



## “STRENGTH WITHIN”



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There is also a separate law for cannabis called the *Cannabis Act*. While recreational cannabis use was legalized in 2018, there are still restrictions on possessing the drug. People aged 18 and over are only permitted to possess cannabis that they have obtained from government-authorized sellers or to grow up to four cannabis plants per household, and only up to 30 grams of dried cannabis in a public space. Some provinces have also established rules about the maximum quantity of cannabis you can possess at home.

Each province has also established minimum ages for recreational cannabis possession.

People can face criminal prosecution for possessing any cannabis obtained *illegally* (i.e. not through a government-authorized source).

Breaking any of these laws could lead to imprisonment of up to five years for those aged 18 and over and a youth sentence for those under 18. Individual provinces may have additional laws that govern where consumption can and cannot occur.

## OTHER EXCEPTIONS TO CHARGES OF SIMPLE DRUG POSSESSION UNDER THE CDSA:

### If you are at the scene of an overdose:

- The **Good Samaritan Drug Overdose Act** can prevent police from charging you and others at the scene of an overdose, if you have sought medical help for yourself or for someone else who has overdosed. In this case, police cannot charge you for simple possession, or for violating any condition of your parole, bail, probation, or conditional sentence (“house arrest”) related to a previous simple possession charge.
- The **Good Samaritan Drug Overdose Act does not** prevent police from charging you and others for other offences outside of simple possession; outstanding arrest warrants; or violating any condition of your parole, bail, probation, or conditional sentence relating to an offence that is not simple possession.

**If you live in B.C., different rules apply. See website for more information.**

## 4. Can I be arrested for using the services of a needle and syringe program, a supervised consumption site, or overdose prevention service?

You cannot be arrested for merely being present at a needle and syringe program, a supervised consumption site, or overdose prevention service.

While it is against the law to possess certain drugs in Canada (with the exceptions noted in Q1 above), the government can exempt clients and operators of a supervised consumption site or overdose prevention service from criminal prosecution for the possession of illegal drugs while they are on the premises. In practice, this means that you can possess and use drugs without the threat of criminal prosecution, **if you do it inside the exempted site or service**. You are not exempt while in transit to the site.

Other harm reduction settings, like a needle and syringe program, are not exempted from Canada’s drug laws, so you may still risk criminal charges if you use drugs inside those locations (with the exceptions noted in Q1 above).

## 5. Can I be charged for possessing drug use equipment?

Outside a harm reduction setting, you cannot be criminally charged for simply *having* drug use equipment. We are not aware of anyone ever being charged for merely possessing unused drug use equipment.

However, it is important to note that some cities have specific laws that prohibit the use or “display” of drug use equipment or “drug paraphernalia” in public spaces.

## 6. What about having *used* drug equipment?

Possessing equipment that has been used and contains traces of illegal drugs is technically against the law, just like possessing the drugs themselves is illegal.

Police have confiscated or destroyed drug use equipment they have found on people and threatened to arrest people because of drug residue in their equipment or otherwise used the possession of used equipment as the basis to search and lay other charges. While such incidents may be less common, it is important to know you *may* be at risk of prosecution for the crime of possessing illegal drugs (or other offences, depending on the results of a search) just by possessing the equipment after it has been used.

