



## Gitsegukla Band Council

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Dear Community Members,

We would like to share with you some important updates regarding the recent decriminalization of personal possession of certain illegal drugs in British Columbia. Effective January 31, 2023 to January 31, 2026, adults (18 years and older) in B.C. will not be arrested or charged for possessing small amounts of opioids, crack and powder cocaine, methamphetamine, and MDMA for personal use.

The Health Canada exemption is effective from **January 31, 2023 to January 31, 2026** and decriminalizes:

- opioids, crack and powder cocaine, methamphetamine, and MDMA.
- Adults (18 years and older) in B.C. will not be arrested or charged for possessing small amounts of these drugs for personal use.

[The Gitsegukla Band Council wants to emphasize that Decriminalization does not give drug dealers a free pass!](#)

It is important to note that this decriminalization does not give anyone the right to sell or distribute drugs in the community. The possession of drugs, including those covered by the exemption, remains illegal such as on school grounds, around the gym during special events

The Band Council is aware of the legal changes and is actively taking steps to protect the community to address these changes. We are closely monitoring this situation and taking action to protect our community by updating our policies and by-laws. Our goal is to ensure that everyone is aware of the legal changes while also keeping a watchful eye on drug trafficking in the village.

We encourage Community Members to utilize [Health](#) and [Social](#) services available to you. Please be mindful of the continued illegal status of drug trafficking and possession of more than 2.5 grams of these drugs.

Sincerely,

The Gitsegukla Band Council



## FAQ – Decriminalization

### Overview

#### **What does [‘decriminalization’](#) mean?**

Health Canada has granted the Province of B.C. an exemption from s. 4(1) of the Controlled Drugs and Substances Act until January 31, 2026.

This means that starting January 31, 2023, adults in B.C. will not be subject to criminal charges for the personal possession of small amounts of certain illegal drugs.

The total amount of illegal drugs must be 2.5 grams or less. This includes opioids, crack and powder cocaine, methamphetamine and MDMA.

The trafficking of these drugs or the possession of quantities above these limits remains illegal and subject to criminal charges.

This exemption from prosecution for possession does not mean that the possession of narcotics is permitted in all contexts or that the consumption of drugs cannot be regulated or controlled under other legal authority (including provincial legislation or municipal by-laws).

#### **Why is B.C. decriminalizing the possession of certain illegal drugs?**

The decriminalization of people who possess illegal drugs for personal use is a critical step in B.C.’s fight against the toxic drug crisis.

It will help reduce the barriers and stigma that prevent people from accessing lifesaving supports and services. Substance use is a public health matter, not a criminal justice issue.

### Licensed Establishments

#### **What does this mean for licensees?**

As restaurants, bars and liquor manufacturers are private businesses, licensees retain the right to refuse service and set house rules governing their establishments. This

includes prohibiting patrons from possessing or consuming any illegal drugs within their premises.

Further, the Liquor Control and Licensing Act continues to prohibit licensees from admitting intoxicated patrons, allowing patrons to become intoxicated, and allowing intoxicated patrons to remain in the licensed establishment. This includes intoxication from narcotics.

### **What if an individual is found using drugs on a business' property?**

If a licensee observes drug use, the licensee may request that the individual(s) leave the premises. Additionally, police retain legal authority, under the Trespass Act, to remove people from these premises where the latter have not complied with an establishment's request that they leave. Public intoxication – whether by drugs or alcohol – remains illegal.

Under the Liquor Control and Licensing Act (LCLA), police may issue a ticket to a person who is intoxicated, including by the effect of illegal drugs, in a public place (which includes a bar or restaurant).

### **What resources are available if patrons possess/use illegal drugs?**

If open drug use is occurring in an establishment or if unlawful activities are taking place, you may ask the person to cease the activity or to depart. If they do not comply, police can remove people from the establishment under the authority of the provincial Trespass Act.

Trespass laws allow licensees to refuse entry, or require patrons to leave their establishments, including when the licensee determines it is necessary to maintain the safe operation of the establishment and to comply with licence terms and conditions.

However, adults who are removed by police and found in personal possession of illegal drugs that add up to a combined total of 2.5 grams or less will not be subject to criminal charges, and the drugs will not be seized. Instead, they will be offered information about health and social supports, including local treatment and recovery services, if requested.