



BC Decriminalization FAQs for Local Governments  
Ministry of Mental Health and Addictions

What is decriminalization in BC?

- Under B.C.'s decriminalization framework, adults aged 18 and older will no longer be subject to criminal penalties for possessing up to 2.5g cumulative of opioids, cocaine, methamphetamine, and MDMA.
- Police will also not be allowed to seize drugs at or below this threshold. In place of criminal penalties, police will provide individuals found in possession of illicit substances at or below the threshold with a resource card, which includes contact information for local health and social services. When requested by an individual, a police officer may assist with a referral to these services (e.g. facilitating a referral through a phone call, or navigating the Wellbeing.ca website).
- Health authorities across the province have also added new positions dedicated to implementing decriminalization on the ground, building connections with local service provider and police. These positions will also help connect people who are referred by police to voluntary mental health and addictions supports in their own community.
- Possession for the purposes of trafficking will remain illegal, even below the 2.5g threshold.

Are there any settings where decriminalization doesn't apply?

- This exemption does not apply on the premises of K-12 schools and licensed child care facilities, at airports, on Canadian Coast Guard vessels and helicopters, in a motor vehicle or watercraft operated by a minor, or when illegal substances are within reach of the operator of a motor vehicle or watercraft.
- The exemption also does not apply to youth aged 17 or younger or to Canadian Armed Forces members subject to the Code of Service Discipline.

When will the exemption come into effect?

- The exemption comes into effect on January 31, 2023 and will be in place until January 31, 2026.



How have local governments been engaged to date?

- Local governments are key partners in responding to the toxic drug crisis through their work with law enforcement, regional health authorities, and community service providers. These partnerships will be important for the success of decriminalization, and BC is committed to implementing this new policy in a way that recognizes community needs.
- The Government of BC has engaged with the Union of BC Municipalities throughout the development of BC's decriminalization framework, and will continue to work closely with them through a Local Government Working Group, co- chaired with UBCM.
- UBCM members support this approach and endorsed resolution 2021-NR44, which asked the provincial and federal governments to *“declare the overdose crisis a national public health emergency and develop appropriate comprehensive, holistic Pan-Canadian overdose action plans that include the legislative and funding frameworks for decriminalization, de-stigmatization, safe supply, suitable medical treatments and thereby function to holistically address the opioid crisis, mental health issues and their connections to homelessness and overdose deaths in local governments across Canada”*.
- UBCM and BC local governments have provided feedback on decriminalization through:
  - Participation on the provincial Decriminalization Core Planning Table.
  - A webinar for local governments on October 13, 2021. This webinar offered an opportunity for local governments to ask questions and highlight local concerns to provincial staff, prior to the government's submission to Health Canada.
  - The 2022 Convention session on Decriminalization and Harm Reduction. Presentations for the workshop are posted on the website.
  - Local Government Working Group on decriminalization. A call for expressions of interest was issued in September 2022 through the Compass.

Is decriminalization the same as legalization?

- Decriminalization is **not** legalization.
- This is a time-limited exemption granted for specific substances under certain conditions and will be supported by rigorous monitoring and evaluation. It is not a change to Canada's drug laws.
- It is not the same as what the federal government did with cannabis, which was legalization. Alcohol and tobacco are legalized substances.
- The illegal drugs specified in the exemption will not be sold in stores.



- Drug trafficking and other activities involving any illegal substances in any amounts remains illegal.
- In many cases, illegal drug use continues to be prohibited on private property, including places like shopping malls, bars and cafes. Police retain legal authority to remove people from these premises under the authority of the Trespass Act if open drug use is occurring against the wishes of the owner.

How will you ensure that people can access treatment and other health supports as an alternative to decriminalization?

- Reducing stigma is a vital part of B.C.'s work to build a comprehensive system of mental health and addictions care as laid out in *A Pathway to Hope: A roadmap for making mental health and addictions care better for people in British Columbia*.
- In addition, Government is urgently working to build a system of mental health and addictions care that works for all British Columbians.
- A \$500-million investment is helping to build that system, including \$132 million for treatment and recovery across the full spectrum of care. The Province of BC is also:
  - The first and only province to introduce prescribed safer supply;
  - Adding hundreds of new treatment and recovery beds across the province;
  - Enabling registered nurses to prescribe addictions treatment medications – a first in Canada;
  - Building more access to low- or no cost counselling;
  - Adding 13 Foundry centres across BC for youth between the ages of 12-24 with mental health and substance use challenges and their families, with 10 in development, for a total of 23 province-wide; and
  - Adding new Urgent and Primary Care Centres where people can be connected to mental health and addictions support, 24/7, 365 days a year.

