



we are a group of students who are former users, current users, harm reduction workers, and allies working towards building a legal system that affirms the autonomy and dignity of people who use drugs. for us, that means a legal system where drugs are decriminalised, demedicalized, and accessible.

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this zine was made by katie in 2022

# the Good Samaritan Drug Overdose Act

In May 2017, Canada enacted the Good Samaritan Drug Overdose Act (the "GSDOA") to provide protection from simple drug possession (and related) charges to everyone at a drug overdose event when 9-1-1 is called to the scene. [1] [2]

It is supposed to protect people — if someone is overdosing, you should not fear police presence, detention, arrest, or incarceration, just because you called for help.

## what does the law actually do?

the GSDOA can protect you from: [2] [3]

Charges for possession of a controlled substance (i.e. drugs) under section 4(1) of the Controlled Drugs and Substances Act

Possession of substance [3]

4 (1) Except as authorized under the regulations, no person shall possess a substance included in Schedule I, II or III.

SCHEDULE I	SCHEDULE II
(Sections 2, 4 to 7.1, 10, 18, 85 and 86)	(Sections 2, 4 to 7.1, 10, 20, 25 and 87)
1. Total Phos (Phosphoric Acid) (C <sub>12</sub> H <sub>10</sub> O <sub>7</sub> )	1. Cocaine (C <sub>17</sub> H <sub>19</sub> O <sub>4</sub> )
2. Methamphetamine (C <sub>10</sub> H <sub>15</sub> N)	2. Synthetic cannabinoid receptor type 1 agonists, their salts, or any other substance that is known to be a synthetic cannabinoid receptor type 1 agonist, whether or not it is a synthetic cannabinoid receptor type 1 agonist, when the substance is intended for human consumption
3. Marijuana (C <sub>21</sub> H <sub>30</sub> O <sub>2</sub> )	3. 3,4-Methylenedioxymethamphetamine (MDMA) (C <sub>11</sub> H <sub>15</sub> NO <sub>2</sub> )
4. Ecstasy (MDA) (C <sub>9</sub> H <sub>9</sub> NO <sub>2</sub> )	4. 3,4-Dihydroxyphenylacetate (C <sub>9</sub> H <sub>9</sub> NO <sub>2</sub> )
5. 3,4-Methylenedioxymethamphetamine (MDMA) (C <sub>11</sub> H <sub>15</sub> NO <sub>2</sub> )	5. 3,4-Dihydroxyphenylacetate (C <sub>9</sub> H <sub>9</sub> NO <sub>2</sub> )
6. 3,4-Methylenedioxymethamphetamine (MDMA) (C <sub>11</sub> H <sub>15</sub> NO <sub>2</sub> )	6. 3,4-Dihydroxyphenylacetate (C <sub>9</sub> H <sub>9</sub> NO <sub>2</sub> )
7. 3,4-Methylenedioxymethamphetamine (MDMA) (C <sub>11</sub> H <sub>15</sub> NO <sub>2</sub> )	7. 3,4-Dihydroxyphenylacetate (C <sub>9</sub> H <sub>9</sub> NO <sub>2</sub> )

the GSDOA can protect you from: [2] [3]

- breach of conditions regarding simple possession of controlled substances (i.e. drugs) in: pre-trial release; probation orders; conditional sentences; parole

the GSDOA does not provide legal protection against "more serious" offences, such as: [2] [3]

- outstanding warrants
- production and trafficking of controlled substances
- all other crimes not outlined within the Act

the GSDOA applies to anyone seeking emergency support during an overdose, including the person experiencing an overdose. it protects the person who calls for help, whether they stay or leave from the overdose scene before help arrives, + anyone else who is at the scene when help arrives. [2]

the federal government states that it "[hopes] the Act will help to reduce fear of police attending overdose events and encourage people to help save a life." [2]

there are some serious problems with the GSDOA:

- it is unclear if police are abiding by it
- it is unclear if people who use drugs have a working knowledge of it



education! read this zine, tell your friends, give your friends this zine, learn about the GSDOA and how it can (and where it doesn't) protect you

