

The Good Samaritan Drug Overdose Act What You Need to Know

The *Good Samaritan Drug Overdose Act* became Canadian law in May 2017 to encourage people to call 911 in the event of an overdose without fear of charge or arrest.¹ The Act provides **some** legal protections for individuals who are at the scene of an overdose when police arrive—whether they are the caller, the person needing medical attention, or another person at the scene. The Act does **not** provide blanket immunity against all charges.

The Good Samaritan Drug Overdose Act:

Does	Does Not
<ul style="list-style-type: none"> • Protect people at the scene against charges of simple drug possession (section 4(1) of the <i>Controlled Drugs and Substances Act</i>) • Protect people at the scene against charges for breaching court conditions where the underlying offense is simple drug possession. This is limited to conditions of: <ul style="list-style-type: none"> ○ Parole ○ Pre-trial release ○ Probation orders ○ Conditional sentences 	<ul style="list-style-type: none"> • Protect people at the scene against charges for more serious offenses, such as: <ul style="list-style-type: none"> ○ Production, possession for the purpose of trafficking and trafficking of controlled substances ○ Warrants ○ All other crimes besides simple possession • Protect individuals at the scene against charges for breaching court conditions where the underlying offense is anything other than simple drug possession

In our view, the Act does not provide adequate legal protection for people who call 911 in the event of an overdose. To encourage consistent overdose reporting, all police departments should adopt a policy of non-attendance in the event of an illicit drug overdose.

The Vancouver Police Department enacted this policy in 2006. The policy states that VPD officers will not normally attend routine drug overdose calls, except where requested by Emergency Health Services—usually in the event of a fatality or threats to public safety². We encourage you to lobby your local police department to request that a similar policy be adopted. Overdoses are medical emergencies that require immediate medical intervention; fear of prosecution should never threaten individuals' access to life-saving services.

¹ *Good Samaritan Drug Overdose Act*, SC 1996, c. 19, online: <<http://www.parl.ca/DocumentViewer/en/42-1/bill/C-224/royal-assent>>

² Vancouver Police Department, *Regulations and Procedures Manual* (2006): 1.6.28 Guidelines for Police Attending Illicit Drug Overdoses, online: <<http://vancouver.ca/police/assets/pdf/manuals/vpd-manual-regulations-procedures.pdf>>



Are You Protected by the Good Samaritan Drug Overdose Act?

It is important to call 911 if you or someone around you is experiencing an overdose. Depending on the circumstances, however, you could still be at risk of being arrested or charged for certain offenses—even under the new Act. This is true whether you are the caller, the person requiring medical attention, or another person at the scene. This chart will tell you when the law **does** and **does not** protect you:

When Police Arrive at the Scene...	Are You Protected by the Act?	
	Yes	No
You are in possession of illegal drugs for your own personal use (section 4(1) of the <i>Controlled Drugs and Substances Act</i>)	✓	
You are violating a condition of your parole, pre-trial release, probation order, or conditional sentence for a simple possession charge	✓	
You are in possession of illegal drugs and you intend to sell them—or it looks that way to police because: <ul style="list-style-type: none"> • You have a large amount of drugs on you • You have a large amount of cash on you • You have drug-selling equipment on you, such as scales or packaging materials 		X
You are in the middle of selling illegal drugs or some other more serious offense, such as robbery or assault		X
You are violating a condition of your parole, pre-trial release, probation order, or conditional sentence for an offense that is not simple possession		X
There is an outstanding warrant for your arrest		X

Pivot Legal Society is a human rights organization that works on behalf of marginalized communities. We want to know how well the new law is working. If you were at the scene when police responded to an overdose call and you were charged or convicted of a drug-related offense, a breach of conditions or arrested on a warrant, please let us know: **604-255-9700 ext. 159**