

## Streamlining Applications for Supervised Consumption Sites

Supervised consumption sites are an important harm reduction measure and part of a comprehensive, compassionate and evidence-based approach to drug policy. A significant body of evidence demonstrates that these sites, when properly established and maintained, have the potential to save lives and improve health without increasing drug use and crime in the surrounding area. Bill C-XX would simplify the application procedure for new supervised consumption sites, as well as the renewal process for existing ones.

### What is a supervised consumption site?

Supervised consumption sites are facilities where individuals can bring their drugs and inject them in a hygienic facility using sterile equipment supervised by qualified staff who can provide immediate treatment in the case of an overdose. The facilities also provide sterile equipment, information about drugs and basic health care, treatment referrals and may include access to other health care services.

### What is the current application process for a supervised consumption site?

Those wishing to operate a supervised consumption site in Canada must first obtain an exemption from the *Controlled Drugs and Substances Act* (CDSA). Currently, organizations that wish to open a supervised consumption site must contact Health Canada to receive instruction on how to prepare an application package. The requestor must submit a complete application to Health Canada that addresses the 26 criteria outlined in the CDSA. These mandatory criteria were added to the CDSA as part of the *Respect for Communities Act* in 2015, along with specific principles that the Minister must consider when evaluating the application. Under existing law, Health Canada cannot consider an application until information is submitted on all 26 criteria.

When applying to renew an exemption for an existing supervised consumption site, the current rules require the applicant to resubmit information on all 26 criteria, as well as information related to an additional 2 criteria for a renewal.

### What would change?

Bill C-XX would support the establishment of SCS by assuring communities that their voices would be heard and that each application would be subject to a comprehensive review, while at the same time recognizing the evidence that properly established and maintained SCS save lives. By streamlining the application and renewal process and adding in new transparency provisions, applicants can be assured that the process will not cause unreasonable burden or delay. To streamline applications, Bill C-XX proposes to replace the current 26 criteria required to establish a supervised consumption site with the 5 factors set out by the Supreme Court of Canada in *Canada v. PHS Community Services Society*:

- Impact on crime rates;
- Local conditions indicating need;
- Regulatory structure in place to support the facility;
- Resources available to support its maintenance; and
- Expressions of community support or opposition.

Reducing the number of criteria would relieve the administrative burden on communities seeking to operate a supervised consumption site, but would not compromise the health and safety of those operating the site, or the surrounding community.

### **Simpler Applications**

Health Canada would publish a revised on-line application form and simplified guidance to help applicants through the process and clearly state what documentation is required. The application form would have fewer criteria and many of the remaining criteria would be modified to reduce the administrative burden on applicants. For example, individual letters from the Provincial or Territorial Ministers of Health and Public Safety as well as the Chief Public Health officer would no longer be required. Instead, a single letter from the Provincial or Territorial Health Minister would suffice to indicate the views of the provincial/territorial government. Equally, while the views of other stakeholders including municipal government and local police would continue to be captured in the application process through the requirement for broad community consultation, formal letters from these stakeholders would no longer be needed.

Amendments to the application criteria would also simplify the data and research required to support the application. For instance, applicants would no longer be required to submit evidence that SCS are effective and have public health benefits. Applicants would only be required to submit evidence to demonstrate the need and public health benefits of the proposed site for their specific community.

Removing the application criteria from legislation allows the government to maintain a thorough, evidence-based application process that can be adapted and updated over time to reflect emerging science while, at the same time, keeping communities at the heart of applications and allow applicants to respond more quickly to emerging health issues.

### **Service Standards for Application Review**

Health Canada is committed to processing applications for supervised consumption sites in a reasonable time frame. Service standards for certain elements of the application evaluation process will be established.

### **Greater Transparency**

The Government of Canada remains firmly committed to openness and transparency. Under the proposed legislation, decisions on applications would be made public, as well as reasons for a refusal. Information about the status of applications would be made publicly available to increase transparency with applicants during the review process.

### **Streamlined Renewals**

Under the proposed amendments, renewals of existing supervised consumption sites would no longer require a new application. A renewal could be requested simply by informing Health Canada of any changes to the information that was submitted as part of the original application. This would ensure that operators of existing sites are able to focus on the maintenance of their facilities and serving the needs of their community.

### **Scientific Research**

The proposed amendments would also allow Health Canada to grant exemptions for activities with controlled substances that have been illicitly obtained for the purposes of scientific research or other activities that the Minister determines are in the public interest, such as drug testing programs.

### What would not change?

There would continue to be a requirement for consultations with a broad range of community groups. In addition, the Minister will still have the authority to post a notice of the application and invite public comments for up to 90 days. The proposed amendments would continue to require certain elements, such as results of consultations with stakeholders and the community in which the site would be located, information on the proposed site location, description of the health services offered, and site security information, in order to ensure the safety of patients, staff and the community around a supervised consumption site.

### Summary Table

Current Description	Proposed Regime
Legislation lists 26 criteria to be addressed in an application for an exemption to establish a supervised consumption site.	Legislation would list the five factors outlined by the Supreme Court of Canada in its 2011 decision regarding Insite.
The Minister cannot consider an application until it is complete.	Legislation would clarify that the Minister could begin to review the application before all information has been submitted.
When renewing an exemption, applicants must address the 26 criteria, as well as two additional criteria.	Applicants would only be required to indicate any changes in information since their last exemption was granted.
The Minister should consider six principles when assessing supervised consumption site applications.	The principles would be removed, recognizing that when properly established and maintained, supervised consumption sites save lives.
The Minister of Health can choose to post a notice to seek comments from the public for 90 days on a specific application.	The Minister could still choose to post a notice, but there would be more flexibility on timing (could be posted for <u>up to 90 days</u> ).
There is no requirement for the Minister to be transparent about decisions on exemptions.	The Minister would be required to make public any decision on an application, including the reasons for a decision to deny an application.
Exemptions to conduct research with illicit substances are not permitted.	Exemptions to conduct research with illicit substances are permitted.