

B.C. pares back pilot project with bill to ban illicit drug use in many public spaces

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Premier David Eby joined by Minister of Public Safety and Solicitor General Mike Farnworth announce that the B.C. government is banning the use of hard drugs in public places, part of the province's ongoing decriminalization pilot project as they speak during a press conference in the press theatre at legislature in Victoria, on Oct. 5.

CHAD HIPOLITO/THE CANADIAN PRESS

British Columbia has announced major changes to its drug decriminalization policy, rolling back provisions that removed criminal penalties and police involvement for illicit drug use in many outdoor spaces.

The move is a response to pushback from municipalities that expressed concern over public drug use, with some having enacted local bylaws to restrict it. B.C. became the first province in Canada to decriminalize possession of small amounts of certain illicit drugs earlier this year, with health officials saying it is an important step in reducing the stigma that can prevent people from seeking help.

The province on Thursday tabled legislation that, if passed, would again prohibit drug use at outdoor recreation areas such as parks, beaches and sports fields, as well as within a six-metre radius of building entrances and bus stops.

It adds to playgrounds, splash pads, wading pools and skate parks, areas added last month, and those listed in the initial proposal: kindergarten to Grade 12 school premises, child-care facilities, airports and in vehicles operated by a minor.

Under the proposed legislation, police would be able to direct those using drugs in these places to stop, or move along. If they don't comply, officers could seize their substances and arrest them. It would also require local governments to consult with their regional health board and medical health officer before proposing new bylaws related to public drug use.

In announcing the legislation on Thursday, Premier David Eby said it is widely recognized that arresting and punishing people for their addictions doesn't work.

“However, our compassion, our understanding that that system doesn't work to address addiction issues does not mean that we need to tolerate public drug use in our communities, especially in areas used by kids – playgrounds, parks,” he said.

The province began its three-year pilot project in late January to decriminalize possession of up to 2.5 grams of illicit drugs such as fentanyl, cocaine, methamphetamine and MDMA, which Health Canada approved through an exemption from the federal Controlled Drugs and Substances Act. The goal was to lessen the stigma of addiction and help steer people toward health and social services.

Since then, some municipalities have expressed that they are ill-equipped to respond to the policy change at a local level. Several – including Campbell River, Port

Coquitlam, Kamloops, Prince George, Sicamous, Penticton and Kelowna – moved to introduce their own local bylaws banning drug use in public spaces, creating what some had described as a patchwork approach to the issue.

Also on Thursday, results of the 2023 homeless count were released, showing that homelessness has increased by 32 per cent in the Metro Vancouver region since 2020, with 71 per cent of respondents saying they lived with addictions. Asked where unhoused drug users should use, Mr. Eby said, “Our desire is that people don’t use in public, that they use at overdose prevention sites that are dedicated for that purpose.”

However, there are only 47 overdose prevention sites in B.C., and many municipalities prohibit them. About two-thirds of the province’s drug deaths are from inhaling substances, but only 19 sites permit drug inhalation.

DJ Larkin, executive director of the Canadian Drug Policy Coalition, said Thursday’s news highlights “the intersection of multiple system failures” and targets people who are unhoused and living in poverty, essentially recriminalizing them through another mechanism.

“We know that the housing crisis is growing, we know that people who use drugs are disproportionately likely to be evicted, and are unable to regularly access things like shelters and services,” they said. “This represents a deliberate targeting of people who live at intersections of housing precarity, poverty and risk from the unregulated drug supply.”

Mx. Larkin said the legislation, and the language used to describe it, undoes one of the core tenets of decriminalization, which is to reduce stigma.

“When government comes out and announces public space legislation of this nature, and says, ‘We want to limit it in places where there are children and families,’ that deeply harms people who are at risk of overdose, and truly misrepresents who uses drugs – which includes children and families,” they said.

At last month’s Union of BC Municipalities convention in Vancouver, representatives from smaller communities expressed support in principle for decriminalization but

said they didn't have the funding or support to successfully implement it at a local level.

Campbell River chief administrative officer Elle Brovold said her city supports harm reduction and has an overdose prevention site, but it simply isn't enough. The result is "significant" public consumption that has left some residents feeling unsafe, she told a panel on decriminalization.

"Over all, I'd say that our council believes that there's been a bit of a failure in implementation of decriminalization and that without more holistically addressing some of the concerns, and providing the necessary funding and resources to local governments, we've been left a little bit on our own to deal with our communities," she said.

New Westminster councillor Nadine Nakagawa said she believed people had been stretched thin in recent years – with social networks broken from the pandemic, an escalating housing crisis and mental-health issues playing out on city streets – and that decriminalization had become a bogeyman for everything that's gone wrong."

"I don't want to lump all these social ills in with decriminalization but I think, in solving them, if we think of them as one connected picture, we can actually address them together," she said.

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