

## **BYLAW NO. 19/029**

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO REGULATE AND CONTROL THE PROVISION OF CONVERSION THERAPY WITHIN THE REGIONAL MUNICIPALITY OF WOOD BUFFALO**

**WHEREAS** pursuant to section 3 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, it is a purpose of a municipality to develop and maintain safe and viable communities;

**AND WHEREAS** pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and to create offenses and impose fines and penalties;

**AND WHEREAS** pursuant to section 8 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 as amended, a council may in a bylaw, regulate or prohibit;

**AND WHEREAS** Council for the Regional Municipality of Wood Buffalo has been advised that the practice known as "conversion therapy", when performed on unwilling recipients, has a damaging effect on the health and welfare of the recipient and therefore is a danger to the safety and mental well-being of such persons;

**AND WHEREAS** Council for the Regional Municipality of Wood Buffalo deems it desirable and necessary in order to protect and preserve the safety and welfare of its citizens, to prohibit the practice and advertisement of conversion therapy on minors and non-consenting individuals within the geographic limits of the Regional Municipality of Wood Buffalo;

**NOW THEREFORE**, the Council for the Regional Municipality of Wood Buffalo, duly assembled, hereby enacts as follows:

#### **1. SHORT TITLE**

- 1.1. This Bylaw may be cited as the "Conversion Therapy Bylaw".

#### **2. DEFINITIONS**

- 2.1. "Carry on" means carry on, operate, perform, deliver, deal in or use for gain, whether as principal or agent, and includes all aspects of promoting, marketing, advertising, selling, delivering, supporting and servicing the goods or services of the practice of Conversion Therapy.
- 2.2. "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, repressing, or discouraging an individual's sexual orientation, gender identity, or 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:

- (a) 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
  - (b) gender-affirming surgery or any support or other service related to gender-affirming surgery;
- 2.3. "License" means a license as defined or required by the License Bylaw;
- 2.4. "License Bylaw" means Bylaw No. 01/031 of the Regional Municipality of Wood Buffalo;
- 2.5. "Medical Professional" means a regulated member, as defined in the *Health Professions Act*, R.S.A. 2000 c. H-7, who has completed a course of study and is certified to practice by one or more of the following bodies:
- (a) College of Physicians and Surgeons of Alberta; or
  - (b) College of Alberta Psychologists;
- 2.6. "Minor" means an individual who is under 18 years of age;
- 2.7. "Municipal Government Act" means the *Alberta Municipal Government Act*, RSA 2000, c. M-26, as amended;
- 2.8. "Municipality" means the Regional Municipality of Wood Buffalo, a municipal corporation in the Province of Alberta and, where the context so requires, means the area contained within the corporate boundaries of the Regional Municipality of Wood Buffalo;
- 2.9. "Peace Officer" includes a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed by the Municipality and a Bylaw Enforcement Officer appointed to enforce the Municipality's bylaws; and
- 2.10. "Person" means an individual and includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

### **3. PROHIBITION ON CONVERSION THERAPY**

- 3.1. No Person shall provide, perform, or impose Conversion Therapy on any Person.

**4. PROHIBITION ON THE ADVERTISEMENT OF CONVERSION THERAPY**

- 4.1. No Person shall advertise, in writing or otherwise, to provide or perform Conversion Therapy or advertise, in writing or otherwise, an offer to provide or perform Conversion Therapy where such advertisement could be seen, viewed, heard, or read by a Minor.

**5. LICENSING**

- 5.1. If the Chief License Inspector appointed pursuant to the License Bylaw believes, upon reasonable and probable grounds, that a person applying for a License or in possession of a License will carry on or carries on Conversion Therapy contrary to this Bylaw, the Chief License Inspector shall:
- (a) refuse to grant the License to an applicant; or
  - (b) revoke or suspend the License,
- in accordance with the License Bylaw.
- 5.2. The refusal to grant a License or a revocation or suspension of a License by the Chief License Inspector pursuant to section 5.1 may be appealed pursuant to the License Bylaw.

**6. PENALTIES**

- 6.1. A Person who contravenes any provision of this Bylaw is guilty of an offence.
- 6.2. A Person who is guilty of an offence is liable to a fine in an amount not less \$1,000.00 and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
- 6.3. 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 or breaches the requirements of this Bylaw, constitutes a new offence.
- 6.4. Any penalty imposed pursuant to this Bylaw will be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation
- 6.5. Any Person who interferes with or obstructs a Peace Officer in the execution of the Peace Officer's duties or provides false information to a Peace Officer under this Bylaw is guilty of an offence.

**7. VIOLATION TICKET**

- 7.1. A Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended, to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

7.2. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

## **8. VOLUNTARY PAYMENT**

8.1. Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

## **9. SEVERABILITY**

9.1. Should any provision of this Bylaw be declared invalid by a court of competent jurisdiction, then the invalid provision shall be severed, and the remainder of the Bylaw shall remain in effect.

## **10. CONFLICT WITH OTHER BYLAWS**

10.1. Nothing in this Bylaw shall exempt any Person from complying with the requirements of any bylaw in force or from obtaining any license, permission, permit, authority or approval required under any bylaw or provincial or federal statute or regulation.

## **11. COMING INTO FORCE**

11.1. This Bylaw shall come into force on the day it is finally passed.

READ a first time this 10<sup>th</sup> day of December, 2019.

READ a second time this 14<sup>th</sup> day of January, 2020.

READ a third and final time this 14<sup>th</sup> day of January, 2020.

SIGNED and PASSED this 14<sup>th</sup> day of January, 2020.