

**Testimony of Amit S. Bagga, Deputy Commissioner, External Affairs
from the
New York City Department of Consumer Affairs
Before the
New York City Council Committee on Civil Rights
Hearing on
Pre-considered Introduction T2017-6329:
A Local Law to Amend the Administrative Code of the City of New York, in Relation to
Prohibiting Conversion Therapy**

Introduction

Good afternoon, Speaker Mark-Viverito, Council Member Dromm, and members of the Committee on Civil Rights. I am Amit S. Bagga, Deputy Commissioner for External Affairs at the New York City Department of Consumer Affairs (DCA). It is a great honor and privilege to appear before this body once again on behalf of the agency, Commissioner Lorelei Salas, and Mayor de Blasio.

The topic of today's hearing is of great concern to me personally; and indeed, the Administration as a whole, which as my colleagues from the Human Rights Commission have noted, has worked hard to ensure that LGBTQ New Yorkers have access to stronger and more enhanced protections than ever before.

We strongly agree with the Speaker and with the Committee that conversion therapy, which is engaged in an attempt to repress or "change" the sexual orientations or gender identities of LGBTQ New Yorkers like me, is an objectionable practice that we believe has no place in our great city.

We commend the Council, and especially you, Council Member Dromm, for your attention to this serious issue, as well as for your tremendous leadership on so many other LGBTQ issues. Your work to increase access to protections, support, and resources has benefitted so many LGBTQ New Yorkers, especially our youth. Given how challenging it can still be, despite our many collective advances, to go through the coming out process, your leadership on these issues has ensured that young New Yorkers coming to terms with their identities are able to grow and thrive.

Conversion Therapy

Turning directly to the topic of today's hearing, I'd like to take a moment to offer the Council context for my testimony. I sit here before you as an out, gay, Indian-American who has had the tremendous benefit of great support from friends, colleagues, and most importantly, my family. While the coming out process is not easy for anyone, I am deeply grateful, especially to my family, which comes from a cultural background not known for its embrace of LGBTQ

individuals, for accepting my identity and never cajoling, convincing, or coercing me to “alter” it.

Unfortunately, this type of acceptance still remains elusive for many LGBTQ individuals. In communities where discomfort or fear of what it means to be LGBTQ are pervasive, individuals not only suffer, but can also face large amounts of pressure to conceal or change their professed sexual orientations or gender identities. Such pressure can come from families, from friends, colleagues, teachers, and even from within. This can lead to individuals experiencing trauma or crisis to be forced into, or even seek, conversion therapy, which, as my colleagues from the Health Department have testified, is not considered by the Administration to be a *bona fide* medical or mental health service.

We know that conversion therapy has had the capacity to ruin lives, tear families apart, and further entrench values of fear and exclusion that we do not believe represent the spirit of New York City and its people. As such, we are proud to stand with you in firm opposition to conversion therapy and we proclaim our deep commitment to working closely with you on a potential legislative approach that helps address the practice of such therapy in New York City.

Pre-considered Intro. T-2017-6329

With respect to the bill before us today, the overall goal of which we strongly support, it behooves us to state that the Law Department has identified, and is continuing to explore, a variety of legal questions pertaining to the bill, and DCA has identified certain concerns with respect to its implementation, as well.

As you know, the Law Department reviews legislation to ensure that it passes legal muster. It is our understanding that this review includes the consideration of a number of legal questions.

Once the Law Department has completed its review of this bill, we would be eager to return to the Council with their analysis and work to collectively identify a path forward on addressing the practice of conversion therapy in New York City.

With respect to DCA’s implementation concerns, the current language of the bill would require DCA to make a determination about whether or not the practice has actually *occurred*, as opposed to whether or not it has been *advertised* or *offered for sale*. Given that we are not an agency involved in medical or mental health services, this is unfortunately not a determination we would or could ever be able to make. As we, too, share the Council’s deep opposition to conversion therapy, we are committed to working with the Council to explore alternative enforcement approaches.

Thank you for the opportunity to testify today; my colleagues and I will be happy to answer any questions you might have.