

REPORT

FIRE AND RESCUE SERVICES

To: Mayor Johnstone and Members of Council
Date: February 27, 2023

From: Brad Davie,
Acting Deputy Fire Chief
File:

On behalf of the New Westminster Drug
Decriminalization Working Group
Item #: 2023-142

Subject: Decriminalization - Resolution to LMLGA and UBCM

RECOMMENDATION

THAT Council approve the following resolution to LMLGA and UBCM:

WHEREAS the BC Government has been granted an exemption by Health Canada from the Controlled Drugs and Substances Act to decriminalize the possession of certain illegal drugs.

WHEREAS an omission to the exceptions for this exemption could result in nuisance illicit drug use in public park spaces designed for and used by children and youth.

BE IT RESOLVED THAT LMLGA and UBCM request that the BC Government request Health Canada add “public park spaces designed for and used by children and youth” to the list of exceptions to the Controlled Drug and Substances Act exemption.

PURPOSE

The purpose of this report is to seek Council endorsement to send a resolution to LMLGA and UBCM with respect to a request to the Province and Health Canada to add an additional exception to the list of exemptions regarding Decriminalization.

DISCUSSION

The BC Government has been granted an exemption by Health Canada from the Controlled Drugs and Substances Act (CDSA) to decriminalize the possession of certain illegal drugs. This is one of the approaches by the Provincial Government to address the ongoing toxic poisoning crisis. The exemption began on January 31, 2023 and is in effect until January 31, 2026. Under the exemption, adults in possession of 2.5 grams or less of opioids, cocaine derivatives and amphetamine derivatives will not be charged, fined nor have their drugs seized by Police. Instead they will be offered information about health and social supports, including local treatment and recovery services.

There are a series of exceptions to the exemptions; they are:

- On K-12 school premises
- On premises of licensed childcare facilities
- In airports
- On Canadian Coast Guard vessels and helicopters
- For Canadian Forces members subject to the Code of Service Discipline
- In a motor vehicle or watercraft operated by a minor
- When readily accessible to the operator of a motor vehicle or watercraft

UBCM supports this approach and endorsed resolution 2021-NR44 which asked Provincial and Federal Governments to “declare the overdose crisis a national public health emergency and develop appropriate comprehensive, holistic Pan-Canadian overdose action plans that include the legislative and funding frameworks for decriminalization, de-stigmatization, safe supply, suitable medical treatments and thereby function to holistically address the opioid crisis, mental health issues and their connections to homelessness and overdose deaths in local governments across Canada.”

A gap in the CDSA list of exceptions has been identified. The gap may permit the use of illicit drugs in public park spaces designed for and utilized by children and youth. To address this gap, the City of New Westminster is requesting that Health Canada add the following to the existing list of exceptions to the CDSA exemption:

- “public park spaces designed for and used by children and youth”

OPTIONS

There are two options for Council’s consideration; they are:

Option 1 - Council approve the following resolution to LMLGA and UBCM:

WHEREAS the BC Government has been granted an exemption by Health Canada from the Controlled Drugs and Substances Act to decriminalize the possession of certain illegal drugs.

WHEREAS an omission to the exceptions for this exemption could result in nuisance illicit drug use in public park spaces designed for and used by children and youth.

BE IT RESOLVED THAT LMLGA and UBCM request that the BC Government request Health Canada add “public park spaces designed for and used by children and youth” to the list of exceptions to the Controlled Drug and Substances Act exemption.

Option 2 - Provide alternate direction.

Staff recommend Option 1.

INTERDEPARTMENTAL LIAISON

New Westminster Drug Decriminalization Working Group is made up of the following City departments – Engineering, Parks and Recreation, Climate Action, Planning and Development, Police Services, the Office of the CAO, and Fire and Rescue Services. The City Solicitors are providing legal advice to this initiative.

APPROVALS

This report was prepared by:
Brad Davie, Acting Deputy Fire Chief

This report was approved by:
Lisa Spitale, Chief Administrative Officer