



Address Locator 0300B  
Ottawa ON K1A 0K9

2020-01-31

Your file    Votre référence

Our file    Notre référence  
20-100644-159  
HC6-53-139-23

Brenda Huband  
Vice President and Chief Operations Officer  
Central and Southern Alberta  
Alberta Health Services  
10101 Southport Rd SW  
Calgary AB T2W 3N2

Dear Brenda Huband:

In response to your request for an exemption to the *Controlled Drugs and Substances Act* (CDSA) to operate a supervised consumption site at the Sheldon M. Chumir Health Centre, 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 Sheldon M. Chumir Health Centre Site, and sets out the terms and conditions that must be followed.

**The following definitions apply to this exemption:**

“AHS” means Alberta Health Services;

“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;

“Clients” means an individual who is at the Site to consume illegal substances by self-injection, oral or intranasal means 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 an 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);

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

“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 illegal substance by a client;

“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 to the supervised consumption services within the building located at 1213 - 4th St SW, Calgary, Alberta; and

“Staff member” means an individual employed by or under contract with AHS to work at the Site.

## Scope

This authority is being exercised pursuant to 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 illegal 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 illegal 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;
- The RPIC, A/RPIC, key staff members and all staff members are exempted, while they are within the interior boundaries of the Site, from the following provisions of the CDSA and its regulations when possessing or transferring for the purposes of disposal, any illegal substance in the possession of a client or that is left behind by a client within the interior boundaries of the Site:
  - a. subsections 4(1), 5(1), and 5(2) of the CDSA, and
  - b. subsections 6(1) and 6(2) of the *Precursor Control Regulations* (PCR);
- 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 illegal substance, if possession of the illegal substance is for the purpose of self-injection, oral or intranasal consumption by the client; and
- Clients are exempted, while they are within the interior boundaries of the Site, from the following provisions of the CDSA and its regulations when possessing or transferring an illegal substance for the purposes of disposal:
  - a. subsections 4(1), 5(1), and 5(2) of the CDSA, and
  - b. subsections 6(1) and 6(2) of the PCR.

## 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 illegal purposes.

## Revocation

This authorization may be revoked if the AHS 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 three years. The authorization expires on the earliest of the following dates:

- January 31, 2023; or
- the date on which the exemption is revoked.

### Other Terms and Conditions

- (1) The AHS 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;
- (2) The RPIC, A/RPIC, key staff members and all staff members must follow the Site's policies and procedures;
- (3) The RPIC, A/RPIC, key staff members and all staff members may only transfer an illegal substance for the purposes of disposal to an RPIC, A/RPIC, a key staff member or other staff member of the Site;
- (4) Only clients who are properly enrolled may have access to the areas of the Site where supervised consumption services occur;
- (5) Only clients who are properly enrolled may possess and transfer illegal substances for the purposes of disposal;
- (6) Clients may only transfer an illegal substance for the purposes of disposal to an RPIC, A/RPIC, a key staff member or other staff member of the Site;
- (7) 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;
- (8) The 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, 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 a designated criminal offence. If the 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 that 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;
- (9) A new RPIC may not work at the Site without the AHS having obtained and submitted a valid criminal record check to the OCS;

- (10) Where the RPIC is found guilty of a “designated substance offence” or a “designated criminal offence”, the AHS must advise the OCS, and that person will no longer be covered by the exemption;
- (11) 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 *Patient Agreement Form*, which prohibits the dealing, exchanging or passing of controlled substances, unless for the purposes of disposal as authorized under this exemption, and must remove from the Site any client caught attempting to traffic or trafficking a controlled substance;
- (12) 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 illegal substance that has been left behind by clients. The substance must be placed in an envelope that is sealed, dated and signed by the RPIC or A/RPIC. The RPIC or A/RPIC must then place the envelope in a safe, and log tracking information in the Site’s *AHS Substance Left Behind Log*. The RPIC, or in his or her absence the A/RPIC, must notify the Calgary Police Service within 24 hours of the occurrence. When the envelope containing the substance is picked up for disposal by the Calgary Police Service, the envelope must be logged out by the police officer;
- (13) In the event of theft of illegal substances left behind by clients, the RPIC, or in his or her absence the A/RPIC, must notify the Calgary Police Service immediately and the OCS within 24 hours of the occurrence. The RPIC must maintain a record of losses and thefts of illegal substances left behind by clients;
- (14) The return of used or contaminated syringes, needles, and other consumption equipment and supplies must be supervised by the RPIC, A/RPIC or a key staff member and managed safely as per AHS procedures;
- (15) The security system intended to provide physical security at the Site must be operational at all times, and access to the Site and to various rooms within 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 consumption room is maintained;
- (16) The AHS 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;
- (17) 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 Health Canada upon request;
- (18) The AHS must notify the OCS within 24 hours in the event of a death related to activities involving illegal substances at the Site;

- (19) The AHS must notify the OCS within 48 hours should the Site be closed for longer than 24 hours or should supervised consumption services no longer be offered;
- (20) In accordance with any applicable privacy laws, the AHS will provide the Minister, upon request, with access to any relevant data gathered or collected related to the Site; and
- (21) The AHS must provide to the OCS, annually by November 30, a report 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 to maintain public health and public safety.

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,

A handwritten signature in black ink, appearing to read "Michelle Boudreau", with a long horizontal flourish extending to the right.

Michelle Boudreau  
Director General  
Controlled Substances Directorate  
Health Canada

Attachment

**Record of Approved RPIC on date of January 31, 2020  
Sheldon M. Chumir Health Centre**

**RPIC (Responsible Person in Charge)**

Logan Chinski