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Healthy Environments
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Branch

Direction générale,
Santé environnementale et
sécurité des consommateurs

Address Locator 0300B
Ottawa ON K1A 0K9

Your file Votre référence

Our file Notre référence

2017-10-17

HC6-53-139-26
17-111329-494

Shelley Williams
Chair
Access to Medically Supervised
Injection Services Edmonton (AMSISE)
c/o HIV Edmonton
9702 111 Ave
Edmonton AB T5G 0B2

Dear Ms. Williams:

Your request for an exemption from the *Controlled Drugs and Substances Act* (CDSA) to operate a supervised consumption site at the George Spady Society has been granted pursuant to section 56.1 of the CDSA, valid for a one year period.

Please carefully review the exemption and all terms and conditions that are included. In particular, please note that you are required to notify Health Canada three weeks in advance of the George Spady Society Site offering supervised consumption services to the public, so that Health Canada may conduct an inspection of the site. Please note that the site may be subject to regular inspections during the validity period of the exemption. Failure to comply with the terms and conditions of the exemption may result in your exemption being suspended or revoked.

Health Canada is available to discuss the exemption and its terms and conditions with you at any time.

Sincerely,

Michelle Boudreau
Director General
Controlled Substances Directorate
Health Canada



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Dear Ms. Williams:

In response to your request for an exemption to the *Controlled Drugs and Substances Act* (CDSA) to operate a supervised consumption site at the George Spady Society Site, I would like to inform you that an exemption is being granted to you pursuant to section 56.1 of the CDSA. This letter authorizes the exemption for the George Spady Society Site, and sets out the terms and conditions that must be followed.

The following definitions apply to this exemption:

“Alternate responsible person in charge” means any person designated by the applicant who is responsible, when the responsible person in charge is absent from the supervised consumption site, for ensuring that every person or class of persons who is exempted for a medical purpose under subsection 56.1(1) from the application of all or any of the provisions of the CDSA complies with the terms and conditions specified by the Minister in the exemption when they are at the site;

“AMSISE” means Access to Medically Supervised Injection Services Edmonton;

“Clients” means an individual who is an injection drug user and who is at the Site to self-inject and/or receive other services;

“Designated criminal offence” means

- (a) an offence involving the financing of terrorism against any of sections 83.02 to 83.04 of the *Criminal Code*;
- (b) an offence involving fraud against any of sections 380 to 382 of the *Criminal Code*;

- (c) the offence of laundering proceeds of crime against section 462.31 of the *Criminal Code*;
- (d) an offence involving a criminal organization against any of sections 467.11 to 467.13 of the *Criminal Code*; or
- (e) a conspiracy or an attempt to commit, being accessory after the fact in relation to, or any counselling in relation to an offence referred to in any of paragraphs (a) to (d);

“Designated substance offence” means

- (a) an offence under part I of the CDSA, except subsection 4(1), or
- (b) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in paragraph (a);

“Illicit substance” means a controlled substance or precursor that is obtained in a manner not authorized under the CDSA;

“Key staff members” means the persons designated by the applicant who are responsible for the direct supervision, at the supervised consumption site, of the consumption of an illicit substance by every person or class of persons who is exempted for a medical purpose under subsection 56.1(1) from the application of all or any of the provisions of the CDSA;

“OCS” means the Office of Controlled Substances, Controlled Substances Directorate, Health Canada;

“Responsible person in charge” means the person, designated by the applicant, who is responsible, when the person is at the supervised consumption site, for ensuring that every person or class of persons who is exempted for a medical purpose under subsection 56.1(1) from the application of all or any of the provisions of the CDSA complies with the terms and conditions specified by the Minister in the exemption when they are at the site;

“Site” means the premises located on the main floor but limited, as per your application, to the supervised consumption services within the building located at 10015 105A Avenue NW, Edmonton, Alberta; and

“Staff member” means an individual employed by or under contract with Access to Medically Supervised Injection Services Edmonton to work at the Site.

Scope

This authority is being exercised under section 56.1 of the CDSA. The following classes of persons are hereby exempted for a medical purpose as set out below to engage in certain activities in relation to an illicit substance within a supervised and controlled environment as specified below:

- All staff members are exempted while they are within the interior boundaries of the Site from the application of subsection 4(1) of the CDSA with respect to any illicit substance in the possession of a client or that is left behind by a client within the interior boundaries of the Site, if such possession is to fulfill their functions and duties in connection with the operation of the Site;
- Clients are exempted, while they are within the interior boundaries of the Site from the application of subsection 4(1) of the CDSA with respect to an illicit substance intended for self-injection, if possession of the illicit substance is for the purpose of self-injection by the client; this does not cover illicit substances that are self-administered by other means than injection, e.g. smoking, inhaling, etc.

Suspension Without Notice

A suspension without prior notice may be ordered if the Minister or her designate under section 56.1 deems that such a suspension is necessary to protect public health, safety or security including, without limiting the generality of the foregoing, to prevent controlled substances from being trafficked or otherwise diverted within or from the Site for illicit purposes.

Revocation

This authorization may be revoked if the AMSISE or any staff member of the Site has contravened any of the terms and conditions set out in this document (please note that such a contravention may, in some cases, also constitute an offence under the CDSA).

Duration

This exemption is issued for a period of one year. The authorization expires on the earliest of the following dates:

- October 31, 2018; or
- the date on which the exemption is revoked.

