

Impact of the City of Milwaukee's Conversion Therapy Law

Overview of the Law

Recently, the City of Milwaukee passed an ordinance that prevents anyone from helping families that want to explore all options when their child experiences questions or confusion over their gender identity or sexual orientation. Anyone found guilty of engaging in “any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change ... behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender” is subject to fines of up to \$1,000.

Because of the law's vague terminology, the list of banned activities is extremely broad. It encompasses one-on-one counseling, written materials produced to help those exploring options as to sexual orientation and gender identity, and even conferences and public events where these issues are addressed.

Impact on Families and Counselors

Families must have the freedom to set their own counseling goals and objectives, and Milwaukee has no business interfering with the autonomy of families to make those decisions. In view of the fact that 80-95% of kids who express gender identity confusion will outgrow it¹, responsible parents should be able to question whether their child really has gender dysphoria and to seek out professional counseling as they explore answers to that question. By outlawing therapists from assisting with certain goals, the Milwaukee ordinance effectively deprives parents of their right to help guide their child through these questions.

Suppose a 5-year old boy comes home from school and tells his parents he wants to be a girl. The parents ask why, and the boy says that a friend told him that he could be a girl if he wants. Under the Milwaukee ordinance, parent and child alike would be denied the services of any licensed counselor who would affirm the child's biological sex, despite studies showing that up to 95% of children will outgrow gender confusion. Under the ordinance, affirmation of transgender identity is the only option that parents and children have when they visit a counselor or therapist.

Parents know what is best for their children. If a 6-year daughter doesn't want a needed vaccine, a parent has the right to override what their child wants. But under the ordinance, if that same daughter wants to live as a boy, her parents do not have the right to decide differently and seek help to assist her in embracing her biological sex. Parents who merely question whether their child has gender dysphoria are told that they cannot receive counseling and therapeutic help as they explore whether their child may be one of the vast majority who will embrace their biological sex.

¹ See Cohen-Kettenis PT, Delemarre-van de Waal HA, Gooren LJ. The treatment of adolescent transsexuals: changing insights. *J Sexual Med* 2008;5:1892–1897.

Impact on Pastors, Ministries, and Religious Schools

The Milwaukee law applies far beyond the counseling relationship. It applies to churches, bookstores, and even religious schools. If there is any payment involved, such as an admission fee to a conference or a tuition payment to a school, the ordinance is triggered. As a result, any activity that arguably seeks to change or reduce a person's same-sex attraction or gender identity confusion could subject the individual or institution to liability. These could include activities such as:

- A youth pastor could not encourage attendees at a paid youth conference that they can prevail over same-sex desires or feelings that they were born the wrong sex;
- A bookstore (including online bookstores like Amazon) could not sell many recently published books challenging gender identity ideology and advocating that these beliefs should be rejected if such books are available to minors; and
- A religious school could not invite a speaker to a chapel service who advocates that a person has a choice of whether or not to engage in same-sex behavior or to live consistent with their biological sex.

In these scenarios, a person is engaging in an activity that “seeks to change a person’s sexual orientation or gender identity,” which is all that is necessary to trigger liability under the ordinance.

At its core, the Milwaukee ordinance is about stripping away freedom from families who are seeking help navigating difficult questions. And it threatens the very institutions who seek to help these families.