

Testimony of Pride Center of Vermont in Support of
S.132: An act relating to the prohibition of conversion therapy on minors

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Pride Center of Vermont works across the state with and for lesbian, gay, bisexual, transgender, and HIV affected individuals to create safe and supportive communities through direct services, public policy advocacy, and education. PCVT strongly supports S.132, which proposes to prohibit licensed mental health care providers from practicing conversion therapy on patients younger than 18 years of age. As noted by Gay and Lesbian Advocates & Defenders Executive Director Janson Wu, “The imposition of “conversion therapy,” especially on minors, is a remnant of our nation’s shameful history of oppression of lesbian, gay, bisexual and transgender people. Its premise is that homosexuality is abnormal behavior and a mental disorder that must be changed.” Having witnessed the tragic consequences of LGBT oppression in my twenty years of work in the LGBT movement, I can say with conviction that the scars of rejection, isolation, violence, and bullying run deep within the lives of LGBT people and have a profound affect across the lifespan. Those forms of oppression that are state sanctioned, are that much more harmful. Vermont has an opportunity through passing S.132 to continue its strong support of our state’s LGBT community.

Summary of Points

PCVT submits this testimony to highlight the following points:

(1) The passage of S.132 falls in line with Vermont's long standing of supporting LGBT communities. History has shown time and again that the decisions that Vermonters have made to protect LGBT communities, from early anti discrimination laws to Marriage Equality, have helped to set the standard for other states. In this, we have positioned ourselves as a national leader and as a state that sets trends rather than follows them.

(2) S.132 will protect Vermont's LGBT youth. Conversion therapy, especially for minors, has not only been proven to be scientifically invalid, but also to be harmful to the psychological and physical well-being of those subjected to it.

3) There is a precedent within the courts for upholding the constitutionality of bans on conversion therapy within the state's power to regulate healthcare and legislate for the welfare of children.

1. Passage of S.132 will be in line with Vermont's long standing support of LGBT youth.

Even within Vermont, a state that has proven to be a staunch supporter of the LGBT community, our youth remain vulnerable. According to the Youth Risk Behavioral Survey (2015), of all students, 6% describe themselves as bisexual, 2% describe themselves as gay or lesbian and 4% are not sure. This is a significant number of youth. For those youth who may have trouble accessing LGBT support through a program or organization, the legislature's denouncement of attempts to change the sexuality of these youth through aggressive and homophobic or biphobic conversion therapy is critical.

LGBT youth face a great deal of difficulty negotiating the world around them. In addition to general youth concerns, they face societal implicit bias and outright discrimination, often without initially knowing who in the adult community will help them or who might prove hostile. According to the Human Rights Campaigns *Growing Up LGBT in America Youth Survey* four in ten LGBT youth say the community in which they live is not accepting of LGBT people.¹ More troubling is that 26% of LGBT youth say their biggest problems are not feeling accepted by their family, trouble at school/bullying, and a fear to be out/open.² Related to this, The Centers for Disease Control's *Lesbian, Gay, Bisexual, and Transgender Health: LGBT Youth* noted "a nationally representative study of adolescents in grades 7–12 found that lesbian, gay, and bisexual youth were more than twice as likely to have attempted suicide as their heterosexual peers."³ Further noted was that LGB youth are at greater risk for homelessness than their heterosexual peers.⁴ Clearly, nothing about the sexuality of these youth needs to be changed. Rather, society must afford these youth the necessary support to thrive.

(I) Conversion Therapy has been discredited and identified as a harmful course of action directed against a highly vulnerable population.

As noted by the *Born Perfect Project* of the National Center for Lesbian Rights, "The state has a strong interest in ensuring that licensed health care providers follow professional standards of competence and do not engage in dangerous practices that have no scientific basis and put patients at risk of severe and long-lasting damage."⁵

¹ <http://www.hrc.org/youth/about-the-survey-report/#.VrOlg1Jl2Ls> accessed February 4, 2016. "HRC's report, *Growing Up LGBT in America*, is a groundbreaking survey of more than 10,000 LGBT-identified youth ages 13-17."

² <http://www.hrc.org/youth/about-the-survey-report/#.VrOlg1Jl2Ls> accessed February 4, 2016.

³ Russell ST, Joyner K. Adolescent sexual orientation and suicide risk: Evidence from a national study. *American Journal of Public Health* 2001;91:1276–1281. Cited in <http://www.cdc.gov/lgbthealth/youth.htm>

⁴ Coker TR, Austin SB, Schuster MA. The health and health care of lesbian, gay, and bisexual adolescents. *Annual Review of Public Health* 2010;31:457–477. Cite in <http://www.cdc.gov/lgbthealth/youth.htm>

⁵ <http://www.nclrights.org/our-work/bornperfect/> accessed February 4, 2016.

Similar to older forms of electroconvulsive shock therapies and institutionalizations, the conversion therapies used today are equally devoid of scientific validity. As far back as 2000, the American Psychiatric Association published a statement concluding that: “In the last four decades, ‘reparative’ therapists have not produced any rigorous scientific research to substantiate their claims of cure.”⁶ All the leading medical and mental health associations in the United States have similarly repudiated conversion therapy have released similar statements.

(II) Courts Have Upheld the Authority of States to Regulate the Harmful Practice of Conversion Therapy.

Here I will defer to the expert testimony of Janson Wu, the Executive Director of Gay and Lesbian Advocates & Defenders in his testimony before the New Hampshire General Court Health, Human Services, and Elderly Affairs Committee on February 2, 2016. Mr. Wu stated, “The two federal appeals courts that have addressed this type of legislation have upheld the states, authority to regulate the practice of health care and in particular to ban harmful conversion therapy. In *Pickup v. Brown* and *Welch et al*, the U.S. Court of Appeals for the Ninth Circuit ruled that a California law prohibiting state-licensed therapists from trying to change the sexual orientation or gender expression of a patient under 18 years old be enforced.⁷ Similarly, in *King v. Governor of N.J.*, the U.S. Court of Appeals for the Third Circuit affirmed that New Jersey law prohibiting conversion therapy was constitutional.⁸”

The Vermont legislature clearly has the authority to pass this law to regulate the practice of healthcare.

⁶ <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/> accessed February 4, 2016

⁷ Just the Facts Coalition. Just the Facts about Sexual Orientation and Youth: A Primer for Principals, Educators, and School Personnel, 6-7. Washington, D.C.: American Psychological Association, 2008.

⁸ See *King v. Governor of N.J.*, 767 F. 3d 216 (3d Cir. 2014)

Conclusion

Currently, California, New Jersey, Oregon, Illinois, and the District of Columbia already have laws prohibiting licensed practitioners from offering conversion therapy to minors. Let by State Representative Eric Schleien (R), New Hampshire may be the next state to pass this law. Conversion therapy has been proven to be a risk of harm to minors and its use is not supported by any of the leading medical and mental health professional organizations. Pride Center of Vermont strongly supports S. 132.