

QUICK FACTS: CANADA'S DRUG LAWS AND STRATEGIES

The Controlled Drugs & Substances Act (CDSA) provides the current legal framework for drugs in Canada, and is based largely on a criminal justice approach. Recent changes allow for harm reduction services such as supervised consumption services and protection from some criminal charges at the scene of a drug overdose.

The Criminal Code of Canada and the Youth Criminal Justice Act support enforcement of the CDSA. *The Canadian Charter of Rights and Freedoms* protect individual rights, including legal rights. For example, there have been legal challenges to some drug law enforcement practices.

History of Canada's drug laws

The criminalization of drug use in Canada is fairly recent. Laws prohibiting the use of cannabis, heroin, cocaine and other drugs were passed in the early 1900s. These laws were based on moral judgements and racist ideas about specific groups of people and the drugs they were using (for example, Asian immigrants who consumed opium). Decisions about the legal status of drugs, including alcohol, were not based on scientific assessments of their potential for harm.

- 1908** *The Opium Act* came into force despite greater harms from alcohol and tobacco use.
- 1911** *The Opium and Narcotic Drug Act* added harsher penalties for people who use drugs, including imprisonment.
- 1961** *The Narcotic Control Act* continued the focus on criminalizing drug use despite the emerging connection between drug use and public health during the 1960s.
- 1996** *The Controlled Drugs & Substances Act* passed but did not include expert opinion from the Le Dain Commission to remove harsh penalties for drug possession and legalize possession of cannabis for personal use.
- 2017** *The Good Samaritan Drug Overdose Act* passed to protect people at the scene of an overdose from some possession charges to encourage people to call 911.
- 2018** *The Cannabis Act* to legalize non-medical use of cannabis is expected to be passed into law in the summer of 2018, along with related amendments to the Criminal Code.

History of federal drug strategies

- 1987** The federal government released the *Canada Drug Strategy*, which included prevention, harm reduction, treatment and enforcement (i.e. "four pillar" approach). However, the majority of federal funding was targeted to enforcement.
- 2007** The federal government released the *National Anti-Drug Strategy*, which removed harm reduction and increased the focus on enforcement. Mandatory minimum sentencing, even for minor drug crimes, and a fear-based public education campaign for youth, were part of the new strategy.
- 2016** The current *Canadian Drugs & Substances Strategy* returns to the evidence-based "four-pillar" approach of prevention, treatment, harm reduction and enforcement.

Canada has signed onto international drug conventions requiring countries to criminalize non-medical drugs. However, they do not require possession of drugs for personal use to be a crime.

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