

BYLAW 28-2019
CONVERSION THERAPY PROHIBITION BYLAW

Section 7 of the Municipal Government Act, permits Council to pass bylaws for municipal purposes in relation to the safety, health and welfare of people and the protection of people and property, and to create offences and impose fines and penalties; and

Section 8 of the Municipal Government Act, permits Council to regulate or prohibit particular activities; and

Section 3(c) of the Municipal Government Act states that the development and maintenance of safe and viable communities is one of the purposes of a municipality; and

Council does not support, and condemns, the forced use of conversion therapy to attempt change a person's sexual orientation, gender identity, gender preference, or gender expression; and

Council believes that conversion therapy, when performed on unwilling recipients, has an effect on the safety, health, and welfare of the recipient, and also on the safety and viability of the community as a whole; and

Council believes that minors are particularly vulnerable to, and disproportionately targeted by, pressure from persons in positions of authority to the need for conversion therapy; and

Council believes that the advertising of conversion therapy services disproportionately targets persons who seek to use conversion therapy on minors.

Therefore Council enacts:

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

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| Purpose | 1 The purpose of this bylaw is to: <ul style="list-style-type: none">(a) prohibit the practice of conversion therapy on minors;(b) to protect all persons from unwanted conversion therapy; and(c) to prohibit advertising of conversion therapy services. |
| Citation | 2 This bylaw is cited as the Conversion Therapy Prohibition Bylaw. |
| Definitions | 3 In this bylaw: <ul style="list-style-type: none">(a) "bylaw enforcement officer" means an individual appointed or authorized by the Chief Commissioner to enforce County bylaws, and includes a peace officer;(b) "Chief Commissioner" means the chief administrative officer of the County, or delegate;(c) "conversion therapy" means an attempt to change or convert an individual's sexual orientation, gender identity, gender preference, or gender expression by any one or more of the following means:<ul style="list-style-type: none">i. physical treatments, including chemical, hormonal treatment or drug treatments; |

- ii. counselling, behaviour modification, aversion therapy, or other psychosocial interventions;
- iii. use of shaming, emotionally coercive or traumatic stimuli;

but does not include clinical assessment and treatment by a medical professional that: explores all aspects of an individual's sexual orientation, gender identity, gender preference, or gender expression; or that explores an age- or developmental-level-appropriate use of gender transition to align an individual's anatomical features with the individual's gender identity;

- (d) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the *Municipal Government Act*, RSA 2000, c M-26 and Order in Council 761/95;
- (e) "medical professional" means a regulated member, as defined in the *Health Professions Act*, RSA 2000, c H-7, who has completed a course of study and is certified to practice by one or more of the following bodies:
 - i. College of Physicians and Surgeons of Alberta;
 - ii. College of Alberta Psychologists;
- (f) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c M-26;
- (g) "peace officer" means an individual appointed by the province of Alberta under the authority of the *Peace Officer Act*, SA 2006, c P-3.5, as a peace officer, and with the authority to enforce this bylaw;
- (h) "person" means an individual or an incorporated entity;
- (i) "property owner" means a person registered under the *Land Titles Act*, RSA 2000, c L-4, as the owner in fee simple, a lessee, or any person who exercises the power and authority of ownership of a property;
- (j) "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act*, RSA 2000, c P-34;
- (k) "substitute decision-maker" means a person who is authorized by law to make decisions, including medical and treatment decisions, on another person's behalf, and includes a guardian under the *Adult Guardianship and Trusteeship Act*, SA 2008, c A-4.2;
- (l) "violation ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34;

Interpretation

- 4 The following rules apply to interpretation of this bylaw:
- (a) The word “including” means “including, but not limited to”;
 - (b) Headings, titles, and preambles in this bylaw are for ease of reference only;
 - (c) Gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
 - (d) Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable;
 - (e) References to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder; and
 - (f) All offences under this bylaw are strict liability offences.

Application

- 5 Nothing in this bylaw relieves a person from the obligation to comply with a provision of any other bylaw or enactment, or the requirements of a permit, order, or license issued under another bylaw or enactment.

PART II – OFFENCES

- 6 It is an offence for any person to perform conversion therapy on a person under the age of 18 years.
- 7 (1) It is an offence for any person to perform conversion therapy on any other person without that other person’s consent.
- (2) For the purposes of this section, a substitute decision-maker cannot consent to conversion therapy on another person’s behalf.
- 8 It is an offence for any person to advertise the provision of conversion therapy services.

PART III – ENFORCEMENT

Continuing Offences

- 9 If an offence is of a continuing nature, each day or part thereof that a person fails to comply with the requirements of this bylaw constitutes a new offence.

Obstruction

- 10 Any person who interferes with or obstructs a bylaw enforcement officer in the execution of the bylaw enforcement officer’s duties under this bylaw is guilty of an offence.

False Information

11 Any person who provides false information to a bylaw enforcement officer is guilty of an offence.

Enforcement Measures

12 Nothing in this bylaw precludes a bylaw enforcement officer from taking any enforcement measure available in another bylaw or enactment, in addition to issuing a violation ticket for an offence.

13 A bylaw enforcement officer is a designated officer of the municipality with the power to conduct inspections, take enforcement action, and order any person to remedy a contravention pursuant to the Municipal Government Act, or as provided for and in accordance with any other enactment or bylaw.

Violation Ticket

14 A peace officer is authorized to issue a violation ticket, to any person the peace officer believes on reasonable and probable grounds has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences Procedure Act.

15 If a violation ticket is issued it must be in the prescribed form and must:

(a) state the specified penalty for the offence as set out in Schedule "A" of this bylaw; or

(b) require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

Penalties

16 Any person guilty of an offence under this bylaw is liable on summary conviction to a penalty in an amount not less than the amount specified in Schedule "A" of this bylaw, or if not prescribed in Schedule "A", not more than \$10,000, and any other penalties as may be prescribed in default of payment in relation to proceedings taken under Part 2 or Part 3 of the Provincial Offences Procedure Act.

READINGS

FIRST READING September 24, 2019

SECOND READING September 24, 2019

THIRD READING September 24, 2019

SIGNED

MAYOR _____

DIRECTOR, LLS _____

_____ Date

**SCHEDULE "A" TO BYLAW 28-2019
FINES**

Section	Offence	Specified Penalty
6	Perform conversion therapy on a person under the age of 18	\$10,000.00
7	Perform conversion therapy on a person without consent	\$10,000.00
8	Advertise conversion therapy	\$10,000.00
10	Obstruct or interfere with bylaw enforcement officer in execution of duties	\$1,000.00
11	Provide false information to a bylaw enforcement officer	\$1,000.00