



BC Decriminalization FAQs for Local Governments
Ministry of Health

[What is decriminalization in BC?](#)

- Addiction is a health matter, not a criminal justice one.
- The goal of decriminalization is to make it easier for people struggling with addiction to get the help they need, when and where they need it.
- BC's decriminalization framework was amended on May 7, 2024, to ban open drug use in nearly all public places in response to concerns raised by law enforcement, local governments, and the broader community.
- Under the current framework, adults aged 18 and older are not subject to criminal penalties for possessing up to 2.5g cumulative of opioids, cocaine, methamphetamine, and MDMA, in certain settings only:
 - Private residences;
 - Places unhoused people are legally sheltering;
 - Drug checking, overdose prevention and supervised consumption sites; and
 - Outpatient addictions service sites in BC.
- The Health Canada exemption supporting the decriminalization pilot will remain in effect until January 31, 2026.
- Police have the tools they need to address instances of problematic public drug use.
- Decriminalization is not legalization. It is not the same as what the federal government did with cannabis, which was legalization. Alcohol and tobacco are legalized substances.
- Possession of any amount for the purposes of trafficking continues to be illegal and is an enforcement priority for police agencies in BC.
- Decriminalization is just one tool in BC's fight against the toxic drug crisis.

[Where does decriminalization apply?](#)

- Under the current exemption, decriminalization only applies in the following settings:
 - Private residences;
 - Places unhoused people are legally sheltering;
 - Drug checking, overdose prevention and supervised consumption sites; and
 - Outpatient addictions service sites in BC.



- In these settings, possession of small amounts of illegal substances will not be subject to criminal penalties; however, there may still be rules in place regarding substance use in these settings (e.g. shelter policies) that may result in non-criminal penalties.
- Decriminalization does not apply in most public settings, including, but not limited to, hospitals, businesses, transit and parks.
- 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.

What qualifies as a place where unhoused people are legally sheltering?

- This includes both indoor (e.g. emergency shelters) and outdoor settings.
- Only outdoor settings where individuals are sheltering in accordance with local bylaws are included within the scope of the exemption.
- Existing shelter rules regarding storage and use of illicit substances continue to apply.

Why did the Province decide to change the decriminalization framework?

- Our communities are facing big challenges – people are dying from toxic drugs and we see the issues with public use and disorder on our streets.
- British Columbians want the same thing – for people and communities to be safe and secure, and for treatment to be available for those who need it.
- Addiction is a health matter, not a criminal justice one. But that doesn't mean that anything goes.
 - Parks and beaches have to be safe and welcoming for families, the doorways of small businesses have to be free for customers, and hospitals have to be places where people can work and get care safely.
- We took this action to ensure police have the tools they need to enforce against public drug use, and to expand access to treatment to help people who need it most.
- Since the new exemption came into force in May 2024 to exclude public places from decriminalization, the enforcement of possession offences has increased to 2022 pre-decriminalization levels, reflecting efforts by police to address public drug use and community safety concerns.



Why did the Province repeal the Restricting Public Consumption of Illegal Substances Act?

- The new exemption bans open drug use in nearly all public places.
- With these changes now in place, the *Restricting Public Consumption of Illegal Substances Act* is no longer needed.

What happens if youth are found in possession of or using drugs?

- The exemption only applies to adults 18 and older in BC, and only in specific settings. Youth, ages 17 years and under, who possess illegal drugs in any setting 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.
- It is critical that we continue to protect children and youth from risks associated with substance use.

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 are important for the success of decriminalization, and BC is committed to continuing to implement this new policy in a way that recognizes community needs.
- UBCM has developed a dedicated “Decriminalization” webpage with links to resources for local governments, including a backgrounder, this FAQ document, and past presentations on decriminalization to UBCM. This webpage can be accessed at www.ubcm.ca/policy-areas/decriminalization-illicit-drugs.
- The Government of BC engaged with the Union of BC Municipalities throughout the development of BC’s decriminalization framework, and continues to work closely with local governments, including through a Local Government Working Group, co- chaired with UBCM.
- UBCM and BC local governments have also provided feedback on decriminalization through:
 - Participation on the provincial Decriminalization Core Planning Table.
 - A Town Hall for local governments in October 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.

