
Second Session, Forty-third Parliament
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Legislative Assembly of British Columbia

BILL M 235

**DRUG RECOVERY AND
COMMUNITY SAFETY ACT**

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Explanatory Note

This Bill

- requires the cancellation of any authorization and provincial funding provided to facilities permitting the use of controlled substances and requires the development of a plan to allocate the provincial funding to drug recovery and community safety programs,
- establishes a mandatory abstinence condition on provincial funding and service agreements, and
- provides for the suspension of a provincial benefit payable to or for a person upon conviction of that person of an offence of possession under the *Controlled Drugs and Substances Act* (Canada).

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**PART 1 – CLOSURE OF SUPERVISED CONSUMPTION SITES AND
OVERDOSE PREVENTION SITES**

Closure of facilities permitting use of controlled substances

- 1 (1) In this section, “**controlled substance**” means a drug or substance listed in a Schedule to the *Controlled Drugs and Substances Act* (Canada).
- (2) Within 6 months after this Act receives Royal Assent, the government must cancel authorization and funding for all of the following:
 - (a) designated supervised consumption sites;
 - (b) overdose prevention sites;

- (c) any other site where the use or possession of a controlled substance was permitted on the date this Act comes into force.
- (3) No provincial funding may be provided to a facility described in subsection (1) after the expiry of the 6-month period referred to in that subsection.

Drug recovery and community safety plans

- 2 (1) Within one year after the date this Act receives Royal Assent, the minister must develop a plan for the allocation of provincial funding resulting from the operation of section 1 (2) to drug recovery and community safety programs.
- (2) Upon completion of a report referred to in subsection (1), the minister must, as soon as practicable,
 - (a) table the report in the Legislative Assembly if the Legislative Assembly is then sitting, or
 - (b) deposit the report with the Clerk of the Legislative Assembly if the Legislative Assembly is not sitting.

PART 2 – OVERRIDE AND CONFLICT PROVISIONS

***Residential Tenancy Act* override**

- 3 (1) Despite the *Residential Tenancy Act* or any other enactment or agreement, a suspension of a provincial benefit under section 1 constitutes lawful authority for the termination of
 - (a) a rental subsidy, supplement or housing support, and
 - (b) a residential tenancy, licence to occupy or other right of occupation in provincially owned, funded or administered housing.
- (2) The *Residential Tenancy Act* does not apply to a termination effected under subsection (1) to the extent of any conflict with this Act.

Conflict of laws

- 4 If there is a conflict between this Act and any other enactment, including the *Residential Tenancy Act*, this Act prevails.

**PART 3 – CONDITIONS ON PROVINCIAL FUNDING
AND SERVICE AGREEMENTS**

Definitions

- 5 In this Part:
 - “**provincial funding agreement**” means an agreement, funding arrangement or other instrument under which the government, a minister, a ministry, or a public authority provides funding, subsidies, grants or other financial support for
 - (a) housing accommodation services,
 - (b) income assistance or disability assistance,
 - (c) recovery, rehabilitation or addiction services, or
 - (d) any prescribed social benefit or community support service;

“**public authority**” means a Crown corporation, agency, board, commission or prescribed body of the government.

Mandatory abstinence condition

- 6 (1) Every provincial funding agreement entered into, renewed or amended after this section comes into force must include a term requiring that a recipient of services funded under the agreement abstain from
- (a) the unlawful use of drugs and substances listed in the Schedules to the *Controlled Drugs and Substances Act* (Canada), and
 - (b) the possession of drugs or substances contrary to federal or provincial law.
- (2) A provincial service agreement must provide that continued eligibility for financial support under the provincial service agreement for services is conditional on compliance with subsection (1).
- (3) A failure to comply with a condition described in subsection (1) constitutes lawful grounds for
- (a) termination of housing accommodation,
 - (b) suspension or termination of financial support, and
 - (c) termination of financial support provided under the agreement.

Statutory incorporation and paramountcy

- 7 (1) A condition required under section 6 is deemed to be incorporated into every provincial funding agreement whether or not expressly set out in the provincial funding agreement.
- (2) If a term of a provincial funding agreement conflicts with this Part, this Part prevails to the extent of the conflict.
- (3) No enactment, including the *Residential Tenancy Act*, prevents the enforcement of a condition required under this Part.

