

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 Conversion Therapy Businesses in the City and to prohibit practicing or offering or Advertising Conversion Therapy.

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

2. DEFINITIONS

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.
- 2.5 “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.
- 2.6 “Person” means any individual, corporation, society, association, partnership, firm or other legal entity.
- 2.7 “Violation Ticket” means a ticket issued in accordance with the *Provincial Offences Procedures Act*, RSA 2000 cP-34, as amended.

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 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.

4. OFFENCES

- 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.

5. 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.

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 27 January 2020

Second Reading Carried 14 April 2020

Third Reading Carried 14 April 2020

Date Signed 20 April 2020

Mayor

City Clerk

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