Quick Facts About Bill 22 – *Mental Health Amendment Act, 2020*

Bill 22 was introduced in the Legislative Assembly on June 23, 2020. It proposes amendments to the BC *Mental Health Act* ("*MHA*"). If it is passed, it will create a new form of detention and involuntary health care in BC for youth who have experienced an overdose.

There have been a lot of messages about the intentions behind the amendments – what does Bill 22 actually say? This is an overview – you can read the full text of the Bill here.

Youth can be detained for up to 7 days following an overdose

- Bill 22 would authorize detaining youth for up to 7 days when:
    - the youth is or appears to be under the age of 19;
    - the youth was admitted to an emergency department as a result of an overdose that requires overdose reversal medication, intubation, resuscitation, or another type of health care to prevent imminent death; and
    - a physician is of the opinion that the youth is engaged in severe problematic substance use and is not stable. (ss. 1, 49, 64)

That means… only youth who are already in the emergency room in the hospital can be detained – youth cannot be apprehended in the community and brought into hospital.

Youth will be detained in existing hospitals

- Bill 22 says that the Minister of Health will pick wards or other defined areas in a public hospital that is already a designated facility under the *Mental Health Act*. The government says there are currently 51 hospitals that could be chosen where youth could be detained for stabilization care. (ss. 1, 68)

That means… Bill 22 does not create any new facilities – youth will be detained at hospitals where youth and adults are already being detained under the *Mental Health Act*.

The facility can choose which adults in a youth's life to notify of detention

- Bill 22 would permit facilities to select which adults to notify of the youth's detention:
    - The director may select one or more of the following persons who the director believes will act in the youth's best interests to notify: a parent or guardian of the youth OR an adult with whom the youth has a meaningful relationship. (s. 46)

That means… facilities could choose not to notify a youth's parent/guardian that the youth has been detained.

Health care can be given without consent of a youth or a parent/guardian

- Bill 22 would authorize facilities to provide stabilization care to a youth "without the consent of the youth or any other person":
    - "Stabilization care" includes health care provided to address immediate medical needs.
    - "Immediate medical needs" is not limited to health care related to the youth's substance use. Health care is defined as "anything that is done for a therapeutic, preventive or diagnostic purpose, and a course of care".
    - Facilities must not begin a course of long-term health care for a youth's engagement in problematic substance use without the youth's consent. (ss. 1, 44, 54, 55)

That means… facilities could administer involuntary physical, mental, or short-term substance use health care for immediate medical needs without consent from the youth or a parent/guardian who would normally be making health care decisions.

The facility is authorized to use restraints with youth

- Bill 22 says facility staff may detain a youth in the facility by use of any chemical, electronic, mechanical, physical or other means to control or restrict the youth's freedom of movement if:
    - it's necessary to protect the youth or others from harm,

    OR
    - to accommodate the youth in a locked ward or other defined area. (s. 55)

That means… facilities can use measures like mechanical restraints, sedatives, or seclusion rooms to prevent harm or to keep a youth in a specific area of the hospital.

If youth want to challenge their detention, a doctor at the facility can conduct the review

- Bill 22 would authorize detention reviews to be conducted by:
    - "a physician other than the recommending physician who made the certificate" to detain, if one is "reasonably available", which could be a colleague at the same facility.

    OR
    - if another physician is not "reasonably available" the same physician who recommended detention conducts the review of her/his own decision. (s. 63)

That means… Bill 22 does not provide a way to review or challenge detention to someone independent of the facility, like a tribunal or court.

There is no provision for youth to access legal advice and assistance

- Everyone in Canada has a constitutional right to legal advice and assistance when they are detained. But Bill 22 does not have a provision for youth to access a legal advice and advocacy service.

That means… when the facility notifies youth that they have the right to legal advice and assistance, there is no service being established for youth to call or meet with for help.