PART 4 – EMPLOYMENT AND ASSISTANCE ACT AND EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES ACT AMENDMENTS

Employment and Assistance Act

- 8 *The Employment and Assistance Act, S.B.C. 2002, c. 40, is amended by adding the following section:*

Suspension – conviction for unlawful possession of controlled substance

- 15.3 (1) In this section, “**provincial benefit**” means
- (a) income assistance, hardship assistance, or a supplement provided under this Act, or
 - (b) a prescribed provincial benefit.

- (2) If a person who is a recipient of a provincial benefit is convicted of an offence of possession under the *Controlled Drugs and Substances Act* (Canada) in respect of a drug or substance that is controlled under that Act, the provincial benefit payable to or for that person is suspended, effective the first day of the month following the conviction.
- (3) A suspension under subsection (2) continues until the provincial benefit is reinstated under subsection (5).
- (4) A person whose provincial benefit is suspended under this section may apply to the minister responsible for administering the provincial benefit for reinstatement of the provincial benefit and in the application must provide the prescribed information for evidence that the person
 - (a) has completed a prescribed drug recovery or rehabilitation program, and
 - (b) is participating in a prescribed post-treatment recovery plan.
- (5) If the person hearing the application made under subsection (4) is satisfied by the evidence provided, the person may reinstate the provincial benefit, effective the date on which the prescribed recovery program is completed and the date confirmation of enrollment in a prescribed post-treatment recovery plan, whichever is later.

9 *Section 35 (3) is amended by adding the following paragraphs:*

- (e.1) prescribing recovery and rehabilitation programs for the purposes of section 15.3;
- (e.2) prescribing post-treatment recovery plans for the purposes of section 15.3;
- (e.3) prescribing provincial benefits for the purposes of section 15.3.

Employment and Assistance for Persons with Disabilities Act

10 *The Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, is amended by adding the following section:*

Unlawful use of controlled substance not a disability

- 2.1** For the purposes of determining eligibility for disability assistance, hardship assistance or a supplement under this Act, the unlawful use of, dependence on or addiction to a substance that is listed in a Schedule to the *Controlled Drugs and Substances Act* (Canada) does not constitute a disability.

11 *The following section is added:*

Suspension – conviction for unlawful possession of controlled substance

- 14.3** (1) In this section, “**provincial benefit**” means
 - (a) income assistance, hardship assistance, or a supplement provided under this Act, or
 - (b) a prescribed provincial benefit.
- (2) If a person who is a recipient of a provincial benefit is convicted of an offence of possession under the *Controlled Drugs and Substances Act* (Canada) of a drug

or substance that is controlled under that Act, the provincial benefit payable to or for that person is suspended, effective the first day of the month following the conviction.

- (3) A suspension under subsection (2) continues until the provincial benefit is reinstated under subsection (5).
- (4) A person whose provincial benefit is suspended under this section may apply to the minister responsible for administering the provincial benefit for reinstatement of the provincial benefit and in the application must provide the prescribed information for evidence that the person
 - (a) has completed a prescribed drug recovery or rehabilitation program, and
 - (b) is participating in a prescribed post-treatment recovery plan.
- (5) If the person hearing the application made under subsection (4) is satisfied by the evidence provided, the person may reinstate the provincial benefit, effective the date on which the prescribed recovery program is completed and the date confirmation of enrollment in a prescribed post-treatment recovery plan, whichever is later.

12 Section 26 (3) is amended by adding the following paragraphs:

- (e.1) prescribing recovery and rehabilitation programs for the purposes of section 14.3;
- (e.2) prescribing post-treatment recovery plans for the purposes of section 14.3;
- (e.3) prescribing provincial benefits for the purposes of section 14.3.

PART 5 – GENERAL

Declaration

- 13** This Act and the amendments enacted by this Act operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

Regulations

- 14** The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

Commencement

- 15** This Act comes into force on the date of Royal Assent.