

# Questions and Answers – Provincial/Territorial Class Exemptions: For Supervised Consumption Site Operators

## ***Why was this class exemption issued?***

Health Canada proactively issued class exemptions to provinces and territories to ensure they have the tools needed to manage the compounding effects of the opioids overdose crisis and the COVID-19 pandemic on their communities. Specifically, the class exemptions will help in the overall response to the pandemic by reducing the administrative burden of having organizations applying for a supervised consumption site, or temporary overdose prevention site. Creating new spaces, as may be needed, or adjusting existing supervised consumption sites to respect public health guidance will prevent ongoing community spread of COVID-19 amongst a vulnerable population, help guard against community transmission, and preserve capacity amongst essential frontline healthcare workers.

In issuing these exemptions, Health Canada will ensure a high degree of cooperation is maintained to ensure our collective response to the pandemic remains robust and comprehensive.

## ***What does this class exemption actually mean? What does it enable the provincial and territorial governments to do?***

The exemption will allow provinces and territories to establish new temporary urgent public health need sites - also known as overdose prevention sites - within shelters or other temporary sites, as needed, to help people stay safe from overdose and respect physical distancing and self-isolation measures. The decision to implement the exemption is up to the jurisdiction's discretion.

The exemption also provides provinces and territories with the flexibility to choose to establish other harm reduction activities with controlled substances, such as drug checking or virtual supervision of drug consumption to prevent overdose and overdose death.

## ***What are urgent public health need sites and how do they differ from supervised consumption sites?***

Supervised consumption sites are part of a long-term, comprehensive approach to address the harms associated with problematic substance use. The sites are authorized by the federal Minister of Health based on a comprehensive application that demonstrates the public health and safety benefits of the proposed site and other factors, including impact on crime rates, community consultation, and resources to operate the site.

Urgent public health need sites - also referred to as overdose prevention sites - can be established more quickly and are a short-term response to address an urgent public health need.

Both urgent public health need sites and supervised consumption sites have a goal to reduce overdose deaths, but urgent public health need sites do not always have the additional services offered in

supervised consumption sites, which include connecting people with other health and social services, including treatment.

***Are urgent public health need sites a federal or provincial responsibility?***

Urgent public health need sites, when established under the authority of the class exemption issued to a provincial or territorial government, are the responsibility of that government. The entity/government to which the exemption is issued is responsible for the oversight of sites set up under the exemption.

***Are there any available funds for provinces and territories to establish urgent public health need sites or to fund changes being made to supervised consumption sites?***

At this time, Health Canada is not funding supervised consumption sites or urgent public health need sites. However, due to the impacts of COVID-19 on communities and vulnerable populations, there may be other sources of funding available from community partners dealing with harm reduction, homelessness, community services and other donors. As examples, many cities and organizations have been provided federal funding for homelessness that could be potentially used to alleviate funding pressures for urgent public health need sites or supervised consumption sites.

***Will Health Canada continue to oversee and monitor changes that may be made within existing supervised consumption sites or urgent public health need sites that are authorized by the Department?***

Yes, Health Canada will continue to oversee and monitor operational changes at existing supervised consumption sites. Existing supervised consumption sites can submit any questions or seek clarity by contacting Health Canada at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca).

In cases where a province or territory **uses** the class exemption, the provinces and territories would oversee and authorize any changes made to set up a new urgent public health need site, or temporary changes within an existing supervised consumption site to address public health guidelines related to COVID-19. Health Canada would like to be informed of such changes by the supervised consumption sites operators via email at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca).

Should the province or territory **not use** the class exemption, Health Canada would consider any applications to set up urgent public health need sites and also review temporary changes to existing supervised consumption sites. An application process has been established for these temporary changes. Applicants and organizations seeking to set up urgent public health need sites or authorize temporary changes should contact Health Canada at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca).

***How will I know if my province or territory has implemented or plans to implement the class exemption?***

The provinces and territories are adopting measures to respond to the local conditions and need in response to the COVID-19 pandemic and ensuring that all Canadians are provided with the information

they need. For information on your government’s decision to adopt the class exemption, it is recommended that you monitor your provincial or territorial government’s COVID-19 support and information websites and for specific questions, contact your Ministry of Health. For general inquiries, you may contact Health Canada at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca).

***If my province and or territory has not implemented the class exemption, will Health Canada issue an exemption so that a temporary urgent public health need site can be set up? What do I need to do to get authorization from Health Canada?***

If an organization wishes to set up an urgent public health need site, also known as an overdose prevention site, or another unique service such as drug checking, the organization would need to submit an application to Health Canada via email at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca). An application form will be provided as requested via this email. Health Canada prioritizes the review of these applications, and working closely with the applicant, aims to provide an authorization/response within 5 business days.

