



## COUNCIL REPORT

Report Date: May 1, 2023  
Contact: Sarah Hicks  
Contact No.: 604.873.7546  
RTS No.: 15619  
VanRIMS No.: 08-2000-20  
Meeting Date: May 31, 2023  
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TO: Standing Committee on Policy and Strategic Priorities

FROM: General Manager of Development, Buildings and Licensing and General Manager of Arts, Culture and Community Services

SUBJECT: Council Resolution – Supervised Consumption Spaces

### Recommendations

THAT Council adopt the resolution attached to this report as Appendix A, not to enforce for a period of two years, Section 2 requirements of the Health By-law that prohibit indoor smoking, at supervised consumption sites that have Health Canada approval for indoor inhalation services, and meet applicable WorkSafe BC requirements.

### Purpose and Executive Summary

The purpose of this report is to seek a Council resolution not to enforce the Health By-law ban on indoor smoking for a period of two years, at federally approved supervised consumption sites located in Vancouver. The purpose of non-enforcement is to enable a pilot of indoor inhalation spaces at a small number of supervised consumption sites, with the aim of reducing harms and death from drug overdose.

Federally approved supervised consumption sites have Health Canada exemptions from the *Controlled Drugs and Substances Act* and can provide services that include supervised inhalation, injection, oral and intranasal consumption of drugs. Four federally approved sites currently provide services in Vancouver. The City's ban on indoor smoking means that supervised inhalation spaces must be located outdoors.

The number of locations available for supervised outdoor inhalation is limited and one service provider has applied to the City for permission to construct six indoor inhalation booths. To enable the full range of services allowed by Health Canada, and to mitigate the significant risk of harm or death from overdose from inhaled substances, staff recommend non-enforcement of the ban on indoor smoking at supervised consumption sites that have Health Canada approval for indoor inhalation and meet applicable WorkSafe BC requirements over a two year period.

If granted by Council the resolution would enable staff to approve permits for indoor inhalation spaces and to assess the efficacy of these spaces over time. Staff would report to Council with findings and recommendations for permanent regulation by June 30, 2023.

### **Council Authority/Previous Decisions**

- In October 2019, Council approved a motion to review the Four Pillars Drug Strategy in response to the mounting urgency of the overdose crisis and changes in drug policy best practices since the strategy's adoption in 2001.
- In July 2019, Council approved the safe supply statement created in collaboration the Vancouver Community Action Team, advocating for the provision of Safe Supply to prevent further harm from drug-poisoning.
- In December 2018, Council approved over 30 recommendations in the Mayor's Overdose Emergency Task Force Report, including immediate actions in the areas of Indigenous healing and wellness, peer networks, promoting safety for those who use alone at home, harm reduction, safe supply, treatment, low barrier employment, and collective action for change.

### **City Manager's Comments**

The City Manager concurs with the foregoing recommendations.

### **Context and Background**

Vancouver and British Columbia continue to experience an on-going opioid overdose crisis. In March 2022 the Coroner reported that at least 11,171 people have died from toxic drug supply in the Province since a Public Health Emergency was declared in April 2016.

Approximately 3,000 of the province-wide deaths since the declaration have occurred in Vancouver, and reports show an ongoing worsening of harms caused by drug poisoning.

Modes of drug use have been changing. Among persons who died from overdose between 2017 and 2021 smoking was the most common mode of consumption. Compared to previous years, smoking has increased and drug injection has decreased.<sup>1</sup>

### **Supervised Consumption Services**

Supervised consumption services reduce harms and death from drug overdose.<sup>2</sup> Health Canada approves supervised consumption services that include supervised inhalation, injection, oral and intranasal consumption; peer assistance and drug checking among other services. Federally approved supervised consumption sites receive a Health Canada exemption from subsection 56 (1) of the *Controlled Drugs and Substances Act* that prohibits possession of controlled substances. In Vancouver four federally approved sites currently offer services.

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<sup>1</sup> BC Coroners Service Death Review Panel, A Review of Illicit Drug Toxicity Deaths

<sup>2</sup> Health Canada, Supervised Consumption Sites Explained at: <https://www.canada.ca/en/health-canada/services/substance-use/supervised-consumption-sites/explained.html#a1>.

Supervised consumption services are distinct from urgent public health need sites commonly known as overdose prevention sites. Overdose prevention sites are approved by the Province and operated by local health authorities; they operate with a class exemption from subsection 56 (1) of the *Controlled Drugs and Substances Act* issued to the Province by Health Canada. Nine overdose prevention sites are currently operating in Vancouver; two offer outdoor inhalation services.

One of Vancouver's four federally approved supervised consumption service providers has applied to the City for a permit to build indoor spaces for supervised inhalation, to be used to provide supervised consumption of inhalable drugs to patients pending approval from Health Canada. The BC Centre for Excellence in HIV/AIDS (BC-CfE) has been providing HIV/AIDS prevention, treatment and care, and research at 611 Powell Street for ten years, overseen by the St. Paul's Foundation. In 2019, BC-CfE opened Hope for Health as an interdisciplinary primary care health service for people residing in the Downtown Eastside, in response to the lack of primary care provision in the neighborhood. In 2020 it established a supervised consumption site with booths for supervised injection, and in 2022 the clinic began offering Injectable Opioid Agonist Therapy (iOAT) to patients. In its application to the City, BC-CfE cites evidence from the BC Coroner's 2022 report that inhalation and smoking of illicit drugs are now responsible for more overdose deaths than drug injection. This aligns with community feedback regarding the need for inhalation-inclusive safe supply and supervised consumption services.

Staff cannot approve the application from BC-CfE to build indoor inhalation booths at 611 Powell Street because the City's Health By-law prohibits indoor smoking in any building that is open to the public. The applicant has no suitable outdoor space for inhalation at 611 Powell, and installing indoor inhalation booths will also enable them to integrate supervised inhalation with existing supervised consumption services.

## **Discussion**

Outdoor supervised inhalation sites are the preferred option from a broad public health perspective and should be the first choice for supervised inhalation services. However, the number of appropriate, available outdoor locations is limited. Staff believe that non-enforcement of the Health By-law at a small number of supervised consumption sites can make an important contribution to life saving efforts and serve as a pilot. For this reason, staff propose that a resolution not to enforce be limited to sites that have federal approval to offer supervised inhalation services.

Staff considered the option of amending the Health By-law to exclude federally approved supervised consumption sites from the ban on indoor smoking instead of a resolution of non-enforcement. The Health By-law is a critical tool in protecting the public from harms of indoor smoking and amending it could lead to a perception that it is open for further adjustments and exclusions. Staff believe that a two-year period enabling indoor inhalation spaces under a non-enforcement resolution will provide time to assess the efficacy of these spaces before making a recommendation about whether or not they should be exempted in the By-law.

## **Financial Implications**

There are no financial implications.

**Legal Implications**

The Courts have considered resolutions to not enforce by-laws and policies to be supportable in circumstances associated with the broader public good.

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**APPENDIX A  
RESOLUTION OF COUNCIL**

WHEREAS the City of Vancouver will pilot permission of indoor inhalation at a small number of supervised consumption sites for a period of two years to monitor their efficacy.

THEREFORE COUNCIL RESOLVES THAT:

During the course of this pilot project, the requirements of Section 2 of the Health By-law will not be strictly enforced in relation to supervised consumption sites which are authorized to provide inhalation services pursuant to a valid exemption under section 56.1 of the Controlled Drugs and Substances Act and that meet applicable WorkSafe BC requirements.

In order to determine the efficacy of the pilot project, City staff will report back to Council regarding these sites no later than June 30, 2025.