

What will police do if I'm caught with drugs? If you are protected by the exemption then police cannot legally charge you or confiscate your drugs. Police might give you a list of drugs that can help you access those services, but only if you ask. You are not obligated to access drug treatment or any other services. If you think police violated your rights, you can talk to a lawyer. If you don't have a lawyer, you can call the law centre at: 250-385-1221

What does HARD Law think of this policy?

This is an important first step, and we hope it will help destigmatize drug use + prevent harmful police interactions.

But, HARD Law agrees with **other activists*** who say that 2.5g is not nearly enough to protect people who use drugs regularly.

To save lives, we need to decriminalize all simple possession, and we need a safe drug supply.

How does the exemption work?

The law that makes drugs illegal in Canada is called the *Controlled Drugs and Substances Act* (CDSA).

The CDSA has always had section 56, which says that Health Canada can give exemptions to the CDSA for medical, research, and public health purposes.

In 2021, the BC government applied for a s. 56 exemption from some parts of the CDSA for the entire province. After some negotiation, Health Canada approved the exemption in effect now.

The CDSA has not changed. No drugs have been legalized.

this zine was made by:



(Uvic Law students for Harm Reduction + Decriminalization)

This is legal information, not legal advice. If you need advice, please talk to a lawyer.

— March, 2023 —

* For activist perspectives, see:

- Crackdown podcast, episode 36, "Some exceptions apply."
- "Decriminalization Done Right" report, at: www.pivotlegal.org/decriminalization-done-right-report

You can read the full exemption at: www.Canada.ca/en/health-canada/services/health-concerns/controlled-substances-precursor-chemicals/policy-regulations/policy-documents/exemption-personal-possession-small-amounts-certain-illegal-drugs-british-columbia.html

* what amounts? You can only have up to 2.5g TOTAL of the included drugs.

- Opioids (including heroin, morphine, fentanyl)
- MDMA/ecstasy
- Cocaine (crack + powder)
- Meth (but not other amphetamines)

All other drugs remain criminalized. There are exceptions to the exemption. Unfold this zine + flip for more.

Short answer: Until January 2026, BC has an exemption from some parts of the law that otherwise makes personal possession illegal. The exemption is a pilot project that aims to reduce the harms associated with drug criminalization. The exemption ONLY applies to: personal possession of small amounts* of certain substances** for people 18+

ARE DRUGS LEGAL NOW?

?

Info about BC's temporary drug decriminalization.

AM I PROTECTED BY BC'S NEW DECRIM?

HOW OLD ARE YOU?

No!
People under 18 are not included.

Younger than 18.

18 or older.

WHAT DRUGS ARE IN YOUR POSSESSION?

No!
All drugs other than the 4 listed are still criminalized in any amount.

I have drugs other than the ones listed.

I ONLY have opioids, cocaine, MDMA, or meth.

HOW MUCH DO YOU POSSESS?

No!
Remember that the limit is for all drugs combined, even if the amount of each is small.

In TOTAL I have more than 2.5g.

In TOTAL I only have 2.5g or less.

ARE THE DRUGS FOR YOU ONLY?

No! Only personal possession is decriminalized. "Trafficking" (which includes sharing) remains criminalized.

No, I plan to sell, give, or share them with someone else.

Yes

WHERE ARE YOU?

No!
All drugs in all amounts are criminalized in these places.

I am ...

- Outside of BC
- At a school (K-12) or a daycare.
- At an airport.

I am not in any of the places listed on the left.

ARE YOU IN A CAR, BOAT, OR OTHER VEHICLE?

No!

Yes, and the driver is under 18.

Yes, and my drugs are accessible to the driver.

Yes, but the driver is 18+ + my drugs are not accessible to them.

No.

Yes! You are protected!