



KNOW YOUR RIGHTS

Using, Carrying, and Storing
Drugs In Shelter



A watercolor illustration of a tree with green and yellow leaves and a red flower. The tree is on the right side of the page, with its trunk and branches extending upwards and to the left. The leaves are in various shades of green and yellow, suggesting autumn. A large, vibrant red flower with dark spots is in the bottom right corner. The background is white, and there is a red vertical bar on the left side of the page.

LAND ACKNOWLEDGEMENT

The HIV Legal Network is located across this land now called Canada on treaty lands, stolen lands, and unceded territories of many different Indigenous groups and communities who have respected and cared for this land since time immemorial.

We work to address the ongoing injustices and resulting health inequities faced by Indigenous Peoples which contribute to the disproportionate impact of the HIV epidemic on Indigenous communities. We are committed to learning to work in solidarity and to dismantling and decolonizing practices and institutions to respect Indigenous Peoples and Indigenous ways of knowing and being.

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KNOW YOUR RIGHTS

USING, CARRYING, AND STORING DRUGS IN SHELTER



If you have experienced gender-based violence (GBV) and use drugs, you may face extra barriers when trying to access shelter. GBV and drug use are interconnected. Women, trans, and gender-diverse people who experience violence are more likely to use drugs, and those who use drugs are more likely to face violence. Yet, many who use drugs are often barred from shelters.

Shelters can be particularly challenging spaces if you use drugs. Privacy is limited, rules are not always clear, and shelter policies and practices may be based on stigma towards drug use. People who use drugs face additional surveillance, restrictive rules, or unnecessary police involvement.

These harms are not experienced equally. Indigenous women, racialized women, and Two-Spirit, trans, and gender-diverse people face much higher risks of violence because of colonial and racist systems. These same systems shape how people are treated in shelters, influencing how rules are enforced, how drug use is interpreted, and how often police are involved. As a result, people from these communities may experience more scrutiny, harsher consequences, and greater risk of losing access to services.

This pamphlet is designed to give you information about your rights when using, carrying, or storing drugs in shelter. It outlines what shelter staff, security, and police can and cannot do, and offers strategies to help you stay safe in a system that treats people who use drugs unfairly.



This pamphlet provides legal information, not legal advice. For advice about your specific situation, speak to a lawyer.

See list of resources on page 12.

DRUG LAWS IN SHELTERS

Across Canada, drugs are regulated by a federal law called the *Controlled Drugs and Substances Act (CDSA)*. The law applies everywhere, including in shelters, unless a shelter has obtained permission from the federal government through an “exemption” to the *CDSA* to run a supervised consumption site. Because shelters are closely monitored spaces with limited privacy, drug laws can feel more heavily enforced inside shelter settings.



Ontario's Safer Municipalities Act

Ontario's *Safer Municipalities Act (SMA)*, in force since 2025, gives police expanded powers to respond to drug use in public places. Under this law, “public place” includes parks, sidewalks, drop-ins, and the areas surrounding shelters. Under this law, police can:

- Order someone to stop using drugs;
- Order someone to leave the area;
- Demand someone's name, date of birth, and address;
- Confiscate or destroy drugs found in plain view; and
- Arrest someone who does not comply with any of the above directions.

In Ontario under the *SMA*, someone can be arrested for not following police direction. For people who use drugs, this law can increase interactions with police; displacement from parks, encampments, and sidewalks; loss or destruction of belongings; and fines or arrest.

In short, the *SMA* creates more pressure to avoid consuming drugs outdoors. It makes it even more essential for shelters, including Violence Against Woman (VAW) shelters, to offer non-punitive, harm reduction-based support.

IS IT A CRIME TO USE, CARRY, OR STORE DRUGS IN SHELTERS?

The CDSA contains a list of drugs that the government has decided are illegal to possess, even for your own use (“simple possession”), unless you have a prescription. If you carry, use, or store drugs on this list and it is not prescribed to you, the law in Canada says this is illegal, including in a shelter. This includes fentanyl, heroin and other opioids, cocaine and meth, MDMA, LSD, and psilocybin. Having prescribed medication if a drug is not specifically prescribed in your name as well as sharing your own prescribed medication is also treated as illegal.

Having one of these drugs on you or in your belongings is considered drug possession. Possession can include situations where the drug is in your hand or pocket; in your bag, locker, or room; and held for your own use or for someone else. Importantly, it is legal to carry or use a prescribed drug if the prescription is in your name. It is a good idea to keep your paper prescription with you if you carry your medication.

Penalties for possessing drugs for your own use depend on the drug and your past involvement with the criminal legal system. They can range from a fine and/or up to 6 months in jail to longer sentences for certain drugs, including penalties of up to 7 years in prison.

WHAT ABOUT CANNABIS?

Cannabis is strictly regulated in Canada under the *Cannabis Act*. In Ontario, you need to be 19 or older to buy, use, or possess cannabis, and you can carry up to 30 grams of dried cannabis (or the legal equivalent in another form, e.g. edibles) purchased from a legal retailer such as the Ontario Cannabis Store. If you buy cannabis from an *unauthorized* retailer, you could be subject to a fine of up to \$100,000 and/or imprisoned for up to one year.

Unless shelter staff tell you otherwise, smoking or vaping cannabis is not allowed indoors, including in common areas of shelters. Although smoking or vaping cannabis is allowed in many outdoor public places (such as sidewalks and parks), this does not automatically apply to outdoor areas on shelter property. Shelters can prohibit smoking or vaping on their property, similar to how landlords can create smoke-free policies for apartment buildings.

Medical cannabis follows separate federal rules, and you may legally possess the amount authorized to you. However, shelters can still set rules about where medical cannabis can be smoked or vaped.

HOW ARE DRUGS POLICED IN SHELTERS?

Shelters are a grey area between public and private space.

Shelter staff do not have the power to lay criminal charges or directly enforce federal drug laws like the *CDSA* or the *Cannabis Act*. Only police and prosecutors can do that. However, shelters do have a lot of control over what is allowed on-site and what happens to people's belongings when they enter the shelter.

People staying in shelters do not have the same security over their belongings as tenants or homeowners. Shelters often can decide what property you can keep, where property can be stored, and when property can be removed or discarded. For people who use drugs, this can result in the loss or confiscation of safer-use supplies such as syringes or pipes, medications including safe supply, or other survival items, even when these items are legal.

If shelter staff believe there is a safety issue, or if shelter rules are strict about drug use, staff may call the police — even if there is no real health or safety risk. Once police are involved, the police decide whether

to investigate or lay charges. Since 2020, federal prosecutors have been instructed to charge people with simple possession only in the “most serious” situations, such as when they believe that:

- Children are at risk;
- There is a safety risk to other people (for example, impaired driving or handling a weapon); and
- Drug possession is linked to another offence.

In 2022, changes to the *CDSA* also required police and prosecutors to consider non-criminal options before laying a simple possession charge. They must think about whether it is more appropriate to take no action, give a warning, or refer someone to voluntary supports instead of laying a charge. These policies reduce, but do not remove, the risk of criminal charges when police are called to shelters.

The Good Samaritan Drug Overdose Act

The *Good Samaritan Drug Overdose Act* prevents police, in certain circumstances, from arresting or charging people who experience or witness an overdose and call 911 for help. The aim of the law is to reduce fear of police involvement so people act quickly in an emergency.

The law says police cannot arrest or charge you for:

- Simple possession under the *CDSA*; or
- Breaches of conditions related to simple possession (pre-trial release, probation, conditional sentences, parole).

You cannot be arrested or charged if you are:

- The person overdosing;
- The person who calls for help; or
- Anyone at the scene when help arrives.

The *Good Samaritan Drug Overdose Act* does not prevent the police from arresting or charging you for:

- Outstanding warrants;
- Other drug offences under the *CDSA*; or
- Other offences not listed in the *Good Samaritan Drug Overdose Act*.

Calling 911, carrying naloxone, and staying calm can help save a life.

WHAT IS A SUPERVISED CONSUMPTION SITE (SCS)?

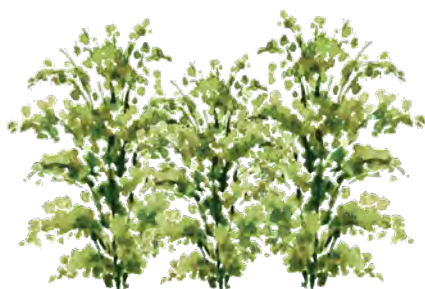
A supervised consumption site (SCS) is a designated room or space where people can use drugs without the threat of being criminally charged, with trained staff or volunteers present. These sites are designed to reduce drug-related harms and deaths. To operate legally, an SCS must receive permission via a CDSA exemption from the federal government. This exemption allows people to possess and use illegal drugs inside the SCS without being arrested or charged.

Shelters can apply for a supervised consumption exemption. If a shelter's application is approved:

- People can use their own drugs inside the SCS without risk of simple possession charges; and
- Police are not supposed to arrest or charge people for simple drug possession inside the designated SCS space.

These activities are only permitted inside the SCS room, not in the rest of the shelter. Note, even without an SCS exemption, staff can always provide harm reduction support, such as oxygen or naloxone.

Most shelters in Canada do not have an SCS or an exemption. This means that in almost all shelters, using or carrying drugs without a prescription is illegal on shelter property (unless they have an approved SCS). In Ontario, we are aware of only one shelter with an SCS: Carole Anne's Place (YWCA Hamilton).



Community Care and Recovery Act

In 2024, Ontario passed a law called the *Community Care and Recovery Act (CCRA)*. Here is what it means for you:

1. **The 200-metre rule:** Starting April 1, 2025, SCS are not allowed to operate within 200 metres of a school, childcare centre, or other places the government chooses. This makes it much harder to open or keep SCS open in many areas.
2. **Provincial permission requirement:** City-run shelters and other city-run programs now need approval from the Ontario government before they can try to open an SCS or keep operating an SCS they already run.

This makes it much harder for a shelter to open or continue to run a SCS. It has already led to the closure of sites in city-run shelters in Ontario.

NOTE: As of the publication of this resource (April 2026), the *CCRA* is being challenged in court. In March 2025, the Ontario Superior Court ordered the province not to enforce the 200-metre rule until it makes a final decision. This means the rule is on hold until the Court decides whether the *CCRA* is constitutional.



HOW ONTARIO SHELTERS APPROACH DRUG USE?

In Ontario, the Violence Against Women Emergency Shelter Standards apply to VAW shelters that receive provincial funding.

These standards state that all women, trans, and gender-diverse people must be provided access to shelter regardless of drug use; shelters must have clear rules for supporting people who use drugs; staff must take steps to maintain safety while limiting police involvement; and staff must work with people in shelters to support children.

Ontario does not have province-wide rules for how other types of shelters must respond to people who use drugs.

Municipal and agency-level policies apply to different shelter systems, and individual programs often add their own rules. As a result, your experiences accessing shelter and how staff respond to drug use can vary widely depending on where you are staying and which organization operates the shelter.

Some municipalities, such as Toronto, encourage or require harm reduction approaches in the shelters funded by the city. Other municipalities rely on abstinence-based or more punitive models or give shelters broad discretion to enforce strict rules through program agreements. We provide a summary of municipal shelter policies on our website if you want to see the rules in your area: <https://www.hivlegalnetwork.ca/site/responsive-shelter/?lang=en>.



ACROSS ONTARIO, SHELTER RESPONSES TO DRUG USE GENERALLY FALL INTO TWO BROAD APPROACHES:

APPROACH 1

Punitive or Restrictive Shelters

Punitive or restrictive shelters use zero-tolerance, abstinence-based models with many rules. These shelters often require people to follow strict program agreements and may enforce rules through warnings, restrictions, loss of a bed, or discharge. Staff may also call police quickly when drug use is suspected, even when there is no evidence of harm.

Punitive or restrictive shelters may:

- Prohibit bringing drugs or safer-use supplies indoors;
- Require sobriety for entry or continued stay;
- Require people to hand over medications, drugs, or harm reduction/safer use supplies;
- Conduct room checks, bag checks, or searches of personal space;
- Limit how many belongings you can keep;
- Limit how often you access your belongings;
- Restrict guests or movement in and out of the building;
- Discharge or ban people for breaking rules; or
- Call police based on suspicion of using substances or stigma against people who use drugs rather than actual risk.

These approaches often force people to hide their use, increasing the risk of drug-related harms and exposing people to police unnecessarily.

APPROACH 2

Low-Barrier, Harm Reduction Shelters

Low-barrier, harm reduction shelters recognize that people use drugs and aim to support safety, dignity, and stability rather than enforce abstinence. These shelters work to reduce harm, avoid unnecessary punishment, and create an environment where people can access shelter without hiding their drug use.

Low-barrier, harm reduction shelters may:

- Accept people regardless of drug use;
- State clearly that sobriety is not required to access a bed;
- Allow people to bring and safely dispose of sterile safer-use equipment;
- Provide naloxone, sterile drug use supplies, drug checking, or supervised consumption spaces;
- Provide a secure space to store your personal belongings;
- Connect people to healthcare and other services;
- Support voluntary safety planning for drug use instead of punishment;
- Use de-escalation when conflict arises;
- Avoid unnecessary calls to police;
- Respect privacy, autonomy, and cultural safety;
- Hire peer workers and offer trauma-informed supports; or
- Collaborate with other people in shelter to increase stability and reduce harm.

These shelters aim to create conditions where people can stay indoors, keep their belongings, and access support without fear of punishment or surveillance. We provide examples of low-barrier and harm reduction shelters in Ontario along with descriptions of their practices on our website: <https://www.hivlegalnetwork.ca/site/responsive-shelter/?lang=en>.

WHAT YOU CAN DO WHEN ACCESSING SHELTER

Shelter rules can vary widely, and the power imbalance between staff and people living in shelter can feel overwhelming — especially for people who use drugs. You do have rights and knowing them can help you navigate shelter systems more safely and protect your belongings, privacy, and well-being.

YOU HAVE THE RIGHT TO ACCESS SHELTER WITHOUT DISCRIMINATION

Under the *Ontario Human Rights Code*, you have the right to access shelter without discrimination based on actual, past, or perceived addiction — which can include drug use without addiction. Shelters must make efforts to support and serve you, regardless of drug use, basing their decisions on evidence, not stigma.

YOU HAVE THE RIGHT TO GET LEGAL ADVICE

You have the right to a lawyer at any time, especially if you believe you are experiencing discrimination or if police are called to the shelter. A lawyer can help you understand and protect your rights.

YOU HAVE THE RIGHT TO CULTURALLY APPROPRIATE AND ACCESSIBLE SERVICES

You have the right to ask for language interpretation, cultural supports, or help from an Elder, Knowledge Keeper, or Band Representative. Shelters must take reasonable steps to accommodate your cultural, spiritual, and language needs, and to make sure you can understand information and participate in decisions about your stay.

Accessing Legal Aid Ontario (LAO)

LAO provides free legal help to people with very low incomes. If you qualify, LAO can give you a legal aid certificate, which pays a private lawyer to work on your case — you do not pay the lawyer yourself. To qualify, your income and assets must be low, and your legal problem must be something LAO covers. LAO covers criminal and family law matters.

Call LAO at 1-800-668-8258 or visit www.legalaid.on.ca/will-legal-aid-pay-for-my-lawyer to apply or to ask if you qualify. If you get a LAO certificate, you will need to choose a lawyer who accepts legal aid work. To find a lawyer, you can visit www.legalaid.on.ca/lawyers.

Accessing Interpretation Services

Shelters can access Ontario's Language Interpreter Services (LIS) program, which funds interpretation for service providers working with people who have limited English or French, or who are deaf, oral deaf, deafened, or hard of hearing, and who have experienced domestic violence, sexual violence, or human trafficking. More information about the interpretation services can be found here: www.legalaid.on.ca/wp-content/uploads/interpretation-services_free_agencies1.pdf.

Legal Aid Ontario also confirms that clients experiencing domestic violence are eligible for free interpreter services. Call LAO at 1-800-668-8258 or visit www.legalaid.on.ca/services/languages/ for more information.

YOU HAVE THE RIGHT TO UNDERSTAND SHELTER RULES AND TO REQUEST ACCOMMODATIONS

You have the right to ask for the shelter's rules, and to have staff explain how rules are applied. You can also ask the shelter to adjust or modify rules to support your needs, as long as that does not create a real safety or health risk to other people in the shelter or staff.

YOU HAVE THE RIGHT TO A SAFE AND RESPECTFUL SHELTER ENVIRONMENT

You have the right to a shelter space free from harassment, discrimination, intimidation, or targeted surveillance based on your drug use, race, gender identity, culture, disability, or income status. Shelters must take steps to address harassment or unsafe behaviour.

