

NEWS RELEASE

Groups Challenge Federal Government Right To Close Canada's First Supervised Injection Site

For Immediate Release

October 28, 2007

VANCOUVER - Legal and ethics experts, a health-care facility that added a supervised injection site and people who use drugs and their families say the federal government would be overstepping its jurisdiction and acting callously if it decides to close Canada's, and North America's, first government-sanctioned supervised injection site, Insite.

Twice in the past 13 months, the federal government granted temporary extensions so that Insite can continue to operate. The facility's original three-year exemption to Canada's Controlled Drugs and Substances Act ended in September 2006 and was extended until the end of 2007. Earlier this month when announcing a new federal drug strategy, the government extended the exemption until June 2008.

On Monday evening, Keeping the Door Open: Dialogues on Drug Use is holding a public dialogue bringing together lawyers, a nurse ethicist, the executive director of the Dr. Peter Centre, a person who uses drugs and a mother who lost her daughter to a drug overdose, to examine and discuss legal and ethical issues surrounding the operation of Insite.

Two legal challenges, one brought by the group that operates Insite and the other by the Vancouver Area Network of Drug Users (VANDU), assert that the exemption is not required to operate what is a health facility, that health is provincial jurisdiction and that closing Insite would breach the constitutional right to life and security of the person of those who use the site.

"There are social and political debates about Insite, but there are also legal issues at stake," says lawyer Monique Pongracic-Speier who is acting for the PHS Community Services Society (that operates Insite), Dean Wilson and Shelly Tomic.

"In my clients' view, Insite is about local health care, not about the Criminal Code or the *Controlled Drugs and Substances Act*. That's why my clients decided to bring a lawsuit to determine the constitutional status of Insite," she added.

The Dr. Peter Centre, Canada's only day health program and 24-hour residence for people living with HIV/AIDS, has been providing supervised injection services to clients since 2002 and based on a legal opinion believes it is required by law to provide the service.

"As a health care employer, the Dr. Peter Centre is required by law to provide a work place that makes it possible for registered nurses to comply with their professional practice standards," says executive director Maxine Davis.

"Supervision of injections in order to prevent illness and promote health is complying with those standards. Simply put, it is a necessary part of nursing care for Dr. Peter Centre clients who inject drugs - it is not optional," she added.

An ethicist and assistant professor at the University of Victoria's School of Nursing says registered nurses have an ethical obligation to promote health and well-being and Insite is part of a comprehensive approach to promoting health and well-being for some of the most disadvantaged Canadians.

"Promoting health and well-being should not place nurses in conflict between ethics and the law," says Dr. Bernie Pauly.

"Insite is an evidence-based intervention that reduces the spread of disease, prevents death and promotes entry into the health-care system for those who need it. It has the added benefit of protecting the whole community through reducing public discard of syringes. It is not only scientifically sound but ethically justifiable," she added.

Also speaking on Monday evening are Patsy Thorpe, a nurse and mother, who will reflect on the anguish of losing a child to drug addiction, VANDU member Karmelita Joe and lawyer John Conroy who is representing VANDU in a constitutional challenge the federal government's requirement for an exemption to the Controlled Drugs and Substances Act.

Keeping the Door Open: Dialogues on Drug Use is a coalition of individuals and organizations from a diverse range of stakeholder groups, institutional and community-based service providers, health authorities, research centres, charitable foundations, public policy makers, people who use drugs, consumer advocates, government and business officials.

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For more information and to arrange interviews please contact Jean Kavanagh @ 604-802-5729 604-802-5729 .

Sunday & Monday interviews: Ms. Davis, Ms. Pongracic-Speier, Dr. Pauly, Ms. Thorpe and Gillian Maxwell, chair of Keeping the Door Open: Dialogues on Drug Use, are available for interviews on Sunday and Monday.