**Pivot Legal Society recommends:** [4]

- police are trained to understand the harm caused by police attendance, investigation, and arrests at overdoses, and that if they attend overdoses, anything they do must be in compliance with the GSDOA [4]
- police develop a province-wide policy related to their attendance at overdoses, which would include: a policy of non-attendance except where requested by Emergency Health Services; a clear statement on the role of law enforcement to only administer first aid, and not to "investigate" individuals at the scene of an overdose [4]
- crowd counsel + BC prosecution services are directed that it is NOT in the public interest to press charges in these cases, considering that there is an overwhelming public interest in ensuring people feel safe to call 911; when considering whether to press charges, crown must consider the potential impacts these charges will have on people who use drugs and their future willingness to call 911 in the event of an overdose [4]
- the GSDOA be amended to extend immunity to capture: non-violent breaches of parole, pre-trial release, probation or conditional sentence orders; the person suffering from the overdose (do not arrest them); possession for the purpose of trafficking; not just medical services for drug overdoses in a Canadian setting [4]

[1] British Columbia Centre on Substance Use, "GSDOA infographic," online: <https://www.bccsu.ca/wp-content/uploads/2022/05/GSDOA-Infographic.pdf>

[2] Government of Canada, "About the Good Samaritan Drug Overdose Act," online: <https://www.canada.ca/en/health-canada/services/opioids/about-good-samaritan-drug-overdose-act.html#a2>

[3] Controlled Drugs and Substances Act, S.C. 1996, c. 19.

[4] Pivot Legal Society, "Emergency Response to Overdose Calls in BC" (October 2017), online: <https://d3n8a8pr7vnx.cloudfront.net/pivolegal/pages/132/attachments/original/1536611975/Police\_Attendance\_at\_Overdose\_s.pdf?1536611975>

[5] Moallet, Soroush et al., "Knowledge of a Drug-Related Good Samaritan Law Among People Who Use Drugs, Vancouver, Canada," (2022) Health Educ Behav. 2022 Aug; 49(4): 629-638. Doi: 10.1177/1090198121999303. Epub 2021 Mar 4.

[6] Moallet S, Choi J, Millroy M, Debeck K, Kerr T, Hayashi K. "A drug-related Good Samaritan Law and calling emergency medical services for drug overdoses in a Canadian setting" (2021) Harm Reduct J. 18(1):91. doi: 10.1186/s12954-021-00537-w. PMID: 34446026; PMCID: PMC8393452.

take this zine and pass it on: ~)

Since the GSDOA came into force in May 2017, Pivot Legal Society was notified of incidents where police: [4]

- Arrested a man at the scene of his own overdose for possession of a controlled substance;
- Arrested a homeless man at the scene of his own overdose for possession for the purpose of trafficking;
- Used information gathered or discovered at the scene of an overdose to inform and justify later enforcement activities; and,
- Used their attendance at overdose calls to detain and search people present at the scene. [4]

When police act in this way, it creates an atmosphere of fear among people who use drugs. As Pivot notes in their report, "every time someone is arrested at the scene of an overdose, the broader community becomes less likely to call 911 in the future." [4]

## what do people know about the GSDOA?

In a recent and ongoing study conducted in Vancouver by the British Columbia Centre on Substance Use, only 28% of people had accurate knowledge of the GSDOA. [5]

Participants who reported ever having a negative police encounter (defined as being stopped, searched, or detained by the police) were even less likely to have accurate knowledge of the law. [5]

individuals who are or had been involved in drug dealing were more likely to have accurate knowledge of the GSDOA. [5]

In another recent study in Vancouver, researchers sought to identify what factors contributed to people who used drugs calling emergency medical services in response to overdoses. In particular, the study was concerned with whether the enactment of Good Samaritan laws had increased the likelihood of people who use drugs calling 911. [6]

Among 540 participants, only 53% reported calling emergency medical services in response to overdoses. [6]

The study found that people who had administered naloxone three or more times or resided in the Downtown Eastside neighbourhood of Vancouver were more likely to call 911, while people who lived in a single occupancy hotel were less likely to call. [6]

This is particularly concerning because the majority of occupancy hotels in the study were concentrated in single occupancy hotels. [6]

the study concluded that there was **no significant increase** in the frequency of calling 911 in the periods before and after the enactment of the GSDOA. [6]

911 ... or risk detention, arrest, or incarceration?