Other Terms and Conditions

- (1) An inspection of the site may be required prior to opening to the public. You must notify Health Canada's OCS three weeks prior to the George Spady Society Site being opened to the public. If major deficiencies are found during the inspection that could be a risk to public health and safety, you will be asked to provide appropriate corrective measures and the Site may not be allowed to open until Health Canada has approved the corrective measures;
- (2) The AMSISE must inform and train the Responsible person in charge (RPIC), Alternate responsible person in charge (A/RPIC), key staff members and all staff members on their roles and responsibilities;
- (3) The RPIC, A/RPIC, key staff members and all staff members must follow the Site's policies and procedures;
- (4) Only clients who are properly enrolled may have access to the areas of the Site where supervised consumption services occur;
- (5) The RPIC, or in his or her absence an A/RPIC, must be present on site at all times to oversee the operation of the supervised consumption site services;
- (6) The RPIC and each A/RPIC must have a valid criminal record check. The criminal record check must be a document issued by a Canadian police force in relation to the RPIC and each A/RPIC, stating whether, in the 10 years before the day on which the application was made, the person was convicted as an adult in respect of a designated substance offence or designated criminal offence. If the RPIC or any A/RPIC has ordinarily resided in a country other than Canada in the 10 years before the day on which the application was made, a document issued by a police force of that country stating whether in that period the person was convicted as an adult for an offence committed in that country that, if committed in Canada, would have constituted a designated substance offence or a designated criminal offence must be submitted;
- (7) A new RPIC or A/RPIC may not work at the Site without AMSISE having obtained and submitted a valid criminal record check to the OCS. A list of the approved RPIC and A/RPICs will be maintained by the OCS and shared with the AMSISE;
- (8) Where the RPIC or an A/RPIC is found guilty of a "designated substance offence" or "designated criminal offence", the RPIC or A/RPIC must advise the OCS, and that person will no longer be covered by the exemption;
- (9) The RPIC, or in his or her absence the A/RPIC, must take necessary precautions to prevent drug trafficking within the Site, including having staff members draw to the attention of clients the *Service User Code of Conduct*, which prohibits the dealing, exchanging or passing of controlled substances, and must remove from the Site any client caught attempting to traffic or trafficking a controlled substance;

- (10) The RPIC, or in his or her absence the A/RPIC, must be notified of an incident of any amount of 'unidentified substance' that may be an illicit substance that has been left behind by clients. The substance must be placed in an envelope that is sealed, dated and initialed by the RPIC or A/RPIC. The RPIC or A/RPIC must then place the envelope in a lockbox, and log tracking information in the Site's *SIS Substances Left Behind log book*. The RPIC, or in his or her absence the A/RPIC, must notify the Edmonton Police Service (EPS) immediately following the occurrence. When the envelope containing the substance is picked up for disposal by the EPS, the envelope must be logged out by the police officer;
- (11) In the event of theft of illicit substances left behind by clients, the RPIC, or in his or her absence the A/RPIC, must notify the EPS immediately and the OCS within 24 hours of the occurrence. The RPIC, or in his or her absence the A/RPIC, must maintain a record of losses and thefts of illicit substances left behind by clients;
- (12) The return of used or contaminated syringes must be supervised by the RPIC, A/RPIC or a key staff member and managed safely as per AMSISE procedures;
- (13) The security system intended to provide physical security at the Site must be operational at all times, and access to the Site must be controlled, as submitted in your application. The RPIC, or in his or her absence the A/RPIC, must ensure that a record of entry and exit from the injection area is maintained;
- (14) The AMSISE must notify the OCS of amendments to any security measures or policies and procedures that could lead to an increased risk to public safety and security and provide the OCS with a description of the revised security measures and a copy of the revised policies and procedures no later than 10 working days following the effective date of the amendments;
- (15) All records or other information required to be kept under this exemption must be maintained at the Site for the duration of the exemption and made available to the Health Canada upon request;
- (16) The AMSISE must notify the OCS within 10 days in the event of a death related to activities involving illicit substances at the Site;
- (17) The AMSISE must notify the OCS within 10 days should the Site be closed;
- (18) In accordance with any applicable privacy laws, the AMSISE will provide the Minister, upon request, with access to any relevant data gathered or collected related to the Site;
- (19) You must provide a report of the impacts of the supervised consumption services on the neighbourhood where the Site is located. These impacts could include, but are not limited to, general demographics of the clients served,

public complaints, overdoses in the vicinity, drug-related crime, improperly discarded syringes, public disorder, ongoing community engagement and mitigation efforts, etc. The report should be sent to the OCS 90 days after the Site begins offering services to the public and will be made publically available; and

- (20) You must provide a report to the OCS before August 31, 2018 summarizing the activities undertaken and clients served at the Site, the impact of the services on the clients and the community and any other information related to the services offered. The report should include, but is not limited to:
- the average number of visits per day;
 - the number of unique visitors per month;
 - the general demographics of the clients served;
 - the number of referrals to other health care facilities including treatment and rehabilitation services;
 - the number of referrals to other health and social services;
 - the number of overdoses/drug emergencies at the Site per year; and
 - the percentage of the most prevalent drugs used at the Site according to the user.

Should it be necessary to change the terms and conditions, you will be informed in writing and a reason for the change will be provided.

Please note that it is recommended that you establish a mechanism to collect information required for subsequent applications, as set out in subsection 56.1(3) of the CDSA, including any information related to the public health impacts of the activities at the Site, and as described in subsection 56.1(3).

It is your responsibility to verify that the operation of the supervised consumption services at the Site is, and continues to be, in compliance with other applicable federal, provincial and municipal legislation.

Finally, the OCS welcomes receiving any information you feel pertinent to your exemption throughout its validity period. We are available to answer questions on any aspect of your exemption, and look forward to working with you to assist in the continued legal operation of your endeavour.

Sincerely,



Michelle Boudreau
Director General
Controlled Substances Directorate
Health Canada

List of approved personnel on date of October 17, 2017
AMSISE – George Spady Society

RPIC (Responsible Person in Charge)

Lindy Dowhaniuk

A/RPIC (Alternate Responsible Person in Charge)

N/A