



From Decriminalization to Recriminalization in BC Drug Policy **By Safiyya Ahmad**

In April 2024, the BC government and federal government altered the pilot project for drug decriminalization by reinstated a total ban on drug use in BC with three narrow exceptions for:

1. Private residences
2. Designated health clinics (overdose prevention sites and drug-checking sites)
3. People sheltering outside in accordance with all laws and bylaws

In effect, the BC drug decriminalization project has been turned inside out, setting a presumption of illegality and placing the burden of finding a safe, legally acceptable place on people who use drugs. As per the previous rules set by the BC government, people who use drugs must be over the age of 18, and may only carry a maximum of 2.5 grams in total of opioids, cocaine, meth, or MDMA.¹

The BC government has been remarkably unclear about how these new drug recriminalization parameters will apply to people in shelters, people living in single-residence occupancies, and people in temporary or transitional housing spaces. Equally unclear is how people are expected to travel from one “acceptable” location to another, such as a person carrying drugs from their private residence to an overdose prevention site.

Overall, the way in which the BC government rolled out its drug decriminalization pilot project in 2023, only to hastily retract most of its own plan less than two years later, has resulted in widespread confusion among people about what their legal rights and limits are.

Worse yet, the recriminalization of drug use is a dangerous path for the government to take. If people are afraid of being arrested for using drugs, they are less likely to seek medical support for overdoses or drug poisoning.

To help reduce some of the confusion and potential harms around the rules for recriminalization, the BCCLA worked with Stop the Sweeps, Pivot Legal Society, Coalition of Peers Dismantling the Drug War, and Canadian Drug Policy Coalition to develop a resource for people who use drugs to understand how their rights will be affected by these new changes.

The Road to Recriminalization

It is particularly shocking that BC has returned to a near-total recriminalization of drugs less than halfway through the decriminalization pilot project when the overwhelming evidence from academics, community organizations, and the BC government’s own coroner proves that the toxic drug crisis will only get worse with criminal sanctions.



According to the BC Coroner’s office, the unregulated drug supply led to at least 2,511 deaths in 2023 alone; deaths that may well have been preventable in a less hostile drug policy climate.² Former BC Coroner Lisa Lapointe and current Provincial Health Officer Bonnie Henry have repeatedly stressed the need for the BC government to pivot to providing safer supplies, opening more overdose prevention sites, and prioritizing harm reduction methods over criminal sanctions and involuntary treatment.³

The BC government has not adopted these recommendations. In fact, in addition to their new recriminalization rules, the BC government has started removing harm reduction resources across the province, and suggesting it will increase the use of involuntary treatment.⁴

As for how we reached this point, three key events that occurred along the road to recriminalization are highlighted below.

Municipal backlash rose up in the wake of BC’s introduction of drug decriminalization in 2023. During the year-and-a-half for which drug decriminalization was in place, municipalities such as Campbell River, Nelson, Port Coquitlam, Kamloops and Prince George passed bylaws to effectively ban drug use in most spaces.⁵ At the same time, overdose prevention sites in places like Vancouver’s Yaletown and Nanaimo were shut down, further stripping away options for people who use drugs.⁶

A Charter challenge is currently in progress against Bill 34, a piece of provincial legislation that sought to ban drug use in most public spaces.⁷ The BC government introduced this legislation in October 2023, amidst a growing culture of hostility against the government’s own drug decriminalization project.

Pivot Legal Society and Harm Reduction Nurses Association launched the *Charter* challenge against Bill 34, arguing that it would cause massive violations to people’s rights under section 7 (life, liberty and security of person), section 15 (equality), and section 12 (freedom from cruel and unusual punishment or treatment). In January 2024, this case won a major milestone as a BC Supreme Court granted a temporary injunction to stop Bill 34 from coming into force.⁸

BC’s upcoming election has turned drug decriminalization into a politicized and polarizing issue as various politicians in BC and across Canada have increased their rhetoric against people who use drugs and harm reduction methods. The current BC government has responded by pivoting away from harm reduction and toward the same stigmatizing perspectives.⁹

Drug decriminalization may not seem like a “popular” policy, but that is the wrong question to ask. The BC government has repeatedly affirmed that we are in the midst of a state of emergency due to



the drug poisoning crisis. Yet if that is truly the case, we should not be debating whether or not to take the measures necessary to reduce the crisis, and to save lives.

A Better Vision for BC Drug Policy

Ultimately, this abrupt backpedalling on drug decriminalization represents a massive failure on every level of government, from municipal to provincial to federal. Instead of supporting people who use drugs through what the BC government identified as a public health emergency, all levels of government chose to move backward to more police violence, more stigmatization, more carceral consequences.

Earlier this year, the BCCLA worked with peer-led community organizations across BC to develop *To End A Crisis: A Vision for Drug Policy in BC*. This document sets out several recommendations for every level of government to respond to the drug poisoning crisis by using humane and evidence-based harm reduction tactics. Our commitment to the decriminalization of drug use, endorsement of safe supply programs, and support for the proper regulation is unwavering, as we know the drug poisoning crisis will not end any other way.

Moving forward, we will continue to advocate for governments on every level will support this vision. This is not a crisis that can be solved by reiterating provably false rhetoric about drug use, or by politicizing what should be a non-partisan matter. The drug poisoning crisis will persist unless governments are willing to listen to and support people who use drugs, rather than criminalizing them.