

September 26, 2018

VIA EMAIL

The Honourable Ginette Petitpas Taylor, Minister of Health
Dr. Theresa Tam, Chief Public Health Officer of Canada

Dear Minister Petitpas Taylor and Dr. Tam:

Re: Request for federal notification of an urgent public health need for nation-wide access to pharmaceutical diacetylmorphine

We write further to our attendance at Opioid Symposium 2018, hosted by Minister Petitpas Taylor in Toronto on September 5-6, 2018. We are a group of Canadian drug policy experts comprising people who use drugs, addiction experts, researchers, lawyers, human rights organizations, and other advocates. This includes the British Columbia Centre on Substance Use, the Canadian Association of People Who Use Drugs, Canadian Drug Policy Coalition, the Canadian HIV/AIDS Legal Network, the Canadian Nurses Association, the Canadian Public Health Association, Pivot Legal Society, and Toronto Overdose Prevention Society.

During the Symposium, the issue of Canada's increasingly toxic drug supply featured prominently in the presentations of panellists and feedback from attendees. Access to a safer supply of opioids is an urgent need requiring an immediate federal response. Minister, you acknowledged this need and responsibility in your closing remarks:

"In the last two days, I have heard that we need to increase access to a safe supply of drugs to help prevent overdose deaths. And we are supporting the development of a national guideline for injectable opioid therapy to make this option more accessible for Canadians. But we certainly still have to do more...I have asked my officials to look at how we can expand access to safer alternatives to the contaminated drug supply."

In December 2016, the Government of Canada announced it would treat substance use as a matter of public health rather than of criminal justice under the banner of its new Canadian Drugs and Substances Strategy. As the government has acknowledged, a toxic drug supply is one of the driving forces behind the preventable, apparent opioid-related deaths of nearly 4,000 Canadians in 2017.¹ Addressing that toxic supply must necessarily be part of the response. Therefore, we write to request that you take one specific step, as one element of an overall, ongoing response, to facilitate access to pharmaceutical-grade, quality-assured diacetylmorphine (i.e., heroin), in place of unregulated 'heroin' purchased illegally, which is increasingly contaminated with fentanyl and other harmful substances that are contributing to the ongoing crisis of overdoses, including fatal overdoses.

In 2017, amendments were made to the *Food and Drug Regulations* to facilitate access to certain substances that are authorized for sale in the United States, the European Union or Switzerland, but that are not yet authorized for importation or sale in Canada. Health Canada published an initial "List of Drugs for an Urgent Public Health Need" (the "List"), which included pharmaceutical diacetylmorphine. As you know, this means that the latter substance and others on the List can now be imported into Canada and sold *in those jurisdictions where a public health official has notified Health Canada of an urgent public health need in that jurisdiction.*²

Regarding her decision to publish the List, then-Minister of Health Dr. Jane Philpott acknowledged the need to ensure a broad range of prescription options for people who use drugs:

"Our government is committed to leaving no stone unturned in effort to turn the tide on the opioid crisis. By allowing the import of drugs used in other countries to treat substance dependence, we are offering more options to patients

¹ <https://www.canada.ca/en/public-health/services/publications/healthy-living/apparent-opioid-related-deaths-report-2016-2017-december.html>

² Substances remain on the List for a period of one year, or until Health Canada receives a notification for continued access to the drug to address an urgent or continuing public health need.

and health professionals. The new regulations will also offer a wider range of drugs to health professionals to help them respond to other urgent public health needs.”³

Over a year later, British Columbia is the only Canadian jurisdiction in which the importation of pharmaceutical diacetylmorphine has been notified as necessary to address the opioid crisis.⁴ However, the ability to request access to listed drugs is not limited to provincial and territorial public health officials. The regulations allow for notifications from a federal public health official for a given jurisdiction. It is time for the federal government to make good on Minister Philpott’s commitment to all Canadians.

To that end, Dr. Tam, we ask that, as Chief Public Health Officer of Canada, you immediately notify Health Canada of the urgent public health need for the below-listed substances throughout Canada, and to provide key information on these drugs and how they are expected to help address the public health crisis in Canada:

- **Diaphin i.v.;**
- **Diaphin IR 200;**
- **Diaphin SR 200; and**
- **any other substance for which, in the opinion of the Chief Public Health Officer of Canada, there is an urgent public health need in Canada to address the opioid crisis.**

In provinces and territories where no notification has yet been given, opioid-related deaths continue to mount as physicians and nurse practitioners continue to be prevented from prescribing necessary life-saving medication to their patients. In Ontario, approximately 1,265 people died in 2017 as a result of an apparent opioid-related overdose. In the same year, approximately 745 people died of the same cause in Alberta.⁵ It is clear that the vast majority of people who are dying are long-term opioid users, many of whom have not responded to other treatment options. The expansion of treatment and harm reduction services must include the rapid scale-up of access to opioid agonist treatment, including heroin-assisted treatment, in both tablet and injectable form. It is incumbent upon the federal government to use its power to ensure access to a variety of options for the diverse needs of Canadians who use drugs.

Without access to safer alternatives, a toxic, street-based drug supply will continue to be a government-sanctioned death sentence for people who use drugs. This is particularly true given Canada’s current regime of prohibition, under which people who use drugs will continue to face stigma and criminalization when trying to access bare minimum harm reduction services and other supports in their communities. The measure we have urged above will help remove unnecessary barriers to a safer supply of opioids amidst an ongoing public health crisis and we call on your government to act without further delay.

Sincerely,

**British Columbia Centre on Substance Use
Canadian Association of People Who Use Drugs
Canadian Drug Policy Coalition
Canadian HIV/AIDS Legal Network**

**Canadian Nurses Association
Canadian Public Health Association
Pivot Legal Society
Toronto Overdose Prevention Society**

Cc: Ms. Suzy McDonald, Assistant Deputy Minister, Opioid Response Team, Health Canada

³ https://www.canada.ca/en/health-canada/news/2017/06/government_of_canadaenablesnewaccesstodrugsinurgentpublichealths.html

⁴ <https://www.canada.ca/en/health-canada/services/drugs-health-products/access-drugs-exceptional-circumstances/list-drugs-urgent-public-health-need.html>

⁵ <https://www.canada.ca/en/public-health/services/publications/healthy-living/national-report-apparent-opioid-related-deaths-released-september-2018.html>