

Bill #2
The Harm Reduction Act
Moved By: Minister of Labour

WHEREAS needle exchange programs have been shown to reduce rates of HIV/AIDS infection¹; and

WHEREAS the Insite safe injection site in Vancouver has been shown to reduce rates of overdose death in the area around the safe injection site, and reduce the lengths of hospital stays of intravenous drug users²; and

WHEREAS decriminalization of possession and use of drugs in Portugal has resulted in fewer incarcerations for drug related offenses, reducing strain on the criminal justice system.³

THEREFORE HER MAJESTY, BY AND WITH THE ADVICE AND CONSENT OF THE YOUTH PARLIAMENT OF MANITOBA, ENACTS AS FOLLOWS:

Purpose

- 1 The purpose of this Act is to
 - (1) Establish **HARM** with the mandate set out in Clause (4).
 - (2) Create and manage a national Harm Reduction Program to mitigate the risks of substance dependence.
 - (3) Decriminalize the personal use of illegal substances.

Definitions

- 2 In this bill, the following terms are defined as
 - (1) **Illegal substances:** Substances under Schedules I, II, or III of the *Controlled Drugs and Substances Act*.
 - (2) **Dependence treatment centre:** Sites dedicated to providing treatment for addictions (also known as Rehabilitation Centres).
 - (3) **Safe use sites:** Medically supervised facilities designed to provide a hygienic and stress-free environment where individuals may consume illegal substances.
 - (4) **Needle exchange program:** A social service that allows injecting drug users to obtain and dispose of clean needles and associated equipment at no cost.

Establish HARM

- 3 The Harmonized Agency for Reducing Harm and Managing Dependence [**HARM**] is hereby established.

¹ J. M. Raboud, M. C. Boily, J. Rajeswaran, M. V. O'Shaughnessy, and M. T. Schechter, "The Impact of Needle-Exchange Programs on the Spread of HIV Among Injection Drug Users: A Simulation Study," *Journal of Urban Health* 80, no. 2 (2003).

² Jennifer Ng, Christy Sutherland, and Michael R. Kolber, "Does Evidence Support Supervised Injection Sites?" *Can Fam Physician* 63, no. 11 (2017).

³ Drug Policy Alliance, *Drug Decriminalization in Portugal: A Health-Centered Approach*, February 2015, https://www.drugpolicy.org/sites/default/files/DPA_Fact_Sheet_Portugal_Decriminalization_Feb2015.pdf.

Mandate and Powers

- 4 The mandate of **HARM** is to reduce the harm resulting from drug addiction in Canada. **HARM** will be responsible for overseeing the National Harm Reduction Program, a series of initiatives aimed at reducing risk of harm to individuals with a substance dependence, and making treatment programs more readily available.
- 5 **HARM** shall work with the justice system to determine sanctions for those found in possession of illegal substances with the intent of personal use, as set out in Clause (10).

Dependence Treatment Centres

- 6 **HARM** will oversee the creation of a series of dependence treatment centres across Canada to serve the needs of populations suffering from substance addiction.
 - (1) **HARM** treatment centres shall not require patients to fully abstain from substance use for any period of time prior to receiving treatment.

Safe Use Sites

- 7 **HARM** will establish a series of safe use sites (as defined in (2.4)) across Canada, in locations where they will be most readily accessible to individuals with substance dependence.
 - (1) **HARM** safe use sites shall provide sterile needles for intravenous substance users, medical supervision, treatment in the event of overdose, medical information regarding substances, and referrals to dependence treatment centres.

Nationwide Needle Exchange Program

- 8 **HARM** shall establish and operate a nationwide needle exchange program.
 - (1) Needle distribution and collection will take place at:
 - (a) Safe use sites, as set out in Clause (8).
 - (b) Stand-alone needle exchange facilities.

Decriminalization of Illegal Substance Possession with Intent of Personal Use

- 9 Individuals found in possession of illegal substances with intent of personal use will no longer be subject to criminal penalties.
 - (1) Consuming an illegal substance, or injecting another with it, shall be considered personal use of the substance.
- 10 Individuals providing or using the services of **HARM** dependence treatment centres or safe use sites, shall not be arrested or prosecuted for trafficking of illegal substances.

Sanctions for Possession with Intent to Personal Use

- 11 Individuals found in possession of illegal substances with intent of personal use will come before a panel operated by **HARM**. The panel will question the individual and learn of their habits and living situation. The panel may then sanction the individual with:
 - (1) A fine not exceeding \$50, based on the individual's ability to pay.
 - (2) Community service hours.
 - (3) A revocation or suspension of any professional license, if deemed a danger to others as a result of substance use habits.
- 12 The panel may waive any sanction if the individual enters a **HARM** treatment centre.