

BYLAW 6228

A BYLAW OF THE CITY OF LETHBRIDGE
TO PROHIBIT THE OFFERING OF
CONVERSION THERAPY SERVICES

WHEREAS the Municipal Government Act, R.S.A 2000 Chapter M-26.1 as amended authorizes municipalities to pass bylaws for municipal purposes respecting business activities and persons engaged in business; and

WHEREAS everyone has freedom of conscience and religion under section 2 of the Canadian Charter of Rights and Freedoms; and

WHEREAS nothing in this bylaw affects the guarantee of conscience and religion

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

NAME OF THE BYLAW

1. This Bylaw may be cited as the "Conversion Therapy Prohibition Bylaw".

DEFINITIONS

2. For the purpose of this bylaw, the following words mean:
 - (1) "Act" means the Municipal Government Act, R.S.A 2000, c M- 26.1 as amended
 - (2) "Business" includes every business, trade, profession, industry, occupation, employment or calling, and the providing of goods and services.
 - (3) "City" means the Municipal Corporation of the City of Lethbridge
 - (4) "City Manager" means the City's chief administrative officer or delegate
 - (5) "Council" means the Municipal Council of the City
 - (6) "Municipal Tag" means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City
 - (7) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act R.S.A. 2000, c 34 as amended

PROHIBITED BUSINESS

3. No person may engage in or operate a business that provides the offering or provision of counselling or behaviour modification techniques, administration or prescription of medication, or any other purported treatment, service, or tactic used for the objective of changing a person's sexual orientation, gender identity, gender expression, or gender preference, or eliminating or reducing sexual attraction or sexual behavior between persons of the same sex, not including:
 - (1) 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
 - (2) gender-affirming surgery or any service related to gender-affirming surgery.

FINE AND PENALTY

4. Every person who violates any of the provisions of this bylaw, who suffers or permits any act or thing to be done in contravention or in violation of anything required to be done by any of the provisions of this bylaw or who does any act which violates any provisions of this bylaw, shall be deemed to be guilty of an offence against this bylaw and liable to the penalties herein imposed.
5. Where the City Manager believes on reasonable and probable grounds that an offence has been committed under Section 3 of this bylaw, he or she may serve upon such persons a Municipal Tag, or he or she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the Provincial Offences Procedure Act R.S.A. 2000, Chapter 34 as amended;
6. The specified penalty shall be a fine in the amount of not less than TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment thereof to imprisonment for a period not exceeding SIX (6) MONTHS.
7. Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified to a person authorized by the City or Province of Alberta to receive such payment, an official receipt for such payment shall be issued and subject to the provisions of this section such payment shall be accepted in lieu of prosecution. If the person upon whom any such notice or ticket is served fails to pay the said sum within the time allotted, the provisions of this section shall no longer apply.
8. In prosecution for a contravention of this Bylaw, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.
9. For the purpose of this bylaw, an act by an employee or agent of a person is deemed to be an act of the person if the act occurred in the course of the employee's employment or agency relationship with the person.

10. If a corporation commits an offence under this Bylaw, every principal, director, manager, officer, employee, or agent of the corporation who authorized, assented to, acquiesced, or participated in the act that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
11. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in the partnership who authorized, assented to, acquiesced, or participated in the act that constitutes the offence is guilty of the offence.

GENERAL

12. The City Manager may carry out any inspection necessary to determine compliance with this bylaw.
13. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of this Bylaw be declared invalid all other provisions thereof shall remain valid and enforceable.
14. This bylaw shall come into full force and effect on the date of final passing thereof.

READ A FIRST TIME this 15th day of June 2020.

C.A. Spearman (Sgd.)
MAYOR

Bonnie L. Hilford (Sgd.)
CITY CLERK

READ A SECOND TIME this 13 day of JULY 2020.

C.A. Spearman
MAYOR

B. Hilford
A/ CITY CLERK

READ A THIRD TIME this 13 day of JULY 2020.

C.A. Spearman
MAYOR

B. Hilford
A/ CITY CLERK