YOU HAVE THE RIGHT TO MAKE A COMPLAINT

If you are treated unfairly or feel unsafe in the shelter, you can make a complaint to staff, a supervisor, or the shelter's head office. You can ask a worker you trust to help you. Shelters cannot punish you for making a complaint. If you think you were discriminated against because of your drug use or related behaviour — or for speaking up — you can also contact a community legal clinic or lawyer. They can help you explore options, including a human rights complaint to the Ontario Human Rights Tribunal.



ADDITIONAL RESOURCES

Legal Supports – the organizations can help you find legal representation

Law Society of Ontario (to find a lawyer):

🔗 <https://lso.ca/public-resources/choosing-the-right-legal-professional/seeking-legal-help-protect-yourself>

☎ 1-800-668-7380

Legal Aid Ontario (to obtain free legal representation):

🔗 www.legalaid.on.ca/will-legal-aid-pay-for-my-lawyer

☎ 1-800-668-8258

Justice for Children and Youth (for legal services geared to young people under 25 years old if homeless):

🔗 <https://jfcy.org>

☎ 1-866-999-5329

Aboriginal Legal Services (for legal services geared toward Indigenous people):

🔗 www.aboriginallegal.ca

☎ 1-844-633-2886

Black Legal Action Centre (for legal services geared toward low- and no-income Black Ontarians):

🔗 www.blacklegalactioncentre.ca

☎ 416-597-5831

Centre for Spanish Speaking Peoples (for legal services geared towards Spanish-speaking people):

🔗 <https://spanishservices.org>

☎ 416-533-8545

South Asian Legal Clinic of Ontario (for legal services geared toward low-income South Asian people):

🔗 <https://salc.on.ca>

☎ 416-487-6371

Chinese and Southeast Asian Legal Clinic

(for legal services geared toward low-income, non-English-speaking people from Chinese, Vietnamese, Laotian, and Cambodian communities):

🔗 <https://csalc.ca>

☎ 1-844-971-9674

HIV & AIDS Legal Clinic Ontario (for legal services geared toward people living with HIV):

🔗 www.halco.org

☎ 1-888-705-8889

Human Rights Legal Support Centre (for legal services related to the Ontario Human Rights Code)

🔗 <https://hrlsc.on.ca>

☎ 1-866-625-5179

Other supports


211 Ontario Services (for connections to community, social, health, and/or government services):

 <https://211ontario.ca/search>

 211


Shelter Safe (to connect to a shelter in your area):

 <https://sheltersafe.ca/get-help>

 info@endvaw.ca

Talk4Healing, Beendigen (for culturally sensitive and non-judgmental crisis counsel, advice, support, and referrals)

 www.beendigen.com/programs/talk4healing

 1-855-554-4325

Legal information resources

HIV Legal Network

Shelter Right: A Blueprint for Inclusive Shelters in Canada (2025), available at www.hivlegalnetwork.ca/site/shelter-right-a-blueprint-for-inclusive-shelters-in-canada.

Towards Access for All: Best and Promising from Low-Barrier, Harm Reduction Shelters in Canada (2024), available at www.hivlegalnetwork.ca/site/towards-access-for-all-best-and-promising-practices-from-low-barrier-harm-reduction-shelters-in-canada.

Know Your Rights: On Drug Laws for African, Caribbean, and Black (ACB) People Who Use Drugs (2026), available at <https://www.hivlegalnetwork.ca/site/know-your-rights-on-drug-laws-for-african-caribbean-and-black-acb-people-who-use-drugs-2/?lang=en>.

Know Your Rights: On Drug Laws for Indigenous People Who Use Drugs (2026), available at <https://www.hivlegalnetwork.ca/site/know-your-rights-on-drug-laws-for-indigenous-people-who-use-drugs-2/?lang=en>.

Know Your Rights: Drug Use and the Child Protection System in Toronto (2021), available at <https://whai.ca/wp-content/uploads/Know-Your-Rights-Drug-Use-and-the-Child-Protection-in-Toronto.pdf>.

Other resources

N. Bloomey et al., “Possessions of Precariously Housed People,” *Belongings Matter*, 2025, available at <https://belongingsmatter.ca>.



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