

ni? ct xaʔəmətəʔ, tə ʔniməʔ, tə təməxʷ ʔi? tə kʷaʕkʷə 1 \*

We watch over the land and sea and in turn they watch over us.

May 1, 2017

The Honourable George J. Furey, Senator  
Speaker of the Senate  
The Senate  
Ottawa, Ontario  
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Dear Mr. Speaker:

**Re: Report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-37,  
An Act to amend the Controlled Drugs and Substances Act**

In the midst of the overdose death crisis in our country, the City of Vancouver and municipalities across the country have been closely following the meetings, submissions, and Fourteenth Report of the Standing Committee on Legal and Constitutional Affairs (“the Senate Committee Report”) on Bill C-37, an Act to amend the Controlled Drugs and Substances Act and to make amendments to other Acts (“Bill C-37”). We were encouraged that many submissions to the Standing Committee focused on reframing addiction as a health problem, rather than a criminal justice problem. However, we ask the Senate to respectfully *vote against the three proposed amendments* contained in the final Senate Committee Report.

### **Delays in approving new safe consumption services are concerning**

Our first concern is with the proposed amendment relating to section 56.1(4) of Bill C-37. As it is currently proposed, the amendment would unnecessarily increase the period of public feedback following the Minister’s application for an exemption to allow a new supervised consumption service. This amendment would require the minister to wait a *minimum* 45 days following notice before issuing an exemption, even in cases where municipal governments, medical health officers, and provincial/territorial Ministers of Health have already provided a clear public health case and undertaken appropriate community consultations. The original language of Bill C-37 notes that there will be a *maximum* of 90 days before applications can be approved. We are concerned that delays in the approval

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of new supervised consumption services will result in more preventable deaths in our cities, and will continue to leave our first responders overburdened with the stress of the crisis. As such, we ask the Senate to strike down the amendment requiring a minimum 45 day waiting period for approval of new sites. We firmly believe that this additional time would not result in increased opportunities for necessary evidence collection and feedback as the Ministers will already be in possession of original applications containing this information.

### **Decisions related to citizen advisory committee should remain with municipalities**

The second amendment that we recommend the Senate vote against relates to the proposed addition of a section 56.2 to Bill C-37. This new section would allow the Minister to demand the establishment of a ‘citizen advisory committee’ to oversee operations at each new exempted facility. However, municipal governments around Canada already have in place appropriate community notification and feedback processes through our property development applications. Municipal governments are in a better jurisdictional position than the federal government to lead local engagement processes regarding new applications for exempted facilities. For example, in the fall of 2016 the City of Vancouver held two open-houses for community members, city staff, and representatives from the Vancouver Police Department and regional health authority to discuss applications for two new facilities that have yet to be granted approval from the Minister. These community consultations were effective at addressing community concerns and putting in place mitigation strategies that are appropriate for the neighborhoods impacted by the new services. We strongly advise the Senate *to vote against the amendment*. Community consultations and mitigation efforts should be left to the discretion of municipal governments in partnership with health, community groups, site-operators, and public safety representatives where necessary.

### **Initiation to treatment for addictions must be fostered through therapeutic alliance**

While we agree with the spirit of the proposed addition of section 56.3 to Bill C-37, and are calling for urgent expansion of addictions treatment programs into all Canadian cities, we are concerned that operational requirements to provide storage and dispensing of opioid agonist medications could impede implementation of services in a quick and in a cost effective manner. As such, we request that the Senate *vote no to this amendment*. The amendment would require operators of new exempted facilities to offer clients alternative medication-supported treatments (i.e., opioid agonist therapy like Suboxone or Methadone) prior to the client’s consumption of an illicitly-obtained substance with unknown contents. Practices of referral to addictions services and medication supports are an important aspect of harm reduction programs like supervised consumption sites, but how referrals are clinically managed should be left to the discretion of provincial health officers, their addictions specialists and physician leads. Addiction treatment requires expert assessment of client motivation. Requiring staff to constantly raise treatment initiation could have the unintended consequence of generating poor self-esteem and alienating the client if they are not ready to seek treatment. For many people struggling with addictions, seeking supervised consumption services is itself a significant first step down towards treatment. Recovery should be encouraged through therapeutic alliance between users and service providers and initiation to treatment should occur when the client is ready.

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We welcome any further questions that the Senate might have regarding our position, however, at this time we request that you vote to strike down the proposed amendments contained in the Senate Committee Report. We are encouraged by the public health framework contained in the new legislation and do not want the proposed amendments to impede its progress in getting lifesaving addiction services into our cities in order to prevent further deaths in the midst of a public health crisis that is moving across the country.

Yours sincerely,



Mayor Gregor Robertson  
City of Vancouver

cc: The Honourable Bob Runciman, Senator, Chair, Senate Committee on Legal and Constitutional Affairs  
The Honourable Peter Harder, Senator, Leader of the Government in the Senate  
The Honourable Larry Smith, Senator, Leader of the Opposition in the Senate  
The Honourable Ralph Goodale, P.C., M.P. Minister of Public Safety  
The Honourable Jane Philpott, P.C., M.P. Minister of Health  
The Honourable Jody Wilson-Raybould, P.C., M.P. Minister of Justice and Attorney General of Canada