

Supervised Consumption Service Zoning Options

Presentation to Council
2019-JUL-08

Supervised Consumption Services

- Supervised Consumption Services (SCS) and Overdose Prevention Sites (OPS) are both 'Harm Reduction' health services where individuals can consume substances, typically opioid-based, under the supervision of trained staff who will intervene in the event of an overdose.
- Unlike an OPS, an SCS is permanent and requires an application to the Federal Government for an exemption to the *Controlled Drugs and Substances Act*.
- The level of service between an OPS and SCS would be dependent upon the discretion of the Health Authority.

Overdose Prevention Site



An overdose prevention site (OPS) facility is meant to address an immediate need in the community. OPS can be set up quickly under the Provincial Emergency Order because they don't require a Federal exemption and do not need to seek municipal approvals.

Timeline



Municipal Role in SCS Siting

1) Can Provide Input for Federal Exemption Application

Application for an SCS requires the applicant undertake general community consultation and include a report on activities and a plan to address any concerns; however, the application no longer requires specific input from the local government.

2) Land Use Zoning

Different municipalities have taken various approaches, from approving as site-specific use to including SCS as a health service. Appropriate zoning is not considered in the exemption process but is a requirement for adherence to local government bylaws.

Current Applicable Zoning

- Under Nanaimo's current Zoning Bylaw, the definition that most closely reflects the services offered by an SCS is that of *"Drug Addiction Treatment Facility: the use of a building to treat persons with substance use problems and includes needle exchange facilities, safe injection sites, Methadone clinics and the like."*
- This use is defined in the Zoning Bylaw, but is not currently a permitted use in any zone; thus, any new Drug Addiction Treatment Facility must be approved by Council through rezoning on a site-specific basis.

Opinion from MHO

- On 2019-MAY-23, Staff received a letter from Nanaimo's Medical Health Officer (MHO) requesting that the definition for 'Drug Addiction Treatment Facility' be removed from the Zoning Bylaw and that an SCS be considered part of 'Medical/Dental Office,' which is permitted in most commercial and mixed-use zones.
- The municipality has received ongoing input from the MHO that an SCS is an essential health service and that zoning regulations distinguishing this service from any other health service are discriminatory and stigmatizing towards drug users.

Municipal Responses

- There have been a range of municipal responses to zoning for harm reduction services.
- In 2014, Abbotsford repealed a nine-year zoning prohibition on all harm reduction activities, including needle exchanges (there are no plans for an SCS).
- Some communities have introduced SCS definitions into their zoning bylaws (Red Deer, London, Medicine Hat).
- All the existing SCSs in BC have been permitted as medical uses without a requirement for rezoning.



Considerations

- An SCS is definitely a health service; but there is precedent in the Zoning Bylaw for requiring site-specific zoning for uses that have the potential for greater community impact (e.g., Cannabis Retail Store, Liquor Retail Store).
- While some SCSs may include wrap-around services, right now we have no information on what these would/could be given resource constraints.
- Once zoning is in place, under existing regulations Council would not be able to put additional conditional of approval on the operation of an SCS (e.g., site management).



Zoning Options

Option 1 (Recommendation):

- Continue to consider SCS a site-specific use requiring rezoning for every application for an exemption. If selected, Staff recommend repealing the definition of Drug Addiction Treatment Facility and adding a new definition for SCS.
- Council could also approve an application for an SCS under a Temporary Use Permit, which allows the use for three years and is renewable for a further three years.



Zoning Options

Advantages:

- Allows Council greater control over the location of permanent health services that have the potential for significant community impact
- Permits Council to add conditions of rezoning approval

Disadvantages:

- Less flexibility in siting options for the SCS applicant, and potentially less ability to respond to opiate crisis
- Could be seen as stigmatizing towards substance users



Zoning Options

Option 2 (alternative):

- Provide more flexibility in siting options for provision of SCSs by considering it a part of health service provision under a revised definition of Office Medical/Dental as a permitted use.
- Office Medical/Dental is a permitted use in most commercial and mixed-use zones.
- If this option is selected, the definition of Office Medical/Dental would need to be updated and the use Drug Addiction Treatment Facility would need to be removed from the Zoning Bylaw.

Zoning Options

Advantages:

- Would strengthen relationship with Health Authority by demonstrating trust in their siting process
- Would ensure harm reduction services will be in place indefinitely to serve vulnerable populations/reduce deaths

Disadvantages:

- City would not have substantive role in site selection
- May create site-management issues that end up being addressed by RCMP and Bylaws (e.g., Wesley St.)

Community Engagement

- The MHO has confirmed that for an application for an SCS to be considered complete, Health Canada required that **“efforts [be] made to engage with the community to inform them of the proposal and ensure that the voices of community members have been heard”**.
- This does not necessarily mean that community concerns would ‘veto’ a particular site, but that they must be addressed in the application.
- If Council opts for a site-specific zoning option, a public hearing would be part of the community engagement.



Public Disorder in the Downtown

- On 2017-DEC-11, Staff brought forward a report on *“Responses to Health, Social and Safety Issues in the Downtown”*.
- This report contained a number of recommendations, a number of which have since been completed or are actively underway.
- Staff will be bringing forward an update to Council and or the Health and Housing Task Force in Summer 2019.



Questions / Discussion