



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

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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.gov.bc.ca](https://www.wellbeing.gov.bc.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.

When did the exemption come into effect?

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

Are there any settings where decriminalization doesn't apply?

- Decriminalization is made possible through an exemption to sec. 56 of the federal Controlled Drugs and Substances Act (the "exemption").
- 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.

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.

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.
- UBCM has developed a dedicated “Decriminalization” webpage with links to resources for local governments, including a backgrounder and frequently asked questions. This webpage can be accessed at [www.ubcm.ca/policy-areas/decriminalization-illicit-drugs](http://www.ubcm.ca/policy-areas/decriminalization-illicit-drugs).
- 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 local governments, including through a Local Government Working Group, co-chaired with UBCM.
- In February 2023, MMHA and UBCM co-hosted an interactive “Decriminalization 101” webinar and Q&A session for local government staff and elected officials. The webinar was also attended by Dr. Alexis Crabtree, Public Health Physician with the BC Centre for Disease Control, who presented draft messaging on taking a public health approach to public use. The webinar presentation is available on UBCM’s “Decriminalization” webpage.
- 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 also provided feedback on decriminalization through:
  - Participation on the provincial Decriminalization Core Planning Table that has been meeting since July 2021.
  - 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

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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.
- 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.

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?

- Decriminalization of people is an important step to break down the fear and stigma associated with substance use and connect people to services and the health care system.
- 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.
- Decriminalization is just one tool in BC's fight against the toxic drug crisis.
- In addition, the Government is urgently working to build a system of mental health and addictions care that works for all British Columbians.

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- Government is urgently working to build a system of mental health and addiction care that works for all British Columbians.
- That's why the province made an historic \$1-billion investment to continue to build an integrated and seamless system of mental health and addiction care that people need and deserve, including \$586 million for treatment and recovery across the province.
- We have added hundreds of treatment beds over the past six years, and many more to come.
  - For example, the 105 new beds for adults that we opened last year and that are administered by the Canadian Mental Health Association (CMHA) served more than 600 people over 15 months.
- We have been expanding other treatment and recovery services, which span a range of options and are not reflected in the bed count, for example outreach programs, community counselling, day treatment, withdrawal management, harm reduction services, as well as residential treatment, bed-based services, medication-assisted treatment (including opioid agonist treatment), and more.
- We are also working to expand access to life-saving medications for opioid use disorder and prescribed safer supply.
  - Today, over 23,700 people in B.C. are on some form of medication-assisted treatment, more than ever before.
- We know there is much more to do, and we are committed to investing in harm reduction and treatment and recovery services, so British Columbians can get the help they need and deserve

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. B.C. is monitoring and evaluating implementation, early outcomes, public awareness and unintended consequences, including:



- Improvements to experiences and outcomes for people who use drugs (for example, improved interactions with police, socio-emotional safety and wellbeing, and social opportunities)
- Improvements to Indigenous peoples' and communities' experiences and outcomes (for example, decreased racial disparities in enforcement)
- Policy design effectiveness and unintended consequences
- Law enforcement implementation and experiences, including changes in law enforcement practice (for example, reduced simple possession offences, drug seizures, and charges)
- Health system implementation (for example, improved connections to services and supports for people who use drugs)
- Public awareness and understanding of decriminalization and substance use.
- BC's monitoring and evaluation plan aims to generate timely findings to inform ongoing implementation adjustments over time.
- The BC Centre for Disease Control is conducting studies and surveys of people who use drugs to better understand their experiences with decriminalization.
- Distinct from BC's efforts, the federal government, through the Canadian Institutes for Health Research is funding third-party research to help assess the impact of the exemption on addressing substance use harms.

Why isn't BC implementing mandatory treatment referrals or fines like other countries have done with decriminalization?

