Fraud Act.

JONAH offered services which often cost over \$10,000 per year but the judge found that “client outcomes are not tracked and no records of client outcomes are maintained.” The judge also found that it is a misrepresentation for JONAH to describe being gay “not as a normal variation of human sexuality, but as being a mental illness, disease, disorder, or equivalent thereof.”

The suit, filed by the Southern Poverty Law Center, also claimed that JOHAN’s harmful conversion therapy practices included asking groups of men to stand naked with a counselor and asking participants to re-enact past abuse.

### Sam Brinton’s Story: Heating Coils, Electric Shocks and Isolation



At 12 years old, Sam Brinton’s parents sent him to a therapist who would work to “cure” Sam of being gay. His family and the therapist told Sam all gay people have AIDS and that God had abandoned him. Sam was completely isolated and was locked him in his room when he wasn’t in therapy.

At first, the therapist strapped Sam’s hands to a table, placed ice on his palms, and showed Sam pictures of two men holding hands. Later, the therapist used copper heating coils, which were wrapped around his hands, burning hot for pictures of male couples but not for pictures of heterosexual couples. It was after the therapist started strapping Sam to a chair and sticking needles with electrodes into Sam’s fingers that Sam first attempted suicide.

Today, Sam is an MIT graduate who fights for legal protections for LGBT people. He also joined a support group for survivors of conversion therapy; of the ten members when he joined, eight have since committed suicide. Sam speaks eloquently, and from first-hand experience, on how reparative therapy is “killing people.”

“I know who I am,” Sam says now. “I know I can’t change it. I’m strong in my faith, and I’m strong in my sexuality.”

<sup>3</sup> The American Academy of Pediatrics, the American Counseling Association, the American Psychiatric Association, the American Psychological Association, the American School Counselor Association, the National Association of School Psychologists, and the National Association of Social Workers all have expressed that LGBT orientations and identities are not diseases and cannot be changed.

<sup>4</sup> American Psychological Association. “Appropriate therapeutic responses to sexual orientation in the proceedings of the American Psychological Association, Incorporated, for the legislative year 1997.” *American Psychologist* 53.8 (1998): 882-939.

<sup>5</sup> Ryan, Caitlin, et al. “Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults.” *Pediatrics* 123.1 (2009): 346-352.

or coerced to undergo conversion therapy rather than opting to undertake these treatments on their own. State-licensed practitioners frequently prey on parents and legal guardians who are not aware that conversion therapy subjects their children to risk of serious harm and, in some cases, suicide. The state has a compelling interest in ensuring that licensed health care providers follow professional standards of care and do not engage in dangerous practices that have no scientific basis and put patients at risk.

## RECOMMENDATIONS

**States should pass legislation to ban harmful conversion therapy practices when used on minors.**

- Every state heavily regulates the medical and mental health safety of its citizens and each state has different mechanisms to govern mental health providers. Conversion therapy bans should be tailored to the unique needs of each state.
- In every state considering conversion therapy bans, the legislation's scope:
  - Specifically includes *any and all forms* of conversion therapy, without enumerating all practices.
  - Specifically includes gender identity and excludes a prohibition on treatment to support a gender transition.
  - Applies only to therapy for minors under the age of 18.

- Applies only to state-licensed mental health providers (who are prohibited from practicing conversion therapy, but not from communicating to the public nor to their patients about conversion therapy).
- A comprehensive toolkit for state legislators and advocates working to advance legislation protecting LGBT kids from conversion therapy is available through the National Center for Lesbian Rights and can be found [www.nclrights.org/explore-the-issues/bornperfect](http://www.nclrights.org/explore-the-issues/bornperfect) or by emailing [bornperfect@nclrights.org](mailto:bornperfect@nclrights.org).

**LGBT youth in crisis** should contact The Trevor Project through Trevor Lifeline, a crisis intervention and suicide prevention phone service available 24/7. [www.thetrevorproject.org/pages/get-help-now#lifeline](http://www.thetrevorproject.org/pages/get-help-now#lifeline).

Special thanks to the National Center for Lesbian Rights for their collaboration on this report.



NATIONAL CENTER FOR LESBIAN RIGHTS

## ABOUT THIS SPOTLIGHT

This report is part of an ongoing series that will provide in-depth analyses of laws and policies tracked at the Movement Advancement Project's "Equality Maps," found at [www.lgbtmap.org/equality-maps](http://www.lgbtmap.org/equality-maps). The information in this report is current as of the date of publication; but the [online maps](http://www.lgbtmap.org/equality-maps) are updated daily.



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