December 8, 2020

The Honourable Patty Hajdu
Minister of Health
Ottawa, ON
K1A 0A6

Dear Hon. Minister Hajdu,

We write to request that you grant the City of Vancouver an exemption under section 56(1) of the Controlled Drugs and Substances Act (CDSA) to decriminalize personal possession amounts of controlled substances within our municipal borders.

The City of Vancouver is seeking this exemption on the basis of an urgent medical need and public interest. In April 2016 British Columbia’s (BC) Provincial Health Officer declared a public health emergency due to rising rates of overdose deaths due to widespread contamination of the illicit drug supply. There have been 1,577 illicit drug toxicity deaths in Vancouver from January 2016 to the end of October 2020, and with over 329 overdose deaths in Vancouver this year to date, 2020 may be the worst year yet for illicit drug toxicity deaths in our city.

On November 25, 2020, Vancouver City Council unanimously approved motion B.4 Work with Senior Governments to Address the Overdose Crisis (attached as an appendix), granting their support for the municipal government to request this exemption.

Although local addictions treatment and harm reduction programs have been greatly expanded over this period, stigma continues to drive people to use substances alone in private residences, thus elevating their risk of death. Decriminalization under a section 56(1) exemption would help our municipal government, health officials, and law enforcement break down the stigma associated with substance use, and represents a crucial next step in building a response that is proportionate to the scale of the emergency. Furthermore, a section 56(1) exemption to decriminalize personal possession of controlled substances would assist us to optimize pathways to treatment and supports by reducing the stigma that prevents people from reaching out for help in the first place. As Indigenous people are disproportionately affected by the emergency, this exemption would also advance our collective efforts at health equity.

The City requests that the exemption apply to any adult 19 years or over within our municipal border as defined in section 6 of the Vancouver Charter. As many people at risk are polysubstance users, it is important that the exemption decriminalize personal possession of all controlled substances. The City accepts our Chief Medical Health Officer’s (CMHO) recommendation against implementing new administrative sanctions or mandatory treatment orders that some countries have used to replace criminal penalties, but will work with health to proactively offer voluntary access to treatments and supports to those at risk.

There are many innovative substance use services presently in place in Vancouver, including eight overdose prevention/safe consumption sites, a robust naloxone training and distribution network, peer...
support and capacity building initiatives, and some of the most comprehensive evidence-based addictions treatment programs in the country, such as the Crosstown Clinic, St. Paul’s Hospital Rapid Access Addictions Clinic, and Portland Clinic. Vancouver Coastal Health (VCH) also operates an Overdose Outreach Team (OOT) that is tasked with rapidly connecting people at risk of overdose to care. The OOT accepts referrals from individuals, non-profit organizations, Vancouver Fire and Rescue Services, BC Ambulance, and the Vancouver Police Department (VPD).

Comprehensive community consultation has indicated strong support for our efforts to seek a section 56(1) exemption. During the council meeting on November 25 where motion B.4 was debated, all 41 people registered to speak were in favor, and council received 181 emails voicing support. Additionally, Vancouver’s Community Action Team, a city-led cross-sectoral group of key local stakeholders including Indigenous health and community leaders and people with lived experience of substance use, has endorsed the call for decriminalization. We plan to hold additional consultation events with drug user organizations, Indigenous partners, the local business community, and a range of health and public safety experts in the weeks to come. Attached to this letter you will find an initial series of letters of support we have secured to date, including from the VPD.

This letter represents a first step towards obtaining a section 56(1) exemption. We anticipate you will have questions about our proposal and look forward to meeting in the coming weeks to collaborate on the details and move forward in the interest of public health and residents of our city.

I would like to draw your attention to the below signatures. As Mayor I am signing on behalf of Vancouver City council. Dr. Patricia Daly, the CMHO for the region, has also provided her signature in support of our proposal to decriminalize people who use drugs.

Sincerely,

Kennedy Stewart
Mayor, City of Vancouver

Patricia Daly MD, FRCPC
Vice-President, Public Health and Chief Medical Health Officer
Vancouver Coastal Health
800-601 West Broadway
Vancouver, BC
V5Z 4C2

cc: The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness
The Honourable David Lametti, Minister of Justice and Attorney General
APPENDIX

Motion: Work with Senior Governments to Address the Overdose Crisis
Submitted by: Mayor Stewart

WHEREAS

1. The overdose crisis continues to claim many lives, with 1,536 deaths in Vancouver since a Provincial Overdose Emergency was declared in April 2016, and an estimated 328 overdose deaths in the City of Vancouver this year to date, putting 2020 on track to be the worst year yet;

2. The COVID-19 pandemic has further isolated drug users, impacted access to harm reduction services, and fueled greater toxicity within the illicit drug supply;

3. Premier Horgan wrote to Prime Minister Trudeau on July 20, 2020, asking the federal government to decriminalize personal possession of all psychoactive substances, as a necessary next step to reduce the stigma associated with substance use and encourage people at risk to access lifesaving harm reduction and treatment services;

4. The Canadian Association of Chiefs of Police agree that decriminalization of simple possession is an effective way to reduce public health and public safety harms associated with substance use and endorses alternatives to criminal sanctions for simple possession of illicit drugs;

5. Vancouver Coastal Health’s (VCH) Chief Medical Health Officer Dr. Patricia Daly and Provincial Health Officer Dr. Bonnie Henry have called for the decriminalization of personal possession of illegal substances, as an urgent and necessary next step to addressing the overdose crisis;

6. The PIVOT Legal Society, Canadian Drug Policy Coalition, and Canadian HIV/AIDS Legal Network recently wrote to the Federal Ministers of Health, Public Safety and Emergency Preparedness, and Justice and Attorney General to urge their government to use all available tools to decriminalize simple drug possession;

7. Decriminalization is a step toward addressing anti-Black, anti-poor, and colonial policing at this time; and

8. Vancouver is in a unique position to move forward with decriminalization within its municipal borders, in a coordinated partnership with the Vancouver Police Department and Vancouver Coastal Health Authority.

THEREFORE IT BE RESOLVED Council direct the Mayor to consult with the Vancouver Coastal Health Chief Medical Health Officer and then write to the federal Ministers of Health, Public Safety
and Emergency Preparedness, and Justice and Attorney General to request a federal exemption from the Controlled Drugs and Substances Act to decriminalize personal possession of illicit substances within the City’s boundaries for medical purposes, in order to address urgent public health concerns caused by the overdose crisis and COVID-19;

FURTHER THAT the Mayor write to all other B.C. local governments urging them to consider pursuing a federal exemption from the Controlled Drugs and Substances Act to decriminalize personal possession of illicit substances within their municipal boundaries;

FURTHER THAT the Mayor write to the Union of BC Municipalities and the Federation of Canadian Municipalities seeking their support for decriminalizing personal possession of illicit substances;

FURTHER THAT Council acknowledge that a spectrum of measures are necessary to address the ongoing poisoned drug supply crisis, including the need for additional treatment and therapy options;

AND FURTHER THAT Council direct the Mayor to advocate vociferously and write to the Federal and Provincial governments including the respective Ministers of Health for expanded investment in and access to mental health and addictions treatment services and therapy options, towards shifting the paradigm and working to break the cycle of addictions and overdose deaths in Vancouver.