

THE CITY OF SPRUCE GROVE

BYLAW C-1103-19

CONVERSION THERAPY PROHIBITION

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, as amended, a Council of a municipality may pass bylaws for municipal purposes with respect to the safety, health and welfare of people and businesses, business activities and persons engaged in business, and the protection of people and property and to create offences and impose fines and penalties; and

AND WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, as amended, a Council of a municipality is permitted to regulate or prohibit particular activities; and

AND WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, as amended, the development and maintenance of safe and viable communities is one of the purposes of a municipality;

AND WHEREAS, the City of Spruce Grove wishes to prohibit ~~the practice of Conversion Therapy;~~ Conversion Therapy Businesses in the City and to prohibit practicing or offering or Advertising Conversion Therapy on Minors.

~~AND WHEREAS, Council does not support, and condemns, the forced use of Conversion Therapy to attempt to change a Person's sexual orientation, gender identity or gender expression;~~

~~AND WHEREAS, Council believes that Conversion Therapy, when performed without Valid Consent, has an effect on safety, health, and welfare of the recipient, and also the safety and viability of the community as a whole;~~

~~AND WHEREAS, Council believes that Minors are particularly vulnerable to, pressure from Persons in positions of authority to the need for Conversion Therapy;~~

~~AND WHEREAS, Council believes that advertising of Conversion Therapy services disproportionately targets Persons who seek to use Conversion Therapy on Minors;~~

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

2. DEFINITIONS

~~2.1 “Capacity” means a Person who is able to understand the nature and anticipated effect of proposed Conversion Therapy. For the purpose of this bylaw Minors and individuals with cognitive disabilities are not considered to have Capacity to consent, and another individual cannot consent on the Person’s behalf.~~

~~2.1 “Advertise” means to promote by any means or through any medium of communication the availability of a good or service or other thing.~~

~~2.2 “Business” means:~~

- ~~(a) a commercial, merchandising, or industrial activity or undertaking;~~
- ~~(b) a profession, trade, occupation, calling or employment; or~~
- ~~(c) an activity providing goods or services,~~

~~whether or not for profit and however organized or formed, including a co-operative or association of Persons.~~

~~2.3 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta.~~

~~2.4 “Conversion Therapy” means offering or provision of counselling or behaviour modification techniques, administration or prescription of medication, or any purported treatment, service, or tactic used for the objective of changing a Person’s sexual orientation, gender identity, or gender expression, or reducing or eliminating sexual attraction or sexual behaviour between Persons of the same sex, not including:~~

~~a) services that provide acceptance, support, or understanding of a Person or that facilitate a person’s coping, social support, or identity exploration or development, or~~

~~b) gender-affirming surgery and related services. —~~

~~“Conversion Therapy” means any practice, treatment, or service designed to change or convert an individual’s sexual orientation, gender identity or gender expression. This does not include treatment by a Medical Professional that:~~

~~explores aspects of an individual’s sexual orientation, gender identity and gender expression; or~~

~~supports age or developmental-level appropriate use of gender transition to align an individual’s biological and anatomical features with the individual’s gender identity.~~

~~2.4 “Council” means the Mayor and Councillors of the City duly elected pursuant to the provisions of the *Local Authorities Election Act*, RSA 2000 cL-21, as amended.~~

~~2.5 “Medical Professional” means a regulated member, as defined in the *Health Professions Act*, RSA 2000 cH-7, as amended who has completed a course of study and is registered to practice in the Province of Alberta by one or more of the following bodies:~~

~~College of Physicians and Surgeons of Alberta; or~~

~~College of Alberta Psychologists.~~

2.5 “Minor” means a Person under the age of 18.

2.6 “Peace Officer” means a member of the Royal Canadian Mounted Police, or a Peace Officer appointed under the *Peace Officer Act*, RSA 2006 cP-3.5, as amended.

2.7 “Person” means any individual, corporation, society, association, partnership, firm or other legal entity.

~~2.8 “Valid Consent” means a Person participates Voluntarily and has the Capacity to consent.~~

~~2.9 “Violation Ticket” means a ticket issued in accordance with the *Provincial Offences Procedures Act*, RSA 2000 cP-34, as amended.~~

~~2.10 “Voluntarily” means a Person is free to consent or refuse treatment, and is free of any duress or coercion.~~

3. PROHIBITIONS

~~3.1 No Person may engage in or operate a Conversion Therapy Business.~~

~~3.2 No Person may Advertise or cause to be Advertised Conversion Therapy for Minors that is either performed in the City or arranged or facilitated by a Person who resides in the City or operates a Business in the City.~~

34. OFFENCES

~~3.1 It is an offence for any Person to perform Conversion Therapy on a Minor or any other Person without Valid Consent.~~

- ~~3.2 It is an offence for any Person to advertise the provision of Conversion Therapy services.~~
- ~~3.3 It is an offense for any Person to interfere with or obstruct a Peace Officer in the execution of the Peace Officer's duties.~~
- ~~3.4 It is an offense for any Person to provide false information to a Peace Officer.~~
- ~~3.5 If an offence is of a continuing nature, each day or incident that a Person fails to comply with the requirements of this bylaw constitutes a new offence.~~
- 4.1 A Person who contravenes a provision of this bylaw is guilty of an offence.
- 4.2 When a corporation is guilty of an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act of omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 4.3 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act of omission that constitutes the offence or assented to or acquiesced or participated in act or omission that constitutes the offence is guilty of the offence.
- 4.4 In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such separate offence.

45. ENFORCEMENT

- 5.1 Nothing in this bylaw prevents a Peace Officer from taking any enforcement measure available in another bylaw or enactment, in addition to issuing a Violation Ticket for an offence under this bylaw.
- 5.2 A Peace Officer may issue a Violation Ticket to any Person they believe, on reasonable and probable grounds, has committed an offence under this bylaw.
- 5.3 A Violation Ticket issued for an offence under this bylaw shall be in accordance with the *Provincial Offence Procedures Act*, RSA 2000 cP-34, as amended.

6. PENALTIES

6.1 Any Person guilty of an offence under this bylaw is liable on a summary conviction to fine not exceeding \$10,000, ~~or imprisonment for not more than one year, or both.~~

7. SEVERABILITY

7.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

8. EFFECTIVE DATE

8.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried January 27, 2020.

Second Reading Carried _____, 20____.

Third Reading Carried _____, 20____.

Date Signed _____, 20 ____.

Mayor

City Clerk