- In developing BC's exemption request, the Ministry of Mental Health and Addictions considered the strengths and limitations of other decriminalization models to learn from their experiences.
- This exemption includes progressive and innovative approaches that have been guided by public health, including:
  - No mandatory treatment referrals,
  - No issuing fines or other administrative penalties, and
  - No drug seizures.
- Under this exemption, people found to be in possession of small amounts of certain illegal drugs will not have their drugs seized or face fines or criminal charges. Instead, they will be given information about voluntary mental health and substance use services.



- Decriminalization is a critical step to taking meaningful action to combat the toxic drug crisis and save lives.

Will the Government of BC be amending provincial legislation to address public drug use?

- No provincial legislative changes are planned at this time, but MMHA is working with public health stakeholders to ensure that necessary guidance is available for local governments to address concerns related to public substance use.

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?

- There is no evidence from the 30 jurisdictions that have implemented some form of decriminalization that it has resulted in an increase in substance use at the population level.
- Local governments have a range of regulatory and other tools that can address issues related to substance use (e.g. existing bylaws, partnership with health authority and community organizations, support of Overdose Prevention Services).
- Decriminalization deals with the *possession* of certain substance rather than use. The use of substances is regulated through various means, depending on the setting.
  - For example, public intoxication – whether by drugs or alcohol – remains illegal, and 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.



- The Government of BC is mindful that aggressive enforcement activities, such as ticketing, may drive people to use drugs alone where risk of death is elevated. The provincial government's preference is to emphasize referral to health and social supports, including overdose prevention sites, rather than bylaws that result in further marginalization of people who use drugs.
- It is important that local governments consult their local Medical Health Officer and seek to balance the goals of public health and public safety when it comes to the issue of public consumption of legal and illegal substances. Local governments have legal obligations in the Public Health Act and Community Charter to consider the advice or consult with their MHO.
- To support safe and effective implementation of decriminalization, the Ministry of Mental Health and Addictions is also working closely with the Union of BC Municipalities and public health officials to develop tools to support municipalities in adopting a public health approach to substance use.-
- The Ministry of Mental Health and Addictions is working 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.
- BCCDC is developing public health materials for local governments on the topic of address public substance use. This is expected to be finalized in spring 2023.
- 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)

How will the consumption of drugs be regulated in businesses such as restaurants and bars?

- Liquor license holders retain the right to refuse service or set "house rules" regarding their establishments, which could include prohibiting consumption of exempted drugs on site
- The *Liquor and Licensing Act* prevents intoxicated persons from being admitted to or remaining present in licensed establishments. This refers to intoxication by any substance, including but not limited to alcohol.
- If drug use is observed on site, the owner or manager can request that the individual leave the premises. If a patron refuses to leave, police have authority to remove them under the Trespass Act.

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- Public intoxication by any substance remains illegal, and police can issue a ticket for this offense, including in a bar or restaurant.
- Technical information regarding the application of the exemption in bars and restaurants has been shared with all liquor license holders across the province.
- Local harm reduction sites (e.g., overdose prevention services and safe consumption sites) can provide resources and information to businesses and licensees, and can also support strategies for engaging with clients using substances on site.

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.

Why does decriminalization not apply to parks, playgrounds and other public areas where children and youth under 18 are known to congregate?

- The BCCDC has reviewed the evidence and is developing materials to support local governments in understanding the risk profile of these settings. This information will be finalized and released on the BCCDC website in Spring 2023. An update will be shared through the Compass newsletter when these materials are finalized.

Will BC 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.

What training is available to local government staff about decriminalization?

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

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- Interested local governments, including bylaw departments, may also be interested in the [Decriminalization in BC: Shifting to a Health Approach to Substance Use](#) (non-police) course. Although registration is limited, a variety of public safety professionals are eligible to access the course. This does not, however, change your organization's responsibilities for ensuring bylaw officers are aware of the scope and limitations on their role and authority.
- NOTE: Registration should be completed by a staff supervisor. Supervisors may contact [support@cpkn.ca](mailto:support@cpkn.ca) to register their teams.

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).