

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2025-0003

<b>Sponsored by: Councilmember Schleper</b>  Co-sponsored by: <b>Councilmembers Miller, Conwell, Houser, Casselberry, Turner, Sweeney, Simon &amp; County Executive Ronayne</b>	<b>An Ordinance</b> amending Sections 501.15, 505.03, and 1501.03(A); and enacting Section 1501.08 of the Cuyahoga County Code to prohibit the practice of conversion therapy on minors and vulnerable adults.
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**WHEREAS**, conversion therapy, which aims to change a person's sexual orientation or gender identity, is a practice overwhelmingly condemned by the medical community and is particularly harmful to youth and vulnerable adults; and

**WHEREAS**, the American Academy of Pediatrics, the American Association for Marriage and Family Therapy, the American Counseling Association, and the American Medical Association have all condemned conversion therapy, particularly when practiced on minors; and

**WHEREAS**, practitioners of conversion therapy operate under the erroneous assumption that non-heterosexual, non-cisgender identities are mental disorders, and that sexual orientation and gender identity can and should be changed. This assumption is based on neither medical nor scientific evidence and is rejected by the American Medical Association and numerous other professional healthcare associations; and

**WHEREAS**, practitioners of conversion therapy often employ aversive conditioning, which involves the use of electric shock, deprivation of food and liquid, smelling salts, and chemically induced nausea. Such practices are violations of the ethical codes of the American Psychological Association and the American Psychiatric Association; and

**WHEREAS**, modern Electroconvulsive Therapy (ECT) is a medically approved treatment used under strict professional guidelines to treat severe mental

health conditions such as major depression and bipolar disorder, and is administered in a safe and controlled medical environment; and

**WHEREAS**, the use of ECT for legitimate medical purposes should be distinguished from the harmful and discredited use of electric shock as a method to change an individual's sexual orientation or gender identity; and

**WHEREAS**, according to a 2019 study by UCLA's Williams Institute, LGBTQIA+ youth who have undergone conversion therapy were nearly twice as likely to consider and attempt suicide than those who hadn't experienced conversion methods; and

**WHEREAS**, Cuyahoga County is proud to celebrate its diversity and is committed to supporting the LGBTQIA+ community; and

**WHEREAS**, the County has a compelling interest in protecting the physical and psychological wellbeing of minors and vulnerable adults, including LGBTQIA+ individuals, and in protecting its residents against exposure to the serious harms caused by conversion therapy.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Section 501.15 of the Cuyahoga County Code is hereby amended to read as follows (additions are underlined, deletions are stricken):

Section 501.15 Requirements of Contractors

A. On federally or state funded projects, which require the County to comply with specific federal and/or state criteria or forms for certifications by the successful contractor(s), the County shall comply with the federal and/or state requirements to avoid the loss of federal or state funds, including the use of the federal and/or state certification forms in lieu of the County's mandated certification forms. Where possible on federally or state funded projects and on all other projects, at the time of execution of the contract, the successful contractor shall:

1. for public improvements contracts, the contractor shall be in compliance with Ohio's Drug-Free Workplace requirements as provided in Ohio Revised Code Section 153.03. All contractors shall maintain a written substance abuse policy to which its personnel are subject on the contract (the successful contractor shall provide this policy upon request);

2. for public improvement contracts, the contractor shall not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;

3. the contractor shall be in compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;

4. for public improvement contracts, the contractor shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;

5. for public improvement contracts, the contractor shall not have been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three times in the last ten years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;

6. the contractor shall not have been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, have an Adverse Determination of Wage Theft or Payroll Fraud as defined in Section 505.03(B)(4) of this Code, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past seven years, or during the contractor's entire time of doing business, if less than seven years;

**7. for contracts to provide care or service to minors in the custody of Cuyahoga County, the contractor shall not knowingly engage in or facilitate conversion therapy as defined in Section 1501.08 of the County Code;**

~~7.8.~~ the contractor shall not have violated any unemployment or workers compensation law during the past five years, or during the contractor's entire time of doing business, if less than five years;

~~8.9.~~ the contractor at the time of contract award, shall not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;

~~9-10.~~ the contractor shall utilize, for work performed under the contract supervisory personnel that have three or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;

~~10-11.~~ the contractor shall be properly licensed to perform all work as follows

- a. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor;
- b. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall; and
- c. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;

~~11-12.~~ the contractor shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than 25% of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65;

~~12-13.~~ the contractor shall provide access as needed and allow the Agency of the Inspector General to perform the functions provided for in Section 501.21 of the County Code; and

~~13-14.~~ the contractor shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 501.15(A), except for Subsections 7 and 9, of the County Code.

