

2012 AUG 30 PM 3:16

CITY OF OAKLAND  
BILL ANALYSIS



Date: September 13, 2012

Bill Number: SB 1172 (as amended)

Bill Author: Senator Ted Lieu

**DEPARTMENT INFORMATION**

Contact: Richard Fuentes, District 5, 510-238-6126  
rfuentes@oaklandnet.com

**RECOMMENDED POSITION: SUPPORT**

**Summary of the Bill:**

For decades, gay, lesbian, bisexual and transgender people—particularly youth—have suffered psychological abuse by those who are entrusted to care for their emotional and psychological well-being. It's long past time to do everything in our power to put an end to the use of therapy tactics that have no sound scientific basis and that cause lifelong damage. **SB 1172** would prohibit a psychotherapist from engaging in sexual orientation change efforts with a minor patient, regardless of a parent's willingness or desire to authorize such "treatments."

**EXISTING LAW**

Existing law provides for licensing and regulation of various mental health professionals, including physicians and surgeons, psychologists, psychiatric technicians, marriage and family therapists, educational psychologists, clinical social workers, and licensed professional clinical counselors.

California law also places restrictions on other types of controversial treatments, such as electroconvulsive therapy and psychosurgery. These may only be administered with informed consent, and in the case of psychosurgery, may not be performed on minors. California law also places restrictions on other types of controversial treatments, such as electroconvulsive therapy and psychosurgery. These may only be administered with informed consent, and in the case of psychosurgery, may not be performed on minors.

**RESEARCH**

Sexual Orientation Change Efforts (**SOCE**) poses critical health risks to lesbian, gay, and bisexual people, including depression, shame, decreased self-esteem, social withdrawal, substance abuse, risky behavior, and suicidal tendencies. There is virtually no credible evidence that any type of psychotherapy can change a person's sexual orientation, and, in fact, **SOCE** may cause serious and lasting harms. Nearly all the nation's leading mental health associations, including the **American Psychiatric**

Association, the American Psychological Association, the American Counseling Association, the National Association of Social Workers, and the American Academy of Pediatrics, the American Association for Marriage and Family Therapy, and the California Association of Marriage and Family Therapists have studied **SOCE** and issued cautionary position statements on its utilization. Minors who experience family rejection based on their sexual orientations face especially serious health risks. In one study, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence 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 sexual intercourse compared with peers from families that reported no or low levels of family rejection.<sup>1</sup>

**Positive Factors for Oakland**

This bill prohibits a mental health provider from engaging in sexual orientation change efforts with a patient under 18 years of age, regardless of the willingness of a patient, patient's parent, guardian, conservator, or other person to authorize such efforts.

**Negative Factors for Oakland**

**NONE**

**PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

**Critical (top priority for City lobbyist, city position required ASAP)**

**Very Important (priority for City lobbyist, city position necessary)**

**Somewhat Important (City position desirable if time and resources are available)**

**Minimal or**  **None (do not review with City Council, position not required)**

<sup>1</sup> See Caitlyn Ryan et al, "Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults," 123 PEDIATRICS 346 (2009).

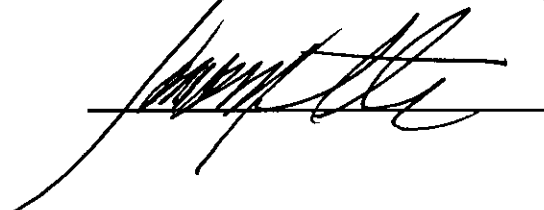
**Known support:**

Courage Campaign (co-source)  
Equality California (co-source)  
Gaylesta (co-source)  
Lambda Legal (co-source)  
Mental Health America of Northern California (co-source)  
National Center for Lesbian Rights (co-source)  
All Out  
American Association for Marriage and Family Therapy, California Division  
American Psychoanalytic Association  
APAIT Health Center  
Asian Law Caucus  
Asians and Pacific Islanders Equality, Los Angeles  
Board of Behavioral Sciences  
California Association of Marriage and Family Therapists, East Bay Chapter  
California Association of Marriage and Family Therapists, Los Angeles Chapter  
California Association of Marriage and Family Therapists, San Francisco Chapter  
California Communities United Institute  
California Council of Community Mental Health Agencies  
California National Organization for Women  
California Psychological Association  
CenterLink: The Community of LGBT Centers  
City of Los Angeles  
City of West Hollywood  
Coil Foundation  
Congress of California Seniors  
DignityUSA  
Lesbian and Gay Psychotherapy Association of Southern California  
Long Beach Lambda Democratic Club  
Los Angeles Gay and Lesbian Center  
Los Angeles Stonewall Young Democrats  
National Association of Social Workers, California Chapter  
Rockway Institute – Center at California School of Professional Psychology, Alliant  
International University  
The Trevor Project  
West Hollywood/Beverly Hills Democratic Club  
Women's Therapy Center

**Known Opposition:**

American College of Pediatricians  
California Catholic Conference, Inc.  
Catholic Medical Association  
Christian Medical and Dental Associations  
Church State Council  
Liberty Counsel Action  
NARTH  
Pacific Justice Institute  
Parents and Friends of Ex-Gays and Gays

Respectfully Submitted,  
Councilmember De La Fuente,

A handwritten signature in black ink, appearing to read 'De La Fuente', is written over a horizontal line.

**DRAFT**  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 AUG 30 9:11 AM '12

**OAKLAND CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**Introduced by Councilmember Ignacio De La Fuente**

**Resolution Supporting Senate Bill 1172 (LIEU) Limiting Sexual Orientation Conversion "Treatment" which would prohibit a psychotherapist from engaging in sexual orientation change efforts with a minor patient, regardless of a parent's willingness or desire to authorize such "treatments."**

**WHEREAS**, Sexual Orientation Change Efforts (SB 1175) would prohibit a mental health provider from engaging in sexual orientation change efforts with a patient under 18 years of age, regardless of the willingness of a patient, patient's parent, guardian, conservator, or other person to authorize such efforts; and

**WHEREAS**, For decades, gay, lesbian, bisexual and transgender people—particularly youth—have suffered psychological abuse by those who are entrusted to care for their emotional and psychological well-being; and

**WHEREAS**, Specifically, this legislation would prohibit a psychotherapist from engaging in sexual orientation change efforts with a minor patient, regardless of a parent's willingness or desire to authorize such "treatments; and

**WHEREAS**, Sexual Orientation Change Efforts poses critical health risks to lesbian, gay, and bisexual people, including depression, shame, decreased self-esteem, social withdrawal, substance abuse, risky behavior, and suicidal tendencies; now, therefore, be it

**RESOLVED:** The City of Oakland declares its support for SB 1175 (Lieu); and be it

**FURTHER RESOLVED:** That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

**PASSED BY THE FOLLOWING VOTE:**

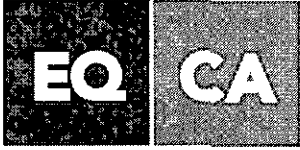
**AYES-** BRUNNER, BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF, and PRESIDENT REID

**NOES-**

**ABSENT-**

**ABSTENTION-**

**ATTEST:** \_\_\_\_\_  
**LATONDA SIMMONS**  
City Clerk and Clerk of the Council  
of the City of Oakland, California



Equality California | eqca.org



## **SB 1172 – RISKS OF SEXUAL ORIENTATION CHANGE EFFORTS**

**Author:** Senator Ted Lieu (D-Torrance)

**Co-Sponsors:** Equality California, Mental Health America of Northern California, National Center for Lesbian Rights

### **IN BRIEF**

This bill would prohibit a psychotherapist from engaging in sexual orientation change efforts (SOCE) without first disclosing the risk of harm and obtaining the patient's informed consent. The bill would also prohibit SOCE with respect to minors.

### **BACKGROUND**

SOCE poses critical health risks to lesbian, gay, and bisexual people, including depression, shame, decreased self-esteem, social withdrawal, substance abuse, risky behavior, and suicidality. There is virtually no credible evidence that any type of psychotherapy can change a person's sexual orientation, and, in fact, SOCE may cause serious and lasting harms. Nearly all the nation's leading mental health associations, including the American Psychiatric Association, the American Psychological Association, the American Counseling Association, the National Association of Social Workers, and the American Academy of Pediatrics, the American Association for Marriage and Family Therapy, and the California Association of Marriage and Family Therapists have studied SOCE and issued cautionary position statements on its utilization. Minors who experience family rejection based on their sexual orientations face especially serious health risks. In one study, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence 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 sexual intercourse compared with peers from families that reported no or low levels of family rejection.<sup>1</sup>

### **EXISTING LAW**

Existing law provides for licensing and regulation of various mental health professionals, including physicians and surgeons, psychologists, psychiatric technicians, marriage and family therapists, educational psychologists, clinical social workers, and licensed professional clinical counselors.

### **WHAT THIS BILL WOULD DO**

SB 1172 would prohibit psychotherapists from performing SOCE in the absence of informed consent, which would be provided on a form that specifies the significant risks and side effects involved and discloses the views of leading medical and mental health associations on these practices. The bill would also prohibit the use of SOCE on minors, regardless of the willingness of a parent or guardian to authorize such efforts.

### **FOR MORE INFORMATION**

Alice Kessler, DiMare, Van Vleck & Brown, LLC for Equality California - (916) 341-0808 or [alice@eqca.org](mailto:alice@eqca.org).

Cliff Costa, Office of Senator Ted Lieu - (916) 651-4028 or [Cliff.Costa@sen.ca.gov](mailto:Cliff.Costa@sen.ca.gov)

<sup>1</sup> See Caitlyn Ryan et al., "Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults," 123 PEDIATRICS 346 (2009).