CITY OF ST. ALBERT

BYLAW 44/2019

CONVERSION THERAPY PROHIBITION BYLAW

A Bylaw to Prohibit Conversion Therapy

WHEREAS one of the purposes of municipalities as specified in the *Municipal Government Act* is to develop and maintain safe and viable communities;

AND WHEREAS the *Municipal Government Act* empowers a municipal council to pass bylaws for municipal purposes in relation to the safety, health, and welfare of people and businesses, business activities, and persons engaged in business and to pass bylaws to regulate or prohibit particular activities;

AND WHEREAS the City of St. Albert is a welcoming and diverse community where conversion therapy has no place;

AND WHEREAS, the City of St. Albert wishes to prohibit conversion therapy businesses in the City and to prohibit practicing or offering or advertising conversion therapy on Minors;

NOW THEREFORE, the municipal council of the City of St. Albert ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be referred to as the “Conversion Therapy Prohibition Bylaw”.

DEFINITIONS

2. In this Bylaw:

   a. “Act” means the *Municipal Government Act,* R.S.A., 2000, c.M-26 and amendments thereto;

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

   c. “Business” means:

      i. a commercial, merchandising, or industrial activity or undertaking;
      ii. a profession, trade, occupation, calling, or employment; or
      iii. an activity providing goods or services

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

d. "Bylaw" means this Conversion Therapy Prohibition Bylaw;

e. "City" means the municipal corporation of the City of St. Albert;

f. "Conversion Therapy" means offering or providing counselling or behaviour modification techniques, administration or prescription of medication, or any other purported treatment, service, or other thing for the purpose of changing an individual's sexual orientation, gender identity, gender expression, or gender preference, or for the purpose of eliminating or reducing sexual attraction or sexual behaviour between individuals of the same sex, but does not include:

    i. services that provide acceptance, support, or understanding of an individual or that facilitate an individual's coping, social support, or identity exploration or development; or

    ii. gender-affirming surgery or any support or other service related to gender-affirming surgery;

g. "Minor" means a natural person under the age of 18 years;

h. "Peace Officer" means a peace officer as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;

i. "Person" includes a natural person, sole proprietorship, corporation, partnership, joint venture, co-operative, or society; and

j. "Violation Ticket" means a violation ticket issued in accordance with *the Provincial Offences Procedure Act* RSA 2000, c P-34, as amended.

PROHIBITIONS

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

4. No Person may perform or offer to perform Conversion Therapy on a Minor.

5. 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.

ENFORCEMENT

Offence

6. A Person who contravenes a provision of this Bylaw is guilty of an offence.

7. 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 or omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted for the offence.

8. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Continuing Offence

9. 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.

Fines and Penalties

10. A Person who is guilty of an offence under this Bylaw is liable to a fine of an amount not less than $10,000.00 or to imprisonment for not more than one year, or both.

Violation Ticket

11. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket requiring an appearance in court without the option of making a voluntary payment.

GENERAL

12. Should any provision of this Bylaw be held to be invalid, that provision is deemed to be severed and the remainder of this Bylaw is deemed to be in full force and effect.

13. Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial, or municipal law or regulation or any other requirement of any lawful permit, order, or license.

EFFECTIVE DATE

14. This Bylaw comes into effect when it is passed.

READ a First time this ___ day of _____ 20___.

READ a Second time this ___ day of _____ 20___.

READ a Third time this ___ day of _____ 20___.

SIGNED AND PASSED this ____ day of _____ 20___.

_____
MAYOR

_____
CHIEF LEGISLATIVE OFFICER