



First Nations Health Authority
Health through wellness

Decriminalization in British Columbia

A New Approach

Decriminalization in British Columbia (BC) refers to an exemption to the federal Controlled Drugs and Substances Act (CDSA) that allows adults to have small amounts of certain illicit drugs for personal use without facing the risk of drug seizure, fines or criminal charges. This exemption came into effect Jan. 31, 2023, and remains in effect for a period of three years, ending Jan. 31, 2026.

As of May 7, 2024, Health Canada and the Province of BC have made several important changes to decriminalization in BC.

This revised approach to decriminalization is in effect until Jan. 31, 2026, however the Province of BC may at any point during that time period implement additional changes.

You can find the most current information about decriminalization on the Province of BC's website at: <https://www2.gov.bc.ca/gov/content/overdose/decriminalization>

The new approach for decriminalization is as follows:

Adults (18+) are permitted to possess up to 2.5 grams TOTAL of the following illicit drugs for personal use only:

- Opioids (such as heroin, morphine and fentanyl)
- Crack and powder cocaine
- Methamphetamine (meth)
- MDMA (ecstasy)

Personal possession of illicit drugs is permitted ONLY in the following locations:

- Private residences
- Places that unhoused individuals are legally sheltering (indoor and outdoor locations)
- Overdose prevention services (OPS), drug checking sites, and supervised consumption sites
- Places that provide out-patient addiction services like rapid access addiction clinics

It is important to understand that this list of locations is a new feature of decriminalization as of May 7, 2024. Possession in any other setting, even for the intention of personal use, is now illegal.

Adults (18+) who are found to be in possession of illicit drugs in these permitted locations should not:

- Be arrested, fined or ticketed
- Have their substances seized or destroyed
- They may instead be offered health and social supports, including information about optional substance use treatment.
- Personal possession of illicit drugs is not permitted in any other settings, including hospitals, businesses, public transit, parks and beaches.
- Adults (18+) who are found to be in possession of illicit drugs in any other settings than the permitted locations described above are at risk of legal sanctions and of having their substances seized and/or destroyed.
- Using illicit drugs in any public setting is illegal, and can result in legal sanctions and/or the seizure and destruction of substances.
- Youth and children under 18 are not permitted to possess any amount of any illicit drug. Making, importing/exporting and selling illicit drugs is illegal.

The role of law enforcement under the new model for decriminalization:

- Police have received guidance to treat addiction as a health issue, not a criminal one.
- Officers have the tools and power to enforce against problematic drug use in public places.
- When called to a scene where illegal substance use is taking place, police can:
 - Offer health information and referrals to treatment and social services
 - Compel the person to leave the area
 - Seize the drugs, when necessary
 - Arrest the person, if required

In addition, rapid response teams operate in many communities and can respond to calls for people in mental health or addiction crisis:

- Mobile Integrated Crisis Response Teams pair police with a psychiatric nurse or social worker trained to deescalate high-risk situations, offer immediate specialized care, and [connect people to recovery supports](#) instead of legal consequences.
- [Peer Assisted Care Teams](#) of mental health and trained peer support workers provide compassionate, trauma-informed care in low-risk situations.

It is worth noting that public use of substances was never permitted under any model of decriminalization. If someone in BC is using substances publicly, they are, and have always been, at risk of arrest and having their substances seized.

Frequently Asked Questions

What was the original intent of decriminalization?

At the request of the Province of BC, Health Canada granted BC a three-year exemption under the Controlled Drugs and Substances Act to decriminalize people who use drugs, which came into effect January 31, 2023.

The FNHA agreed to work with the province on the exemption request because decriminalization is likely to be an important step to addressing the toxic drug crisis. The FNHA recognizes that the criminalization of people who use drugs contributes to the significant over-incarceration of First Nations people in BC.

The FNHA also anticipates a longer-term reduction in the many harmful impacts that criminalization has on the determinants of health and wellness. This includes the consequences of a criminal record on employment, housing and child custody, and the health effects of incarceration such as mental health impacts, higher transmission rates of blood-borne infections and greater risk of overdose upon release.

The idea behind decriminalization is that substance use is a health concern and not a criminal issue, and this exemption is intended to support people who use substances by reducing the barriers and stigma that prevent people from accessing life-saving supports.

What have we learned since decriminalization came into effect?

There have been positive trends since decriminalization came into effect, as identified by BC's Ministry of Mental Health and Addictions (MMHA):

- The use of drug checking services increased by about 60 per cent.
- Overdose Prevention Services (OPS sites) were accessed at significantly higher rates.
- There was a decrease of 76 per cent in possession charges from the past four-year average.
- 95 per cent decrease of possession drug seizures under the 2.5g threshold.
- The number of possession drug seizures overall decreased by 83 per cent compared to the previous four-year average, which indicates that decriminalization is having a protective effect for people who use drugs.
- The FNHA and regional health authorities hired outreach positions to support people who are using substances and connect them with harm reduction and recovery services.

