

ARTICLE I

Conversion Therapy**[Adopted 7-19-2017 by Ord. No. 15382 (Article 320 of the 1962 Codified Ordinances)]****§ 379-1. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except when the context clearly indicates a different meaning:

CONVERSION THERAPY — Any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to reduce or eliminate sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy does not include counseling that:

- A. Provides assistance to a person undergoing gender transition; or
- B. Provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change an individual's sexual orientation or gender identity.

MENTAL HEALTH PROFESSIONAL — An individual who is licensed, certified or otherwise authorized to administer or provide professional mental health care or counseling under the Act of March 23, 1972 (P.L. 136, No. 52), known as the "Professional Psychologists Practice Act"; the Act of July 9, 1976 (P.L. 817, No. 143), known as the "Mental Health Procedures Act"; the Act of December 20, 1985 (P.L. 457, No. 112), known as the "Medical Practice Act of 1985"; or the Act of July 9, 1987 (P.L. 220, No. 39), known as the "Social Workers, Marriage and Family Therapists and Professional Counselors Act."¹

MINOR — A person less than 18 years of age.

§ 379-2. Conversion therapy with minors prohibited.

A person who is licensed by the Commonwealth of Pennsylvania to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 16, 25, 41, 47, 48, or 49 of Title 49 of the Pennsylvania Code, as such chapters may be amended, including, but not limited to, medical practitioners, osteopathic practitioners, psychologists, social workers, marriage and family therapists, and professionals counselors, may not engage in conversion therapy with a minor.

§ 379-3. Violations and penalties.

The penalty for a violation of § 379-2 shall be revocation of the licensee's business license, after notice and hearing.

§ 379-4. Enforcement: investigation of complaints of violation, notice and hearing.

1. Editor's Note: See 63 P.S. § 1201 et seq., 50 P.S. § 7101 et seq., 63 P.S. § 422.1 et seq., and 63 P.S. § 1901 et seq., respectively.

- A. There is hereby established a Complaint Administrator to investigate complaints for the violation of § 379-2 of this article. A licensed mental health professional shall be nominated by the Mayor and confirmed by City Council to serve in this capacity.
- B. Neither the Complaint Administrator nor the Appropriate Mental Health Services Appeals Board, established under § 379-5 of this article, shall have the ability to compel the production of records or any materials that are made confidential by federal or state law or that are protected from disclosure by a lawful privilege, unless a valid waiver of the privilege is made.
- C. The Complaint Administrator and the Appropriate Mental Health Services Appeals Board, established under § 379-5 of this article, shall not divulge confidential or privileged information that is disclosed during the enforcement process under this § 379-4 to anyone outside the enforcement process.
- D. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing conducted by an appeals board. The notice shall be mailed, postage prepaid, to the licensee at the licensee's last-known address at least five days prior to the date set for hearing.

§ 379-5. Appropriate Mental Health Services Appeals Board.

- A. There is hereby established an Appropriate Mental Health Services Appeals Board.
 - (1) The Appropriate Mental Health Services Appeals Board shall consist of five members: a member of City Council, the Health Director or designee, a licensed mental health professional, and two private citizens nominated by the Mayor and confirmed by the City Council.
 - (2) The initial terms of the members of the Board of Appeals are as follows:
 - (a) Licensed mental health professional: four years.
 - (b) Health Director or designee: three years.
 - (c) Private citizen: three years.
 - (d) Member of City Council: two years.
 - (e) Private citizen: two years.
 - (3) After the initial terms have expired, members of the Appeals Board shall be appointed for terms of four years.
 - (4) After all members have been appointed, the Appropriate Mental Health Services Appeals Board shall hold an organizational meeting within 30 days to appoint a Chair and Vice Chair.
 - (5) Thereafter, an organizational meeting shall be held annually.
- B. It shall be the responsibility of the Appropriate Mental Health Services Appeals Board to hold hearings to review all appeals of the revocation of a business license.

- C. Hearings shall occur at monthly public meetings. Monthly meetings may be cancelled if there are no pending appeals as of 10 days prior to the scheduled meeting.
 - (1) All hearings for appeals of determinations of licenses shall occur within 45 days of the date of service of the appeal.
 - (2) Notice of the date, time and place of the hearing shall be served upon the appellant and the Bureau of Health.
- D. The Appropriate Mental Health Services Appeals Board shall issue its decision to either grant or deny the appeal within five business days of the date of the hearing. Notice of the decision shall be served upon the appellant and the Bureau of Health.
- E. Failure to hold an appeal hearing and/or issue a decision within the allotted time shall result in the appeal being granted.
- F. All hearings shall be conducted pursuant to the requirements of the Local Agency Law² (Subchapter B of Chapter 5 and Subchapter B of Chapter 7 of Title 2 of the Pennsylvania Consolidated Statutes).
 - (1) At its first and annual organizational meetings, the Appropriate Mental Health Services Appeals Board shall decide whether to engage stenographic services to record hearings for the ensuing year.
 - (2) An appellant has the right to retain the services of a court reporter or stenographer for the hearing at the appellant's sole cost should such service not be provided by the Appropriate Mental Health Services Appeals Board.
- G. Any appellant whose appeal is denied by the Appropriate Mental Health Services Appeals Board may continue to remain open during a pendency of appeal with the Lehigh County Court of Common Pleas.

2. Editor's Note: See 2 Pa.C.S.A. § 551 et seq.