***If I already have an exemption from Health Canada for an “emergency interim site” (emergency interim supervised consumption site), or an urgent public health need site, how does this class exemption affect our operations? Is my exemption still valid?***

This provincial/territorial class exemption does not affect your existing exemption. Your exemption, whether for an emergency interim supervised consumption site or an urgent public health need site, will expire on the date that is listed in your exemption letter from Health Canada. Where the province has implemented the class exemption, you may wish to stay in close contact with them regarding your operation.

***If I make changes related to the emergency interim supervised consumption site or the urgent public health need sites do I need authorization to do so from Health Canada or from my provincial or territorial government or both?***

If your province or territory chooses to use their class exemption, you would contact your local provincial or territorial health authority to learn how to be authorized to conduct operations under their authority. We would also request that you inform Health Canada at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca). Where the class exemption is not being used, you would need authorization from Health Canada to establish an emergency interim supervised consumption site or an urgent public health need site.

***If I want to make changes to the existing and operating supervised consumption site?***

**FOR ANY OF THE LISTED CHANGES BELOW, WE ENCOURAGE SCS OPERATORS TO CONTACT/INFORM THEIR PROVINCIAL AND OR TERRITORIAL GOVERNMENT.**

**i) Changing hours of operation:**

No additional exemption or authorization is required, however, policies and procedures for the supervised consumption site should be updated and we would ask that you please inform Health Canada via email at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca).

**ii) Changing the number of booths in the same building:**

Depending on proposed changes, there may be no need for an additional exemption. We would ask that supervised consumption site operators please verify with Health Canada via email at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca) so we can provide further guidance.

**iii) Adding a number of booths in a temporary tent/trailer in the parking area of the building:**

We ask that you verify if your province or territory is authorizing urgent public health need sites. If yes, no additional exemption or authorization would be required from Health Canada, but we would ask that you please inform Health Canada at [hc.exemptions.sc@canada.ca](mailto:hc.exemptions.sc@canada.ca).

If you are aware that your province or territory is not authorizing urgent public health need sites, or if you are uncertain, please contact us via email at [hc.exemptions.sc@canada.ca](mailto:hc.exemptions.sc@canada.ca). Where a province or territory is not authorizing urgent public health need sites, an additional exemption would be required from Health Canada.

**iv) Making changes to staff, services provided or policies and procedures:**

No additional exemption or authorization is required. However, policies and procedures for the supervised consumption site should be updated and we would ask that you please inform Health Canada via email at [hc.exemption.sc@canada.ca](mailto:hc.exemption.sc@canada.ca).

***Will there be any funding available to help support naloxone distribution?***

Health Canada and Employment and Social Development Canada are currently exploring options to fund naloxone training and distribution across Canada to reduce the risk of overdose deaths.

**Additional Information (CRISM and Toolkit):**

**CRISM:**

Canadian Research Initiative in Substance Misuse (CRISM) CRISM is a national network of researchers, service providers, policy makers and people with lived experience of substance use. CRISM's overall objective is to translate evidence-based interventions for substance use into clinical practice, community-based prevention, harm reduction, and health system changes. Their intent is to support the creation of more effective, personal, and adoptable intervention programs and services.

Substance use disorders are pressing and complex health issues. In order to be effective, interventions requires evidence-based approaches, an understanding of the biological, psychosocial and social factors and an acknowledgement of the important impact of cultural, societal, and policy contexts. Many

intervention modalities exist and are known to have excellent results, yet they have not been widely implemented.

To address these translation and implementation gaps, the Canadian Institutes of Health Research (CIHR), through its Institute for Neurosciences, Mental Health, and Addiction (INMHA), developed the Canadian Research Initiative in Substance Misuse (CRISM). CRISM was designed to facilitate communication and collaboration across the pillars of addiction service providers, researchers, policy-makers, patients, and people who use substances. CRISM is a network that consists of four regional teams (referred to as Nodes), located in BC, the Prairies, Ontario, and the Québec/Atlantic regions.

**Toolkit:**

Health Canada has compiled a number of resources in an effort to provide clarity regarding the rules that apply for substance use disorder treatment or providing a pharmaceutical grade alternative to the toxic street supply in Canada, in the context of CoVID 19. These resources aim to explain the various requirements that come into play at both the federal and provincial/territorial government level to better support health care professionals in understanding their options to provide the best care for their patients who use drugs during the pandemic. While designed to support prescribers primarily, this tool kit can also provide people who use drugs with information regarding services they may be able to access through a health care provider, and provide more clarity for harm reduction service providers in terms of the supports they can provide their clients to access a safer supply during the pandemic.

The toolkit presently includes:

- An information graphic on the regulatory pathways for providing medication assisted treatment
- Qs and As on commonly asked questions regarding regulatory requirements
- A consolidated list of the relevant exemptions issued under the Controlled Drugs and Substances Act;
- A table noting provincial/territorial formulary coverage of pharmaceutical grade alternatives to the illegal supply under public drug plans; and
- A list of resources related to safer supply, both in general and during the COVID-19 pandemic (including safer supply prescribing protocols).