How will BC monitor the impact of this policy?

- A critical part of BC's request – and this exemption – is ongoing monitoring and evaluation. Together, the federal and provincial governments will be working closely to evaluate and monitor the exemption, including the policy design and implementation outcomes, to address any unintended consequences and ensure that people are not being recriminalized.



- BC specifically will monitor and evaluate decriminalization's implementation, early outcomes, public awareness, and unintended consequences. Specific areas of inquiry include:
  - Improvements to the experiences and outcomes for people who use drugs.
  - Improvements to Indigenous peoples' and communities' experiences and outcomes.
  - Policy design effectiveness and unintended consequences.
  - Law enforcement implementation and experiences, including changes in law enforcement practice (e.g., recorded offences, seizures and charges).
  - Health system implementation (e.g., resource cards, pathways to care).
  - Public awareness of decriminalization.
- BC's monitoring and evaluation plan aims to generate timely findings to inform ongoing implementation adjustments. If evidence emerges to suggest that the current model is not helping BC reach its intended outcomes, the government will work with Health Canada as required.
- In addition, separate from BC's evaluation, the Canadian Institutes for Health Research has funded a third-party evaluation of certain aspects of decriminalization and the exemption.

How does decriminalization impact driving and road safety?

- Operating a motor vehicle while impaired will continue to be a criminal offence.
- Just like alcohol, where illegal drugs are found to be within reach of the operator of a motor vehicle, criminal penalties will continue to apply.

Will decriminalization increase drug use overall or around downtown cores?

- Decriminalization has been implemented in many other jurisdictions, including Portugal, Australia, the Czech Republic and Oregon state in the United States.
- Decriminalization has not led to an increase in substance use at a population level in other jurisdictions that have taken this step.
- The Government of BC remains focused on preventing problematic substance use, minimizing harms for those who are using, and ensuring that people with addictions have access to treatment and recovery options.
- Together, the BC and federal governments will be working closely to evaluate and monitor this exemption to address any unintended consequences, including impacts to overall rates of drug use, and ensuring that people are not being recriminalized.



How will public drug use be addressed going forward under decriminalization?

- Possession of illegal substances included in the exemption shouldn't be confused with issues surrounding public consumption.
- Public intoxication – whether by drugs or alcohol – remains illegal.
- In many cases, illegal drug use continues to be prohibited on private property, including places like shopping malls, bars and cafes. This would include private facilities, such as recreation centres. Police retain legal authority to remove people from these premises under the authority of the Trespass Act if open drug use is occurring against the wishes of the owner.
- Outside of private facilities, local governments already have a range of outreach regulatory tools that address issues related to substance use (e.g. smoking, nuisance bylaws).
- The Ministry of Mental Health and Addictions will work closely with UBCM, public health, police, and local governments to develop tools to support municipalities in adopting a public health approach to substance use in the context of decriminalization, and to update policies and practice guidelines where necessary.
- The Government of BC is mindful that enforcement activities can drive people to use drugs alone and can elevate risk of death. The preference is to emphasize referral to health and social supports, including overdose prevention sites.

What happens if youth are found in possession of/or using drugs in local parks/recreation centres?

- The exemption only applies to adults 18 and older in BC. Youth, ages 17 years and under, who possess illegal drugs are subject to the federal Youth Criminal Justice Act, which authorizes the use of alternative measures to criminal charges in some cases, such as referral by law enforcement to appropriate community or health services.

What does this mean for schools in our community?

- This exemption only applies to adults 18 years of age and older in BC.
- Decriminalization will not apply on K-12 school or licensed child care premises. It is critical that we continue to protect children and youth from risks associated with substance use in these settings.



Will you be providing resources to municipalities to hire more bylaw officers?

- The Ministry of Mental Health and Addictions will work closely with UBCM, public health, police, and local governments to develop tools to support municipalities in adopting a public health approach to substance use in the context of decriminalization, and to update policies and practice guidelines where necessary, but at this time new funding is not available to assist with implementation of these policies or to hire new bylaw officers.

How can we provide feedback on decriminalization to the Province?

- The Local Government Working Group is currently developing mechanisms for engaging more broadly with local governments across BC.
- Details about engagement activities will be communicated to local governments through UBCM's Compass newsletter.
- For more information, local governments can contact Chris Van Veen, Senior Director, Decriminalization, MMHA at [chris.vanveen@gov.bc.ca](mailto:chris.vanveen@gov.bc.ca) or Marilyn Chiang, Senior Policy Analyst, UBCM at [mchiang@ubcm.ca](mailto:mchiang@ubcm.ca)