

PIVOT NEWSWIRE

Drug users go to court to overturn Abbotsford's "anti-harm reduction" bylaw

For immediate release- May 21, 2013

Abbotsford, BC - Drug users and organizations that support people who are dependent on drugs will gather at Abbotsford City Hall this afternoon to announce the launch of a [lawsuit](#) and human rights complaint that will be filed against the City of Abbotsford today.

The plaintiffs - three individuals who use illicit drugs and the BC/Yukon Association of Drug War Survivors - are represented by Scott Bernstein of Pivot Legal Society. They argue that the City of Abbotsford has overstepped its authority by using its zoning powers to prevent needle distribution and other public health programs that save the lives of people who use drugs and prevent the spread of Hepatitis C and HIV from operating in the City. They also allege that the bylaw discriminates against people who are disabled as a result of drug dependence, and that the bylaw violates their *Charter* rights to life, liberty and security of the person and to equal treatment under the law.

In [2005, Abbotsford City Council amended their zoning bylaw](#) to add "harm reduction use." For the purpose of the bylaw, harm reduction use included, 1) the growing, production, manufacture, sale, distribution and trade of drugs listed in Schedule 1 of the *Controlled Drugs and Substances Act*, including cannabis marijuana, or any by-product of cannabis marijuana, or any substance held out to be cannabis marijuana; 2) Methadone treatment clinics and dispensing facilities, except where administered by a Provincially registered pharmacist; and 3) Needle exchanges, mobile dispensing vans, safe injection sites, and any other similar uses. Harm reduction use was prohibited in any zone of the City.

Barry Shantz, of the BC/Yukon Association of Drug War Survivors, explains, "we want no infringement on medical services by the city, plain and simple. We want experts, best practices and evidence-based programs. It's not the City's place to stand in the way of health care. We are turning to the courts now to have this decided."

Drug user groups, medical professionals and social service providers have been fighting to repeal this bylaw since it was introduced eight years ago. In the face of mounting pressure, on April 22 the Abbotsford Executive Committee of Council voted unanimously to [review the prohibition on harm reduction services](#) in the City's zoning bylaw. However, Council has not set a public target date for this review or provided any detail about what a new zoning bylaw might look like.

“Our clients hope that the City of Abbotsford stops standing in the way of the health authority from delivering harm reduction services that save people's lives and promote public health, but ultimately it is not within the power of the City to legislate health care. That's what this legal challenge is really about,” says lawyer Scott Bernstein. “It is not up to the City to decide that people who use drugs are not entitled to health care that is readily available in other parts of the province. Health care should not be put up for a public vote and should not be restricted because of stigma against people who use drugs.”

Several municipalities, including Surrey, Mission and Coquitlam, have introduced restrictive zoning bylaws in recent years that single out drug users or former drug users for discriminatory treatment. The plaintiffs in this case hope that this challenge will clarify that harm reduction services are health care, and that municipalities cannot use zoning powers to interfere with the delivery of public health programs and cannot disregard the *Charter* and *Human Rights Code* protected rights of people who use drugs.

**The press conference will take place today, Tuesday May 21, at 3pm at Abbotsford City Hall
32315 South Fraser Way**

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