

CITY OF SURREY  
BY-LAW NO. 15039

A by-law to regulate the dispensing of methadone  
.....

**As amended by By-law No. 16752, 09/08/08; 16786, 10/20/08;**

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- (a) WHEREAS the general welfare of the community is founded, in part, by generally maintaining law and order in the municipality and fostering the current and future economic, social and environmental well being of its community;
- (b) AND WHEREAS there has been an increase in the number and concentration of methadone dispensaries carrying on business in the City;
- (c) AND WHEREAS there have been methadone doses provided for use away from pharmacy premises without the written order of a physician; and
- (d) AND WHEREAS the regulation of such businesses will improve the general welfare of the City.

Under its statutory powers, including Sections 658(1) of the Local Government Act, R.S.B.C. 1996, c. 323, the Council of the City of Surrey enacts the following provisions:

**INTENT OF BY-LAW**

- (a) to promote personal harm reduction and reduce illegal drug trafficking; and
- (b) by imposing terms and conditions on the business license of methadone dispensaries and drug stores pursuant to s. 658(1)(d) of the Local Government Act to prohibit the dispensing of methadone doses to persons for take away or consumption off the premises of a methadone dispensary or drug store without a physician's written prescription.

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### **Part 1 Introductory Provisions**

#### **Title**

- 1. This By-law may be cited as "Surrey Methadone Dispensing By-law, 2003, No. 15039".

#### **Definitions**

- 2. In this By-law,

"Carry" or "Carries"

means the take out from a methadone dispensary or drug store of a dosage of methadone by a patient authorized by a written order of a physician, which order specifies a maximum dosage and a maximum period for use of that dosage.

"Drug Store"

means a commercial establishment with a *gross floor area* of 600 square metres [6,450 square feet] or greater which fills a broad range of pharmaceutical prescriptions, and which includes the display for sale of health and beauty products and general merchandise on at least 65% of its *gross floor area*.

"License"

means a valid and subsisting license to carry on a business, trade, profession or other occupation issued under Business License By-law, 1999, No. 13680.

"Methadone Dispensary"

means a business selling or filling methadone prescriptions for customers as the primary activity of the business and which does not display for sale [of] health and beauty products and general merchandise on at least 65% of its *gross floor area*, but excludes a *drug store* or a *small-scale drug store*.

"Pharmacist"

means a person who is currently registered under section 15 or 16 of the Pharmacists, Pharmacy Operations and Drug Scheduling Act, R.S.B.C. 1996, c. 363.

"Physician"

means a medical practitioner who has received a valid and subsisting written authorization from the Minister of Health Canada to prescribe or administer methadone.

"Small-Scale Drug Store"

means a commercial establishment with a *gross floor area* of less than 600 square metres [6,450 square feet] which fills prescriptions and which includes the display for sale of health and beauty products and general merchandise on at least 65% of its *gross floor area*.

**Part 2  
Pharmacist**

**License**

3. No person shall carry on, maintain, own or operate a business as a Methadone Dispensary unless and until the person has a License.

## **Place of Business**

4. All business licenses issued with respect to the business of a Methadone Dispensary or Drug Store shall designate the premises in respect of which the License is issued.
5. No person licensed as a Methadone Dispensary or Drug Store shall carry on such business except at the place of business designated in the License.

## **Pharmacist**

6. No Pharmacist shall provide, permit or allow a Carry without a Physician's written prescription to that effect.
7. Every Pharmacist shall ensure that the methadone has been swallowed in his or her presence by requiring the patient to talk or open his or her mouth after drinking excepting only that part of the prescription dosage covered by a written authorization for a Carry.

## **Location**

- 7.1. No Methadone Dispensary shall locate within 400 metres of the lot line of an existing Methadone Dispensary, Small-Scale Drug Store or Drug Store.

## **Part 3 Offences and Penalties**

### **Offences**

8. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this By-law shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

### **Penalties**

9. Any person who violates any of the provisions of this By-law shall upon summary conviction, be liable to a penalty of not less than \$100 and not more than \$5,000 plus the cost of the prosecution.

## **Part 4 General Provisions**

### **Commencement**

10. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the 26th day of May, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 9th day of June, 2003.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK