



Harm Reduction
Nurses Association

Association des
infirmiers et infirmières
en réduction des méfaits

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BC's Public Use Legislation Fails to Meet Minimal Constitutional Standards: HRNA to Challenge *Bill 34: Restricting Public Consumption of Illegal Substances Act*

Bill 34, BC's recently-passed law, bans drug consumption in a range of public places, including parks, beaches, workplaces, and building entrances. To protect the health, safety, and lives of our clients, HRNA has submitted a legal challenge to prevent the law from coming into force.

OVERVIEW

The [Harm Reduction Nurses Association](#) (HRNA) is a non-profit Canadian national organization with a mission to advance harm reduction nursing through practice, education, research, and advocacy. We work collaboratively with partners to address structural conditions that create harms, and advocate for the rights and dignity of people who use drugs and their families. As an Association of nurses who work alongside people experiencing structural violence, we acknowledge that “harm reduction” means, at times, challenging laws and policies that inflict harm. This includes BC's new *Restricting Public Consumption of Illegal Substances Act* (Bill 34).

BC is seven years into a [public health emergency](#), yet our communities continue to die from preventable overdose deaths at a rate of seven people per day. The unregulated drug supply is contaminated. Enforcing against public use can be fatal if privacy means a hidden alley or an SRO without peers and family. Indoor spaces are also not available to many of our clients, particularly those without homes. Amidst growing homelessness – a community that is disproportionately Indigenous and racialized – Bill 34 unequivocally means an increased risk of overdose fatality. In circumstances like these, we are compelled to act, even knowing that some will attempt to politicize the issue. When politicians put lives at risk to drum up fear for the sake of votes, the public – all of us – should be concerned.

BILL 34

The [Restricting Public Consumption of Illegal Substances Act](#) is new legislation that criminalizes public drug use and threatens the safety of British Columbia's most vulnerable communities. It follows the implementation of a [decriminalization pilot](#) in BC, which was designed to limit interactions between people who use drugs and the criminal-legal system. Bill 34, which has yet to take effect, is being promoted as a means to keep families and children safe, and to “help people who use drugs connect to spaces where they can use safely and connect to services they need”.



WHY HRNA OPPOSES BILL 34

Lives are at stake. The HRNA has a duty to protect the health and wellbeing of our clients. If implemented, Bill 34 will drive drug use further into the shadows and put the lives of our clients and community at risk.

Everyone wants to feel safe in their communities, and everyone wants to know that laws properly balance everyone's safety. This law does not accomplish that goal. The HRNA wants all communities and members of our communities to thrive. But that can't happen when the government passes a law that almost certainly will lead to more fatalities. In short, Bill 34 threatens the health, safety, and *Charter* rights of people who use drugs in BC:

- **Bill 34 promotes hidden or isolated drug use:** We know that criminalization encourages covert drug use. Amid a volatile unregulated drug supply, isolated use is a matter of life or death that greatly increases risk of bloodborne illness and fatal drug poisoning.
- **Bill 34 drives the displacement of people who use drugs, especially those who are homeless:** The threat of a police interaction or enforcement forces people into hiding. This makes them harder to locate for the purposes of outreach and health service delivery, including by HRNA's members.
- **Bill 34 relies on services that do not exist:** Most communities do not have safe consumption services, meaning that the law will force people into alleyways, public washrooms, and other unsupervised spaces, rather than connect them with supports.
- **Bill 34 will disproportionately target and harm Indigenous peoples in BC, particularly those who use drugs:** Indigenous people are overrepresented among homelessness, drug poisonings, policing, and incarceration. Bill 34 will exacerbate those trends.
- **Bill 34 does not align unregulated drug use with tobacco, alcohol, and cannabis regulations:** the risk associated with the unregulated drug supply is profoundly higher than that associated with regulated supplies. If someone is forced to smoke a cigarette in a covert location, their risk of suddenly dying is low compared to someone who is forced to use fentanyl in a covert location.

WHAT DO WE WANT

The HRNA is asking the BC Supreme Court to declare *Bill 34* unconstitutional, as it violates core rights and freedoms under the *Charter*. In the interim, we are seeking an emergency order from the Court to prevent the bill from coming into force. We also want the Minister of Health to enforce the 2016 [Ministerial Order \(M488\)](#), which requires overdose prevention services throughout the province, and which is currently being unfulfilled.

There are many alternatives to this law – alternatives that would keep people safe and support all members of our community. It's time to stop stoking fear and listen to people who have solutions – people who use/d drugs, harm reduction workers, policy experts, nurses and caregivers, all of whom are ready and waiting for this government to support policies and services that would see an end to this devastating public health emergency.