



BRITISH COLUMBIA

VIA EMAIL

Ref. 663355

April 17, 2024

Her Worship Joan Atkinson
Mayor of the District of Mackenzie
1 Mackenzie Boulevard, PO Box 340
Mackenzie BC V0J 2G0
Email: joan@districtofmackenzie.ca

Dear Mayor Atkinson:

Thank you for your letter of February 29, 2024, addressed to Premier Davie Eby, written on behalf of the District of Mackenzie Council, in which you expressed your support for Bill 34 and your disappointment regarding the Supreme Court of British Columbia's injunction that temporarily prevents the *Restricting Public Consumption of Illegal Substances Act* from coming into force. As the Minister responsible for this legislation, I am pleased to respond to your letter on behalf of Premier Eby.

We appreciate your Council's support for our efforts to defend the constitutionality of this legislation and strive for the injunction to be lifted as soon as possible so the Act can be brought into force. While we respect the court's perspective, our government believes this Act appropriately balances the health and safety needs of people who use drugs with the interests of the broader community. It makes public drug use regulations similar to those already in place for smoking, alcohol and cannabis, and further mitigates potential harms for people who use drugs by utilizing a progressive enforcement approach that encourages compliance, rather than punishment. We remain committed to decriminalization as an important part of the overarching strategy to treat substance use as a health issue and prioritize connecting people to the care they need. However, for these health-focused approaches to be sustainable, the Province must be able to implement sensible restrictions to address drug use in public places frequented by children, families and other vulnerable people. Our government believes we can achieve both of these important goals.

As you may know, the initial interim injunction was scheduled to expire on March 31, 2024. Government recently consented to extend the injunction until June 30, 2024, so we would be permitted to pass the regulation that would show the court and the public how the legislation would be implemented. We believe that the court having the full picture of the scope of the legislation will ultimately ensure we are successful in defending the constitutional challenge to this legislation.

.../2

I recognize that while the injunction remains in place, there will be an ongoing need to promote public safety in other ways throughout the province. In this regard, it is worth noting that under BC's decriminalization agreement with the federal government, it remains illegal for youth under the age of 18 to possess any of the drugs listed in the exemption, for anyone to buy or sell these drugs, and for any adult to possess a personal supply totalling more than 2.5 grams. It also continues to be illegal under the federal *Controlled Drugs and Substances Act* to hold any decriminalized drugs in certain child and community focused spaces, such as:

- on K-12 school property;
- at a licensed childcare facility;
- in a vehicle or watercraft operated by a minor or while accessible by an adult operator, and;
- within 15-metres of a playground, wading or spray pool, or skatepark.

Businesses and other places that are normally accessible to the public, like government service offices, can also set their own rules regarding drug use on their properties. Patrons who do not follow these rules can be asked to leave the property immediately and if they refuse, may be charged under the provincial *Trespass Act*. Despite the court injunction, all of these restrictions continue to be in place and are enforceable by police.

I appreciate you taking the time to write and share your support for Bill 34. We are determined to keep doing everything we can to save lives in the face of the toxic drug crisis by treating drug addiction as a health matter rather than a criminal one, while at the same time respecting the interests of the overall community.

Sincerely,



Mike Farnworth
Minister of Public Safety and Solicitor General
and Deputy Premier

pc: The Honourable David Eby, KC
The Honourable Niki Sharma, KC
Colleen Anderson, District of Sicamous
Mike Morris, MLA Prince George Mackenzie
Chelsea Smirle, District of Mackenzie
Diane Smith, District of Mackenzie