

# **REPORT**

## ***Office of the Chief Administrative Officer***

**To:** Mayor Johnstone and Members of Council      **Date:** September 25, 2023

**From:** Lisa Spitale, Chief Administrative Officer      **File:**

**Item #:** 2023-623

**Subject:** Decriminalization – Update to the exemptions to the Controlled Drugs and Substances Act

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### **RECOMMENDATION**

THAT Council accept this report as an update.

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### **PURPOSE**

The purpose of this report is to provide Council with an update regarding the changes to the subsection 56(1) exemption of the Controlled Drugs and Substances Act became effective September 18, 2023.

### **SUMMARY**

Health Canada granted the BC Government an exemption from the Controlled Drugs and Substances Act (CDSA) to decriminalize the possession of certain illegal drugs from January 31, 2023 to January 31, 2026. This strategy is to reduce stigma aimed at people who use drug and to promote mental health and substance use supports to address the ongoing toxic drug crisis. Seven exceptions were applied to the exemption including K-12 school premises and on the premises of licensed childcare facilities where possession of these substances would remain illegal. However, under the exemption possession of these drugs was permitted in or around child-focused public spaces such as playgrounds, skate parks and wading pools. Effective September 18, 2023 Health Canada amended the exceptions to include spaces within 15 m of playgrounds, splash pads, wading pools, and skate parks prohibiting possession of the exempted drugs in these spaces. The Province also advised they are planning to introduce legislation to further regulate public drug use.

## **DISCUSSION**

Health Canada granted the BC Government an exemption from subsection 56(1) of the Controlled Drugs and Substances Act (CDSA) to decriminalize the possession of amounts under 2.5 grams of cocaine, opioids, and certain amphetamines. The exemption is active from January 31, 2023 to January 31, 2026. This strategy is intended to reduce the stigma aimed at people who use drugs, to promote mental health and substance use supports, to address the ongoing toxic drug crisis and to provide cost savings and reduce pressure on the criminal justice system.

UBCM supports this approach and endorsed resolution 2021-NR44 which asked Provincial and Federal Governments to “declare the overdose crisis and national public health emergency and develop appropriate, comprehensive, holistic Pan-Canadian overdose action plans that include legislative and funding frameworks for decriminalization, de-stigmatization, safe supply, sustainable medical treatment 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.”

Exceptions were applied to the exemption where these substances would remain illegal including on premises of K-12 schools; on the 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; and in a motor vehicle or watercraft operated by a minor or when readily accessible to the operator. The exceptions did not include public child-focused areas such as playgrounds and skate parks.

After implementation of decriminalization local governments, elected officials and the public brought forward concerns related to public consumption of drugs and feeling unsafe, particularly in child-focused and family areas like playgrounds. In response to the complaints the Ministry of Public Safety and the Solicitor General with the Ministry of Mental Health and Addictions completed an engagement process with elected officials, and local governments. As a result, effective September 18, 2023, Health Canada amended the CDSA exemptions making the possession of these drugs illegal within 15 m of playgrounds, splash pads, wading pools, and skate parks. The Province also advised they are planning to introduce Provincial legislation to further regulate public drug use.

## **INTERDEPARTMENTAL LIAISON**

The City’s Decriminalization Committee has representation from Fire, Parks and Recreation, Engineering, Police, CAPD and the CAO.

## **APPROVALS**

This report was prepared by:  
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This report was reviewed by:  
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This report was approved by:  
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