- Presentation to the UBCM Health and Social Committee in February 2022.
- The 2022 Pre-Convention session on Decriminalization and Harm Reduction.
- Engagement sessions led by the Ministry of Public Safety and Solicitor General in July 2023 to inform the development of provincial public use legislation.
- The 2023 Pre-Convention Session on Decriminalization and Public Use.
- The Local Government Working Group on decriminalization that has been meeting since October 2022. A call for expressions of interest was issued in September 2022 through the Compass newsletter, and again in March 2024.
- Local governments interested in providing additional feedback can contact Chris Van Veen, Executive Director, Decriminalization and Strategic Initiatives, Ministry of Health at chris.vanveen@gov.bc.ca or Marylyn Chiang, Senior Policy Analyst, UBCM at mchiang@ubcm.ca.

[What training is available to local government staff about decriminalization?](#)

- The UCM and government websites contain the most up-to-date and comprehensive information on decriminalization for a local government audience.

[Can local governments still enact bylaws prohibiting public use?](#)

- Yes, but given that the amendment prohibits drug use in all public locations, police have the tools they need to address instances of problematic public substance use.
- As was the case before the new exemption, any local government considering additional bylaws concerning substance use must consult their local medical health officer before adopting.

[What is the Province doing to ensure that people can access treatment and other supports?](#)

- BC is committed to increasing treatment and recovery services across BC for people with substance use challenges. As part of this, since 2017, more than 750 new substance use beds have been implemented, and many more planned.



- That's also why in 2023 the Province made a historic \$1-billion investment to expand mental health and addiction care and strengthen the continuum of care, including through new approaches, like Road to Recovery (R2R).
- Budget 2025 provides more than \$500 million over the fiscal plan to support and sustain addictions treatment and recovery programs established through previous budgets. This includes Road to Recovery, Foundry, supports for children and youth and Indigenous-led treatment, recovery, and aftercare services.
- Road to Recovery is a made-in-BC model of addictions care that establishes a seamless continuum of care from withdrawal management (detox) to treatment and aftercare services for clients with moderate to severe substance use disorders.
- The R2R model was initially piloted in the Vancouver region in 2023 and in July 2024, the Province announced that the R2R model would be expanded to every health region.
- The R2R expansion will include the implementation of new same day access to clinical assessment and service matching in each health region through a new service called Access Central, up to 100 new substance use beds over three years and new or expanded existing outpatient services.
- The Province has also been expanding other treatment and recovery services, which includes adding 750 new substance use beds since 2017 and a range of outpatient services such as: community counselling, day treatment, outpatient/mobile withdrawal management, harm reduction services, medication-assisted treatment (including opioid agonist treatment), and long term recovery supports like aftercare clinicians and Recovery Community Centres.
- These services are making a difference. More than 5,300 clients were served in publicly funded treatment and recovery beds in 2023/24, that is over 1,000 more clients than the previous year.
- The Province is also working to expand access to life-saving medications for opioid use disorder and prescribed alternatives to the toxic drug supply.
 - Today, over 23,500 people in BC are on some form of medication-assisted treatment, more than ever before.
- Recent new actions include:
 - Expanding Dr. Montaner's Hope to Health program; and
 - Appointing a Chief Scientific Advisor for Psychiatry, Toxic Drugs and Concurrent Disorders.
 - Launching the Opioid Treatment Access Line (OTA Line).



- The OAT Line is a toll-free line (1-833-804-811), open every day from 9 am to 4 pm across BC.
- People can speak with a healthcare worker, including doctors and nurses, who can prescribe opioid treatment medication over the phone that same day and connect to regional services for follow up care.
- There is much more to do, and the Province is committed to improving access to the full continuum of substance use services, so British Columbians can get the help they need and deserve.

[How does decriminalization help facilitate access to treatment?](#)

- Police may provide individuals 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 also have positions dedicated to implementing decriminalization on the ground, building connections with local service provider and police. These positions can also help connect people who are referred by police to voluntary mental health and addictions supports in their own community.