B. If any material breach of contractual obligations or the certifications provided for in this Section occurs during the contract performance by the contractor, the County may exercise any or all contractual remedies, including, but not limited to, contract termination for cause or convenience.

**SECTION 2.** Section 505.03 of the Cuyahoga County Code is hereby amended to read as follows (additions are underlined, deletions are stricken):

A. Five-Year Debarment. The Cuyahoga County Inspector General may debar, for a period of five years, a contractor for a conviction of or a civil judgment within

the preceding five years anywhere in the United States, its territories, or outlying areas, for any of the following:

1. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;
2. Violation of any federal, state, or local ethics laws, regulations, or policies;
3. Violation of any federal or state antitrust statutes, regulations, or policies;
4. Violation of any federal, state, or local laws, regulations, or policies relating to the submission of bids, proposals, statements of qualifications, or any other type of offers;
5. Collusion to restrain competition by any means;
6. Embezzlement;
7. Theft;
8. Forgery;
9. Bribery;
10. Falsification;
11. Destruction of records;
12. Making false statements;
13. Tax evasion;
14. Criminal violation of any federal, state, or local tax laws;
15. Violation of any federal, state, or local laws intended to protect against abusive debt collection practices, such as the federal Fair Debt Collection Practices Act;
16. Receiving stolen property;

17. Intentionally affixing a label indicating that a product was made in a jurisdiction when the product was not made in that jurisdiction;

18. Any other cause listed in Section 505.03(B) or Section 505.03(C) of this Chapter; or

19. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor.

B. Three-Year Debarment. The Cuyahoga County Inspector General may debar, for a period three years, a contractor, based upon a reasonable belief, for any of the following within the preceding three years:

1. Violation of the terms of a public contract or subcontract in a serious manner, such as:

- a. Willful or reckless failure to perform in accordance with the terms of one or more contracts; or
- b. A history of failure to perform, or of unsatisfactory performance of, one or more contracts;

2. Violation of the terms, conditions, or requirements of a Small Business Enterprise program, a Disadvantaged Business program, a Minority and Female Business Enterprise program, or any other similar program, including, but not limited to, acting as a front company by purporting to be a Small Business Enterprise, a Disadvantaged Business, a Minority or Female Business, a Veteran owned business, or any other such type of business when not in fact;

3. Violation of prevailing wage laws;

4. An Adverse Determination of Wage Theft or Payroll Fraud. For the purposes of this paragraph:

- a. “Adverse Determination” means a final adjudication, not subject to appeal, by a court of competent jurisdiction, a final action by a state or federal governmental agency, or a final adjudication by an arbitrator or arbitral body of competent jurisdiction, including, but not limited to, an administrative merit determination, arbitration award or decision, civil judgment, or criminal conviction, that a Contractor or Subcontractor committed Wage Theft or Payroll Fraud. If the person or entity appeals or contests the final adjudication, final action, or final determination,

the Adverse Determination becomes effective whenever that initial adjudication, action, or determination, in whole or in part, is affirmed on appeal or after the contest, or the appeal or contest is denied.

b. "Payroll Fraud" means concealing an entity's true payroll tax liability or other financial liability to a government agency from government licensing, regulatory or taxing agencies through misclassification of employees, failure to report or underreported payment of wages, or executing a cash transaction while failing to maintain proper records of reporting and withholding.

c. "Wage Theft" means a violation of R.C. § 4113.15, R.C. § 4111, Oh. Const. Art II, Sec. 34a; R.C. Chapters 4109 or 4115; R.C. §§ 4113.17, 4113.18, 4113.52, or 4113.61; or a violation of any substantially equivalent federal or state law, as any of these laws may be amended or superseded.

5. Submission of false information in connection with any bids, proposals, statements of qualifications, or any other offers to the County or any other public or private entity;

6. Abuse of the selection process by repeatedly withdrawing bids or proposals before purchase orders or contracts are issued or failing to accept orders based upon firm bids;

7. Attempting to influence a public employee to breach ethical conduct standards or to influence contract award;

**8. Engaging in conversion therapy in violation of Sections 1501.08 or 501.15 of the County Code;**

~~8.~~**9.** Commission of an unfair trade practice under any federal, state, or local laws;

~~9.~~**10.** Failure to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract or failing to respond to complaints;

~~10.~~**11.** Failure to cooperate with a Cuyahoga County or any other public investigation or audit;

~~11.~~**12.** Filing a lawsuit against Cuyahoga County that a court finds to be frivolous or filed in bad faith;

~~12-~~13. Provided that the tax or court-cost liability is determined to finality and the contractor is delinquent in making payment, delinquent taxes or court costs as follows:

- a. Delinquent federal or state taxes in an amount that exceeds \$3,000;  
or
- b. Any delinquent Cuyahoga County taxes or court costs in any amount;

~~13-~~14. Any other cause listed in Section 505.03(A) of this Chapter without regard to whether there is a conviction or civil judgment against the contractor for such cause;

~~14-~~15. Violation of any other responsible business practice; or

~~15-~~16. Any other cause determined by the Inspector General to be sufficiently serious and compelling so as to represent lack of good faith or responsibility by the contractor.