Source: Decriminalization: Report to Health Canada, February – October 2023, British Columbia's Ministry of Mental Health and Addiction

What We Are Monitoring: Possession offences after Decriminalization

The number of possession offences decreased by 77% compared to the previous four-year average.

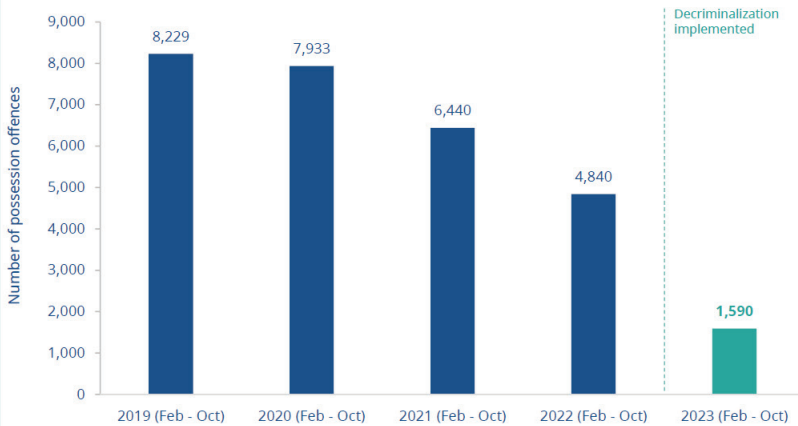


Figure: Number of possession offences, where possession is the most serious offence, by all police in B.C. (February – October; 2019 - 2023).

In the first nine months of decriminalization, there has been a:



77% decrease from the past four-year average during the same period from February to October.

Remaining possession offences include:

- Possession above 2.5g
- Possession of non-exempted substances
- Encounters where the exemption does not apply

Source: [Building a Mental Health and Substance Use System of Care Data Snapshot](#) (April 2024)

What does this look like in First Nations communities?

The FNHA acknowledges and supports the self-determination of each First Nations community when considering how decriminalization will work for them. To support the exemption, MMHA has funded positions specific to decriminalization within the FNHA. These positions can provide specific support for First Nations communities to determine what decriminalization looks like in their community.

The FNHA acknowledges that decriminalization is only one strand in the braid of harm reduction services that will lead to better health outcomes and keep people alive. By walking alongside communities and in partnership with health authorities, the FNHA is committed to promoting change to reposition substance use as a health care issue and to reduce shame and stigma against those who are struggling. This is critical in reducing the fear and stigma that surround substances and the people who use them.

While the FNHA worked with the Province of BC throughout 2022 to hold a series of engagements for First Nations communities on decriminalization, MMHA has committed to continue offering information and engagement to any interested community throughout the term of decriminalization. The FNHA's funded decriminalization roles can support communities in working with MMHA for additional engagements regarding decriminalization, if desired.

What other work is happening to address the impacts of the toxic drug emergency on First Nations peoples?

The FNHA embraces a wholistic system of care in addressing the toxic drug emergency, providing supports that range from harm reduction to treatment services to aftercare, [while being grounded in culture and tradition](#).

Some specific initiatives include the expansion of treatment and healing centres, development of First Nations-focused overdose prevention sites, increasing access to opioid agonist therapies and distribution of harm reduction grants to communities.

To learn more about FNHA's approach, please visit: fnha.ca/harmreduction.

How is the BC government working with law enforcement on decriminalization?

The government has worked with police to develop training resources and practical guidance, which is now available to more than 9,000 frontline police officers. The revised model of decriminalization will offer a third module of training for law enforcement.

In March 2024, the Vancouver Police Department (VPD) released data collected from February to October 2023, showing they made no seizures for possession of 2.5 or fewer grams of exempt drugs in those nine months. Over the same period, overall drug seizures also fell by 76 per cent¹.

"We don't support putting people in jail simply because they use drugs or struggle with substance use disorder. We believe that the decriminalization pilot is an important part of a larger strategy that is required to respond to the ongoing crisis."

- Phil Heard, VPD Inspector

What are next steps for implementation of the new approach to decriminalization?

As we enter into this new approach to decriminalization, there is still much work to do to make meaningful differences in the lives of people who use substances. Anti-stigma work needs to continue to reduce fear and emphasize substance use as a health issue and not a criminal one. We need more investment in alternatives to the illicit toxic drug supply. And we need to continue to treat people who use substances with the humanity, dignity, love, and respect that they deserve.

¹ VPD drug seizures decline during decrim pilot, Vancouver Police Department, Beyond the Call, <https://vpd.ca/news/2024/03/26/vpd-drug-seizures-decline-during-decrim-pilot/>