

April 13, 2022

The Honourable Carolyn Bennett, M.D., P.C., M.P.  
Minister of Mental Health and Addictions and Associate Minister of Health

The Honourable Jean-Yves Duclos  
Minister of Health

cc: Hon. Sheila Malcolmson, B.C. Minister of Mental Health and Addictions

Dear Ministers Bennett and Duclos:

**Re: Proposed cumulative threshold of 4.5 grams in BC**

We write as a coalition of over 20 civil society organizations in Canada, comprising people who use drugs and their families, Indigenous and racialized groups, service providers, legal organizations, research groups, and drug policy advocates. Our mission includes abolishing criminal and other laws, policies, and practices that control, stigmatize, pathologize, and punish people who use drugs.

We understand Health Canada is considering British Columbia's request for an exemption from the *Controlled Drugs and Substances Act* to decriminalize simple possession up to a cumulative threshold quantity of 2.5 grams. As you know, this is far lower than the cumulative threshold of 4.5 grams requested by the province — already an exceedingly low cumulative threshold for many people who use drugs and near-unanimously rejected by BC's Core Planning Table on Decriminalization.

**Ministers: there is no legal or evidentiary basis for a cumulative threshold of 2.5 grams. Per the recommendation of our 2021 platform, we urge you to reject this quantity and dispense with threshold quantities altogether.<sup>1</sup>**

As we've routinely communicated to you, there are significant risks of "net-widening" in defining a threshold that does not reflect real-world patterns of use. Drug markets will adjust to a low threshold, including via changes to the potency and amounts of drugs held or sold, potentially increasing overdose risk. Other harms resulting from a 2.5 grams threshold may include the incentivization of interactions with the unregulated market as people try to avoid criminalization by frequently purchasing smaller amounts.<sup>2</sup> Those who will be most profoundly harmed by a low threshold will be Black, Indigenous, and other racialized, marginalized, and low-income communities, who are profiled and disproportionately arrested and incarcerated for drug offences.

A 2.5 grams threshold flies in the face of your governments' commitment to evidence-based drug policy, anti-racism, and reconciliation with Indigenous communities. It sets a dangerous precedent for other municipalities across Canada seeking an exemption. It disregards the

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<sup>1</sup> *Decriminalization Done Right: A Rights-Based Path for Drug Policy*, 2021:

<https://www.hivlegalnetwork.ca/site/decriminalization-done-right-a-rights-based-path-for-drug-policy/?lang=en>.

<sup>2</sup> A. Greer et al, "The details of decriminalization: Designing a non-criminal response to the possession of drugs for personal use," *International Journal of Drug Policy* 102 (2022) 103605.

recommendations put forward by BC's Core Planning Table and caters to the unsubstantiated, stigma-based requests of police. We know Health Canada has met with police as part of its decision-making process, while requests from drug user-led groups like the Vancouver Area Network of Drug Users (VANDU) have been ignored entirely.

**Decriminalization must be done right.** You have a moral, legal, and ethical responsibility to uphold the human rights of people who use drugs; this requires you to centre their expertise. A 2.5 grams threshold will continue to inflict grave harms on our communities and must be abandoned.

We ask that you therefore:

- 1) provide us with the rationale and evidence for a 2.5 grams threshold; and
- 2) meet with us this month to ensure that the perspectives of people who use drugs are prioritized and the recommendations of the BC Core Planning Table are ultimately adopted.

*Signed*

Avenue B Harm Reduction  
AVI Health and Community Services  
BC Association of Aboriginal Friendship Centres  
Blood Ties Four Directions  
British Columbia Centre on Substance Use  
British Columbia Civil Liberties Association  
CACTUS Montreal  
Canadian Association of People who Use Drugs (CAPUD)  
Canadian Drug Policy Coalition  
Canadian Students for Sensible Drug Policy  
Centre d'intervention et de prévention en toxicomanie de l'Outaouais (CIPTO)  
Centre on Drug Policy Evaluation  
Drug Users Advocacy League  
Drug User Liberation Front  
ENSEMBLE Services Greater-Grand Moncton  
Gilbert Centre  
HIV Legal Network  
Indigenous Harm Reduction Network  
Moms Stop the Harm  
Multidisciplinary Association for Psychedelic Studies Canada  
Ottawa Inner City Health  
Pivot Legal Society  
South Riverdale Community Health Centre  
Vancouver Area Network of Drug Users (VANDU)