

**February 1, 2023**

## Decriminalizing people who use drugs in B.C.

On January 31, 2023, Health Canada granted an exception from the [Controlled Drugs and Substances Act](#) to the Province of B.C. from January 31, 2023, until January 31, 2026. During this time, adults are not subject to criminal charges for personal possession of small amounts of certain illegal drugs.

### **What Changes**

Under this exemption, adults in B.C. are not going to be arrested or charged for possessing small amounts of certain illegal drugs for personal use. The illegal drugs covered by the exemption are:

- Opioids (such as heroin, morphine, and fentanyl)
- Crack and powder cocaine
- Methamphetamine (Meth)
- MDMA (Ecstasy)

Adults found in personal possession of any combination of these illegal drugs that adds up to a combined total of 2.5 grams or less are not subject to criminal charges and the drugs are not seized. Instead, they are offered information about health and social supports.

### **How Will the Decriminalized Personal Possession of Certain Drugs Affect Workplaces**

According to WorkSafeBC OHS Practices Department, nothing will change from an OHS perspective to workplaces and this initiative will be treated the same as when cannabis was decriminalized.

WorkSafeBC explains the following will still apply on a worksite:

- Employers are required to provide education and training to workers, which includes the obligation to provide information around workplace impairment.
- Employers must not assign any activities where a reported or observed impairment may create an undue risk to the worker or to any other party, and must not knowingly permit a person (including a worker, employer, or independent contractor) to remain at any workplace while the person's ability to work is affected by a substance.
- Workers are required to inform a supervisor or manager of potential impairment that may affect their ability to safely perform assigned work. The worker also has a duty to not knowingly do work where the impairment may create an undue risk to the worker or anyone else.
- All workers, employers, and independent contractors are responsible for ensuring they do not enter or remain at any workplace while their behaviour or their ability to work is affected by a substance that would create an undue risk to workers.
- An employer may have a duty to accommodate disabled workers (for example, workers who use medical cannabis to treat a disabling condition, such as a chronic pain, or workers who are disabled by drug addiction) pursuant to human rights legislation or the terms of a collective agreement.

The terms under [Construction Industry of B.C Substance Abuse Testing and Treatment Program Policy](#) which is included in the CLR collective agreements remain.

### **Resources**

- View the Provincial Government's notice and additional resources for "Decriminalizing people who use drugs in B.C." [here](#).

If you have any questions regarding Health Canada's "Decriminalizing people who use drugs in B.C." initiative, please contact Glen Williams CLR @ [glenw@clra-bc.com](mailto:glenw@clra-bc.com).