



May 23, 2019

Mayor Leonard Krog and Council
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

Sent by email to: mayor.council@nanaimo.ca

Dear Mayor Krog:

I am writing further to the attached letter dated February 28, 2018, from Ministry of Mental Health and Addictions Deputy Minister Doug Hughes, which references that “Zoning bylaws and other regulations may need to be revisited to enable further expansion of substance use treatment in Nanaimo.”

In relation to this reference, it has come to my attention that the City of Nanaimo Zoning Bylaw 4500¹ is a barrier to establishing services for people who experience problems with substance use. This is because the bylaw defines “Drug Addiction and Treatment Facility” as “the use of a building to treat persons with substance abuse problems, and includes needle exchange facilities, safe injection sites, Methadone clinics, and the like” and then does not permit such facilities to exist by not providing for any location in the community where such services can be established, except by means of a site specific zoning bylaw amendment.

As I am sure you are well aware, British Columbia is experiencing one of the most severe public health emergencies in modern times, resulting in extraordinary numbers of overdose deaths (three to four deaths per day), hospitalizations, and ambulance calls. This triggered my predecessor, Provincial Health Officer Dr. Perry Kendall, to declare a public health emergency on April 14, 2016. While many efforts across the province have certainly mitigated the impact of this emergency, it continues to warrant heightened and sustained attention.

Communities throughout BC have stepped up to address this emergency in collaboration with local and provincial health and social service agencies and the federal government by establishing many and diverse facilities from which to deliver services that help address the needs of people in their communities who are experiencing problems with substance use.

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¹ <https://www.nanaimo.ca/bylaws/ViewBylaw/4500.pdf>

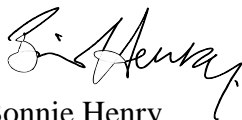
Health and social services that support these community members and their families are critical to saving lives, treating substance use problems and restoring people to healthy and productive living. Facilitating location of such services is an essential local government function. As such, the effect of the City of Nanaimo Bylaw, which does not exist in other BC communities, is an unusual barrier to establishing such services.

Unfortunately, people who experience problems with substance use also experience stigmatization and discrimination. Singling out and restricting vital services for these people further stigmatizes them as well as the services they need. Restricting services for people based on diagnosis of health condition, such as in the current zoning bylaw definition does by referring to people with “substance abuse problems”, could be considered discriminatory.

We know from the overdose emergency that stigmatization and discrimination are important determinants of deaths because they drive people away from services and lead to using drugs furtively and alone. Sadly, as reported by the BC Coroners Service², 69% of people who died used their drugs alone. The actual percentage is likely higher, as coroners were unable to determine whether the person who died used alone or in the presence of others in 15% of cases. One of the solutions to this issue is to engage people in health services by making them accessible across a community.

One of my duties under the *Public Health Act* section 66 is to advise, in an independent manner, public officials on public health related legislation and policies. Given my knowledge of the unique situation in Nanaimo with respect to this restrictive bylaw and its implications for affecting the overdose emergency if such an approach were to be adopted by other communities, it is important that I bring my concerns to your attention. Therefore, I advise that the City of Nanaimo minimize barriers to establishing substance use related services so that they can be located where needed, such as repealing the definition of “Drug Addiction and Treatment Facility” from Zoning Bylaw 4500.

Sincerely,



Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

Cc Dr. Richard Stanwick, Chief Medical Health Officer, Island Health
Dr. Paul Hasselback, Medical Health Officer, Island Health

² *Illicit Drug Overdose Deaths in BC: Findings of Coroners' Investigations*, September 27, 2018.
<https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/illicitdrugoverdosedeadsinbc-findingsofcoronersinvestigations-final.pdf>