C. 18- Month Debarment. The Cuyahoga County Inspector General may debar, for a period of 18 months, a contractor, based upon a reasonable belief, for any of the following within the preceding 18 months:

- 1. Breach or violation of any contract or agreement with the County; or
- 2. Commission of an act of moral turpitude in its business practices not provided for in Section 505.03, subsections A and B herein.

D. Single Debarment Per Incident. The Inspector General may not debar a contractor under this Chapter more than once for the same incident. However, if a contractor is debarred under Section 505.03(B) or Section 505.03(C) and the contractor is later convicted or subjected to a civil judgment for the same incident for which the contractor was debarred, the Inspector General may automatically extend the duration of the debarment to five years. If the Inspector General extends the duration of any debarment under this provision, the contractor may appeal the extension to the Debarment Review Board and from there to the Cuyahoga County Court of Common Pleas under Ohio Revised Code Chapter 2506 in the same manner as it has the right to appeal the initial debarment under Section 505.06 of this Chapter.

E. Term of Debarment if Extenuating Circumstances Exist.



1. If the Inspector General is satisfied that extenuating circumstances warrant a reduction in the duration of a debarment, the Inspector General may reduce the duration of a debarment as follows:

- a. The Inspector General may reduce the duration of a five-year debarment under Section 505.03(A) to a three-year debarment;
- b. The Inspector General may reduce the duration of a three-year debarment under Section 505.03(B) to an 18-month debarment; or
- c. The Inspector General may reduce the duration of an 18-month debarment under Section 505.03(C) to a one-year debarment.

2. If the Inspector General reduces the duration of a debarment as provided herein, the Inspector General must expressly identify the extenuating circumstances in the Notice of Debarment.

**SECTION 3.** Section 1501.03(A) of the Cuyahoga County Code is hereby amended to read as follows (additions are underlined, deletions stricken):

Section 1501.03: Complaint and Enforcement Procedure

A. Complaints.

1. Whenever it is alleged in writing and under oath, by a person, referred to as the "Complainant", that any person, employer, employment agency, and/or labor organization referred to as the "Respondent", has engaged or is engaging in any unlawful discriminatory practice or act as defined in Section 1501.02 of this Title or is engaging in or has engaged in conversion therapy as defined in Section 1501.08 of this Title, the Commission or its authorized designee must determine immediately, no later than five (5) business days of receipt of the Complaint, whether a Complaint of discrimination alleges a violation based on race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression.

2. If the Complaint alleges a violation based on race, color, religion, military status, national origin, disability, age, ancestry, or sex, or familial status, the Complainant shall immediately be instructed to file a charge of discrimination, if he or she chooses, with the Ohio Civil Rights Commission (OCRC) and either the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (FHEO) or the Equal Employment Opportunity Commission (EEOC):

a. The Commission shall provide the Complainant with information about this requirement and the contact information for the OCRC, FHEO, and EEOC.

b. The Complainant shall be notified no later than five (5) business days via Certified Mail of the Commission's decision declining jurisdiction to investigate and hear the Complaint.

3. Complaints of discrimination alleging a violation of this Title based on sexual orientation or gender identity or expression, along with an allegation of race, color, religion, military status, national origin, disability, age, ancestry, familial status, or sex discrimination (a "hybrid complaint") may be subject to deferral to the OCRC/FHEO/EEOC as set forth in this section.

a. The Commission shall notify a Complainant of the potential additional rights and remedies available by filing a hybrid charge with OCRC/FHEO/EEOC, and that by failing to file with state and federal authorities the Complainant may forego their right to do so in the future. Such notification shall be in writing and by Certified Mail within five (5) business days via Certified mail of the Commission's decision to refer the Complaint to OCRC/FHEO/EEOC.

b. In the event a Complainant declines, in writing, to file a charge with OCRC/FHEO/EEOC, the Commission may adjudicate the complaint in accordance with this Chapter. In the event a Complainant elects to file a charge with OCRC/FHEO/EEOC, the Commission shall not hear the hybrid complaint while the matter remains pending at the state or federal level unless and until such complaint, in its entirety, reaches a final disposition; provided, however, nothing in this paragraph prohibits a Complainant from filing a separate complaint as provided in paragraph (A)(4) of this Section.

4. Complaints of discrimination alleging a violation of this Title based exclusively on sexual orientation and/or gender identity or expression, or because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions, breastfeeding or pumping, or other sexual or reproductive health decisions, **or complaints alleging a Respondent is engaging in or has engaged in conversion therapy as defined in Section 1501.08 of this Chapter** shall be adjudicated by the Commission in accordance with this Chapter without deferral of the complaint to OCRC/FHEO/EEOC unless and until state or federal law is revised to grant OCRC/FHEO/EEOC jurisdiction to adjudicate allegations of discrimination on the basis of sexual orientation

and/or gender identity or expression at which time such complaints may be subject to deferral. If the OCRC/FHEO/EEOC dismisses a charge of discrimination timely filed under this Title based on sexual orientation, gender identity or expression, or any other protected category specified in this Title for lack of jurisdiction, the Complainant may, within thirty (30) days of such dismissal, request the charge to proceed under this Title. Upon the request, the Commission shall handle the case in accordance with this Title.

**SECTION 4.** Section 1501.08 of the Cuyahoga County Code is hereby enacted to read as follows:

**Section 1501.08 Prohibition on Conversion Therapy on Minors and Vulnerable Adults**

**A. Definitions**

As used in this Section of the Cuyahoga County Code:

1. “Conversion therapy” means any practice or procedure that seeks to change a person'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 a person of the same gender or non-binary person. Conversion therapy includes, but is not limited to, practices commonly referred to as 'reparative therapy.'
2. “Electroconvulsive Therapy (ECT)” means a medically approved procedure used under strict professional guidelines to treat severe mental health conditions, such as major depression and bipolar disorder, through the application of small electric currents to the brain to induce a therapeutic seizure. ECT is not considered a form of conversion therapy and is permitted when administered by licensed healthcare professionals for the treatment of recognized psychiatric or neurological conditions.
3. “Healthcare professional” means an individual who is licensed, certified or registered to provide, to an individual or a group, mental health services, including, but not limited to, the assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. Healthcare professionals include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed social workers, professional clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.

4. “Minor” means a person less than eighteen years of age.

5. “Vulnerable adult” means an adult who is unable to protect themselves from abuse, neglect, or exploitation due to a mental, emotional, physical, or developmental disability or condition, or due to age.

#### B. Prohibition of Conversion Therapy on Minors and Vulnerable Adults

It shall be unlawful for any healthcare professional to knowingly engage in conversion therapy with a minor or a vulnerable adult, regardless of compensation or remuneration for the healthcare professional's services.

C. Nothing contained in this Section shall be construed to prohibit a healthcare professional from engaging in any of the following:

1. Assisting an individual who seeks to transition, is in the process of transitioning, or has transitioned from one gender to another;
2. Providing an individual with acceptance, support, and understanding or facilitating an individual's coping, social support, or identity exploration and development, as long as such practices do not seek to change sexual orientation or gender identity;
3. Providing an individual with sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such practices do not seek to change sexual orientation or gender identity.
4. Administering Electroconvulsive Therapy (ECT) or other medically recognized treatments under licensed healthcare supervision for the treatment of psychiatric or neurological conditions, provided that these treatments are not used for the purpose of conversion therapy.

#### D. Violation and Remedy

The Commission shall accept and hear complaints alleging that a person or entity has violated this Section in accordance with procedures established in this Chapter. If upon all evidence presented, the Commission determines that a Respondent has engaged in unlawful conversion therapy practices within three years prior to the complaint in violation of this Section, the Commission shall provide a notice and order as provided in Section 1501.05(A) and may assess civil penalties, and and/or any other remedies authorized by Section 1501.05 of this Code.

In addition to any penalty imposed, upon finding of a violation, the relevant licensing board, commission, or entity tasked with review of professional conduct shall be notified of the violation by the Commission or the Director of Health and Human Services.

**SECTION 5.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Schleper, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Jones, Turner, Houser, Simon, Kelly, Sweeney, Casselberry, Gallagher, Schleper and Miller

Nays: None

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County Council President

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Date

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County Executive

\_\_\_\_\_  
Date

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Clerk of Council

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Date

First Reading/Referred to Committee: July 8, 2025

Committee(s) Assigned: Health, Human Services & Aging

Additional Sponsorship Requested in Committee: July 30, 2025

Additional Sponsorship Requested on the Floor: August 5, 2025

Additional Sponsorship Requested on the Floor: September 9, 2025

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