

The Good Samaritan Drug Overdose Act - The Law After *R v Wilson* What You Need to Know

Canada passed the *Good Samaritan Drug Overdose Act* in 2017 to encourage people to call 911 in the event of an overdose without fear of being criminalized for simple drug possession.¹ Simple drug possession refers to the act of possessing illegal drugs for one’s own use. It does not include possessing illegal drugs to share or sell. The *Good Samaritan Drug Overdose Act* provides **some** limited legal protections for people, including youth, who are at the scene of an overdose when police arrive—whether they are the caller, the person needing medical attention, or a bystander.

The Good Samaritan Drug Overdose Act:

Does	Does Not
<ul style="list-style-type: none"> • Protect people at the scene against arrests, charges, and convictions for simple drug possession (subsection 4(1) of the <i>Controlled Drugs and Substances Act</i>) • Protect people at the scene against arrests, charges, and convictions 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 arrests, charges, or convictions for more serious offenses, such as: <ul style="list-style-type: none"> ○ Production, possession for the purpose of trafficking and trafficking of controlled substances (this includes splitting and sharing drugs at no cost) ○ All other crimes besides simple possession ○ Having an outstanding warrant • Protect individuals at the scene against arrests, charges, or convictions for breaching court conditions where the underlying offense is anything other than simple drug possession

The Supreme Court of Canada recently confirmed in *R v Wilson*, 2025 SCC 32 that the *Good Samaritan Drug Overdose Act’s* protections are not limited to charges and convictions for simple drug possession, but include arrests for simple possession too. Still, in our view, the *Act* does not provide adequate legal protection for people who call 911 in the event of an overdose.

Even with laws like this one, police continue to use overdoses as opportunities for investigation, criminalization, and interference with overdose response. To encourage better overdose reporting, all police departments should adopt a policy of non-attendance in the event of an illegal drug overdose. The Vancouver Police Department enacted a policy like this 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 call on your local police department to adopt a policy of non-attendance.

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 The Good Samaritan Drug Overdose Act?

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 where the underlying offence is simple possession	✓	
You are in possession of illegal drugs and you intend to share or sell them—or it looks that way to police because: <ul style="list-style-type: none"> You possess a large amount of drugs You possess a large amount of cash You possess equipment that may support trafficking, such as scales or packaging materials 		X
You are selling illegal drugs or engaged in some other offense besides simple drug possession, 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 drug possession		X
There is an outstanding warrant for your arrest		X

Pivot Legal Society is a human rights organization that works alongside communities to address the root causes of poverty and social exclusion.

Overdoses are medical emergencies that require immediate medical intervention. We encourage you first and foremost to get trained in naloxone and emergency breathing.