

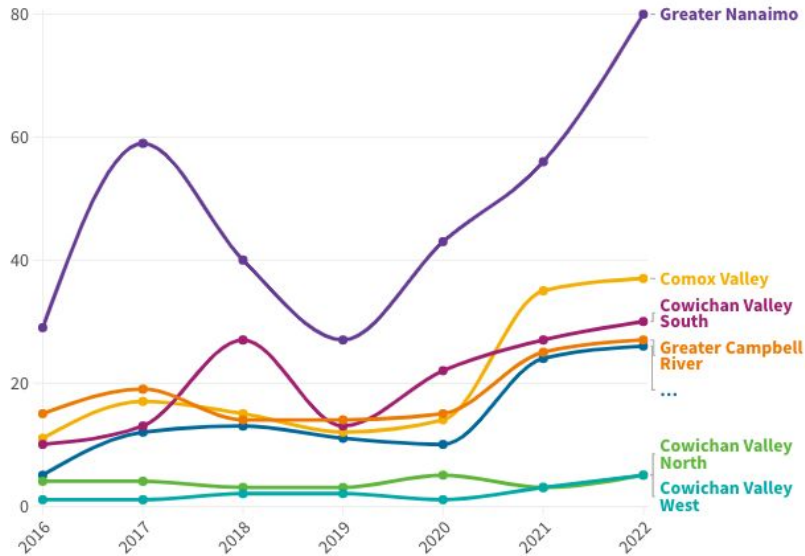
Public Health Risks & Implications of an Anti-Drug User Bylaw

Delegation to Nanaimo City Council
May 15th, 2023

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Current State of the Toxic Drug Crisis in Nanaimo



Source: [B.C. Coroner Service](#) • Data available to the end of 2022.

Drug Toxicity Deaths from 2016-2022 by local health area. Image source: [Chek News](#)

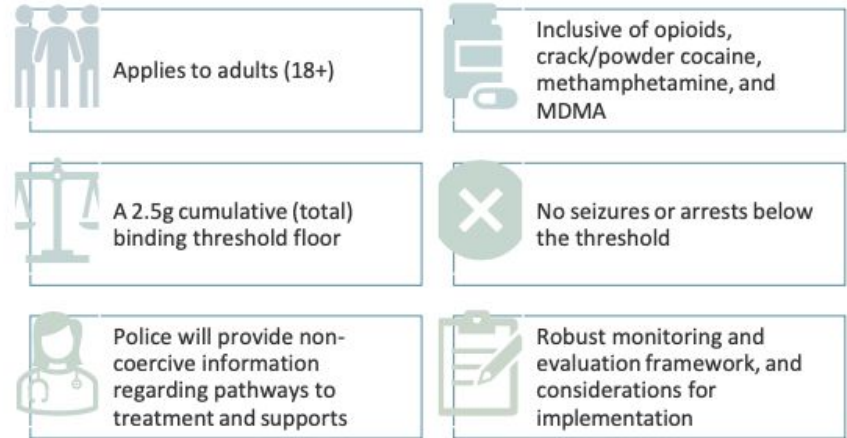
- Nanaimo has lost over **113 community members** in the last 15 months to a toxic supply of drugs
- Across the province, the number of unregulated drug deaths equates to **6.4 people dying per day**
- Central Vancouver Island is experiencing increased drug poisoning deaths in 2023
- **84% of people died alone inside private residences & other indoor locations**
- First Nations people are disproportionately represented in toxic drug poisoning deaths
- For every life lost many family members, friends, and community members are deeply and tragically impacted

Sources: [BC Coroners Service, March 31 2023](#), [First Nations Health Authority, December 2022](#)

Decriminalization in British Columbia

- Decriminalization is a **Public Health policy** that aims to reduce criminalization and penalization of people who use drugs (PWUD)
- It will help reduce the barriers and stigma that prevent people from **accessing life-saving supports and services** amidst a Toxic Drug Crisis
- Punitive approaches to substance use (whether through criminal or administrative sanctions) are proven both to be **ineffective** and to **drive health and safety harms** for PWUD

There is no evidence that decriminalization will increase public drug consumption.



Sources: [Pivot Legal Society \(2023\)](#), [BC Centre for Disease Control](#) & [BC Ministry of Mental Health and Addictions](#)

Human Rights & Legal Considerations

The **Supreme Court of Canada** has found that in some cases, issuing fines to people who cannot pay amounts to “**cruel and unusual punishment**” under the **Canadian Charter of Rights and Freedoms**

- Paying fines could require sacrificing basic necessities such as food, rent, childcare, etc.
- Failure to pay could result in additional fines and/or administrative or criminal consequences (not to mention government and court resources)

Section 83 of the **Public Health Act** requires local governments to:

- Consider advice provided by a Medical Health Officer (MHO)
- Designate an official to act as a liaison between the local government and the health authority on matters of public health (section 83(1)(c))

Section 2 of the **Public Health Bylaws Regulation (Community Charter)** requires a local government to consult with the regional health board or Medical Health Officer in the development of bylaws under concurrent authority regarding public health. Bylaws relating to the protection, promotion or preservation of the health of individuals, or the maintenance of sanitary conditions must be deposited with the Minister of Health.

“A bylaw that **restricts or has the potential to restrict an individual’s access to health services or that may impact health** authority resources will require the Minister of Health’s approval.”

Public Health Considerations

- **Where are people supposed to go?**
 - Risks of using substances in isolation
 - Housing and shelter spaces
 - Lack of available and accessible Safe Consumption services
 - Penalties related to substance use drives drug use further underground and puts people at higher risk of exposure to a toxic illicit supply
- **Limits accessibility of healthcare services**
 - Fear and risk of penalty for consuming substances
 - Perpetuation of stigma
 - Leaving care against medical advice (AMA)
- **Health implications of exposure to a toxic supply of substances**
 - Early death
 - Acquired brain injury
 - Mental health
 - Concurrent complex health challenges: chronic wounds, infections, amputation of extremities
 - All factors increasing the strain on hospitals, healthcare services, first responders & care providers

Sources: Island Health Medical Health Officers Dr. Charmaine Enns (North Island) and Dr. Sandra Allison (Central Island)

An Invitation to Reframe the Motion

Direct staff to explore evidence-based solutions to substance use in public spaces and prepare a report on options that the City could initiate or participate in beyond the limited scope of Bylaw enforcement including, but not limited to:

- Collaboration with Island Health to identify & designate spaces across the City that would increase accessibility to life-saving safe consumption and drug checking services
- Mandated overdose awareness & response training (Naloxone administration) for all City of Nanaimo staff, including Council and management
- Immediate implementation of safe and secure housing options for **all** with an emphasis on establishing accessible substance-use friendly housing initiatives with wrap around supports for complex care needs
- [Re]engagement of local government, City staff, Bylaw Services (including Community Safety Officers), RCMP and other first responders with the Nanaimo Community Action Team as per [OERC Mandate & Terms of Reference](#)
- Designation of a City of Nanaimo representative to participate in the *Local Government Working Group on Decriminalization* co-chaired by [UBCM](#) and Ministry of Mental Health and Addictions
- Participation in training course accessible to local governments (including bylaw departments) called *Decriminalization in BC: Shifting to a Health Approach to Substance Use*, offered by the [Canadian Police Knowledge Network](#)

Thank you

Questions?
Connect:

