



**Council Member Motion
For the Committee of the Whole Meeting September 28, 2023**

To: Committee of the Whole

Date: September 21, 2023

From: Councillor Hammond

Subject: Expand ban on possession and use of illicit drugs near “child-focused spaces”

BACKGROUND

In 2022, Health Canada granted an exemption under the Controlled Drugs and Substances Act to the Province of B.C. From January 31, 2023, until January 31, 2026, adults in B.C. are not subject to criminal charges for the personal possession of small amounts of certain illegal drugs. However, in certain locations, possession of illegal drugs can lead to criminal charges, such as surrounding elementary and secondary schools, childcare facilities and airports.

The federal government gave the province the ability to add to the list of exemptions where possession of illicit drugs will continue to be illegal.

On September 14, 2023, B.C. Premier David Eby announced the federal government gave the province the ability to add to the list of exemptions where possession continues to be an arrestable offence. As of September 18, 2023, the province banned possession and use of illicit drugs within 15 metres of playground play structures, spray pools, wading pools and skate parks effective September 18, 2023. The province said the new regulations were for “child-focused spaces.”

In his announcement, Premier Eby stated, “It’s not the full response that local governments, and individuals and people in community are looking for.”

The Premier was correct, as several B.C. municipalities have gone beyond the minimum requirements to protect children. For example, some B.C. municipalities ban the use of illicit drugs in and near sports fields, tennis courts, picnic areas, bus shelters, and public facilities such as libraries and community centres.

Prior to this announcement, the City of Victoria banned the use and possession of illicit drugs in parks within eight metres where children congregate.

After discussing these issues at the 2023 convention of the Union of BC Municipalities, it became clear there are numerous ways to allow persons with drug addictions to use their drugs and protect children at the same time. It also supports another of the four pillars of the Canadian drug strategy, which includes prevention.

While many Victoria residents would like to see a complete ban on all public spaces, unfortunately that would leave few places for persons with addictions to use drugs. No law can prevent 100% compliance therefore we can’t let perfection be the enemy of the good. Otherwise, no government

would enact rules and regulations if the requirement was 100% perfection. We prohibit all kinds of undesirable behaviour in public with good results. There isn't 100% compliance on the banning of open use of alcohol and cigarettes on beaches and in parks and yet such laws receive compliance by most of the public.

It appears the province wants to add to these regulations, however as a city council, we have no control over the actions of the province nor their timeline. At the very least, we can take action as a city to ensure children are protected from the harms of open illicit drug use and to ensure such harmful and life-threatening behaviour isn't normalized.

RECOMMENDATION

That Council direct staff to draft bylaw changes to include the following:

1. The use and possession of illegal drugs be banned within 30 metres of “child-focused spaces”.
2. “Child-focused spaces” would be expanded to include sports fields, tennis courts, picnic tables, bus shelters, and public facilities such as libraries and community centres, in addition to the existing list of playground play structures, spray pools, wading pools and skate parks.

Respectfully submitted,



Councillor Stephen Hammond