



Bill C-22

March 2021

Background

On February 18th, 2021 the Federal Liberal Government introduced legislation, [Bill C-22](#), to amend the Criminal Code and the Controlled Substances Act. If the legislation were to pass, mandatory minimum sentences for certain types of drug offences would be repealed and police and prosecutors would have greater freedom to pursue alternatives to 'simple' possession charges. Alternatives may include diverting those facing charges to addiction treatment programs instead. If caught with 'small amounts' of illicit drugs, police officers would have the option to let the person go, issue a warning or potentially refer to another agency (e.g. addictions treatment). In turn the courts would have greater leeway to offer conditional sentences for non-violent offenders allowing them to serve sentences in the community.ⁱ

Criticism of Bill C-22 highlights that the legislation falls short for several reasons. These include:

- Not completely eradicating the criminalization of drug possession for personal use, e.g. Bill C-22 is not decriminalization.
- Potentially increasing interactions with the police which in turn could lead to harmful exchanges between those who use substances and law enforcement officials.
- That Bill C-22 gives too much 'control' to law enforcement and the courts where systemic racism is an ongoing issue for Black and Indigenous people.
- That Bill C-22 gives too much 'control' to law enforcement and the courts in referring to treatment centres when these agencies lack the expertise and knowledge to do so effectively.
- That Bill C-22 could in fact increase stigma associated with substance use.

The HIV Legal Network released a [statement](#) in which they acknowledged that some aspects of Bill C-22 are beneficial but that it falls short in not repealing criminal prohibition on possession of drugs for personal use.ⁱⁱ The Legal Network contends that drug use is a health issue and that ongoing criminalization perpetuates stigma, social isolation (using in secret), poverty, homelessness and exacerbates public health issues such as HIV, hepatitis C and overdose deaths.

From a nursing perspective, NNPBC applauds the basic tenets of Bill C-22 that focus our attention on substance use as a health and social issue, rather than a criminal matter. We applaud the recognition that drug enforcement is a racialized issue in our society as Black and Indigenous people are overrepresented in our court and prison system. With law enforcement still heavily represented in the proposed response, this is a partial solution at best. Much more needs to be done to rectify the conditions leading to substance use problems, and to provide meaningful health care and harm reduction support for those who use drugs.

Nurses who work point of care in our communities have seen the devastating ramifications of the current overdose crisis. They also see first-hand the negative impact that criminalization has had on our clients and communities. Indeed, *decriminalization* is a critical step that removes barriers to support and reduces stigma.ⁱⁱⁱ That noted, Bill C-22 stops short of full decriminalization of drugs for personal use. Because of this, nursing continues to raise concerns about the lack of proper education and training for law enforcement and the courts, as well as both access to and suitability of the addiction services that are available. We acknowledge that these first steps are important to break down decades of rhetoric around the 'War on Drugs'/'Action on Drug Abuse'. By focusing on the harms caused by current drug laws, we have an opportunity to continue working towards a society that does not punish those who use substances, but rather promotes health and well-being and values a just and equitable society for individuals and populations.



Key Messages

- Bill C-22 was recently introduced with the intention to amend the Criminal code and Controlled Substances Act.
- The changes to the Criminal Code and Controlled Substances Act proposed by Bill-22 would remove mandatory sentences for certain types of drug offenses and would allow both the police and the courts to pursue alternatives to possession charges (e.g. referrals to addiction treatment centres, dropping charges etc.).
- NNPBC applauds the basic tenets of Bill C-22 and recognizes that the bill not only focuses on substance use as a health and social issue but is also attempting to rectify the unfair application and enforcement of drug laws on Black and Indigenous people.
- Criticism of Bill-22 is primarily aimed at the fact that the proposed amendments do not go far enough and stop short of full decriminalization.
- Nurses working point of care have seen the devastating ramifications of the current overdose crisis, as well as the negative health and social impact of criminalization on our clients and communities.
- NNPBC believes that we have an ongoing opportunity to continue working towards a society that does not punish those who use substances, but rather promotes health and well-being and values a just and equitable society for individuals and populations.

Resources

- [HRNA and NNPBC Position on Decriminalization](#)
- [Parliament of Canada- Bill C-22, first reading](#)
- [HIV Legal Network- Statement on Bill C-22](#)

With thanks to members of our RN and RPN councils for their contributions to this brief.

Please feel free to direct questions and additional comments to info@nnpbc.com.

ⁱ Vice.com "Liberals' [Justice Reform Bill Keeps War on Drugs Alive, Policy Experts Say](#)"

ⁱⁱ [HIV Legal Network- Statement on Bill C-22](#)

ⁱⁱⁱ [HRNA and NNPBC Position on Decriminalization](#)