



Canada's *Good Samaritan Drug Overdose Act*

Legal Guide

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PIVOT
LEGAL SOCIETY
equality lifts everyone

What is the *Good Samaritan Drug Overdose Act*?

- An act, ostensibly, to encourage people to call 911 in the event of an overdose without fear of charge or arrest
- Became law in **May 2017**
- 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
- Does not provide **blanket immunity** against **all charges**

Protections provided by the Act:

- Charges of **simple drug possession** (section 4(1) of the *Controlled Drugs and Substances Act*)
- Breaches of **court conditions** where the underlying offense is **simple drug possession**



This is limited to the conditions of:

1. Parole
2. Pre-trial release
3. Probation orders
4. Conditional sentences

Protections that the *Act* does NOT afford:

More serious offenses, such as:

- Production
- Possession for the purpose of trafficking
- Trafficking of controlled substances
- Outstanding warrants
- Breaches of court conditions where the underlying offense is **anything other than simple drug possession**

(Basically: The *Act's* protection does not extend beyond **simple drug possession** and related breaches of court conditions)

Shortcomings of the Act

- The *Act* only protects against simple possession, and not possession for the purposes of trafficking (PPT) or other offenses
 - Low-level distribution often accompanies drug use
 - Outstanding warrants and non-violent breaches of parole, pre-trial release, probation, or conditional sentence orders are common
- Inconsistency in 911 calls during opioid crisis
- An overdose is a medical emergency; it should be treated as such
- Jeopardized relationships between service providers and clients
- Increased distrust of police and law enforcement
- Continued burden on community to provide crisis response

Incidents following the Act's implementation

Incidents since May, 2017:

- Man arrested at the scene of his own overdose for possession
- **Homeless man arrested at the scene of his own overdose for PPT**
- Information gathered and discovered at the scene of an overdose used to inform and justify later enforcement
- **Attendance at overdose calls used to detain and search people at the scene**



Maple Ridge tent city calls for change in RCMP OD policy

What have you heard?

- Pivot is gathering statements to submit to the federal government as evidence that the *Act* provides inadequate protection
- In the last 4 months, have police charged, arrested, or investigated you or someone you know at the scene of an overdose?
 - Who overdosed?
 - Who called 911?
 - Who attended? (Local police? RCMP?)
 - What resulted? (Investigation? Charges? Arrest?)
 - Would you refrain from calling 911 in future?

Additional Resources

- The *Good Samaritan Drug Overdose Act* (full text): http://laws-lois.justice.gc.ca/eng/AnnualStatutes/2017_4/
- Pivot's fact sheet about protection under the Act: [http://www.pivotlegal.org/fact sheet what you need to know about the good samaritan drug overdose act](http://www.pivotlegal.org/fact-sheet-what-you-need-to-know-about-the-good-samaritan-drug-overdose-act)
- Pivot's Rights Card on the Act: [http://www.pivotlegal.org/good samaritan drug overdose act rights card](http://www.pivotlegal.org/good-samaritan-drug-overdose-act-rights-card)
- Vancouver Police Department's policy of non-attendance (See 1.6.28): <http://vancouver.ca/police/assets/pdf/manuals/vpd-manual-regulations-procedures.pdf>
- ***If you would like us to send you copies of our Rights Card, please contact us:*** <http://www.pivotlegal.org/contact>

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