



INJUNCTION – MEDIA Q&A

1. WHY ARE YOU APPLYING FOR AN INJUNCTION?

The legal action comes in the wake of Federal Minister of Health Rona Ambrose's October 3, 2013 changes to federal regulations making diacetylmorphine a restricted substance under the Food and Drug Act, preventing it from being available through Health Canada's Special Access Programme (SAP).

SAP is designed to let patients get medications normally not available in Canada on the basis of credible data supporting the use safety and efficacy of the drug for the medical emergency at issue. This access is limited to patients with serious or life-threatening conditions on a compassionate or emergency basis when conventional therapies have failed, are unsuitable, or are unavailable. Through SAP, Providence doctors had requested – and received – access to diacetylmorphine for 21 of the participants exiting the SALOME research study in Vancouver, before the regulations closed off access to this treatment.

The injunction will allow doctors associated with Providence's Crosstown Clinic to apply for access to diacetylmorphine to Health Canada's SAP on behalf of participants exiting the study while the constitutional challenge is before the courts.

2. WHAT ARE YOU SPECIFICALLY SEEKING WITH THIS INJUNCTION APPLICATION?

We are seeking: (a) an interlocutory injunction exempting all requests for diacetylmorphine that have been made or will be made by physicians who practice at Providence in consultation with SALOME research participants for those individuals exiting SALOME and for whom diacetylmorphine is a medically indicated treatment from amendments to the *Food and Drug Regulations* which absolutely

prohibit access to diacetylmorphine through the SAP process; (b) an order requiring Health Canada to expedite the permitting process associated with importing diacetylmorphine granted under any plaintiff requests and/or future SALOME request; (c) a direction that the Court maintain jurisdiction to supervise all issues arising in respect of these requests.

3. WHO WILL BE AFFECTED BY THE INJUNCTION APPLICATION?

SALOME research participants who are exiting the study and want access to diacetylmorphine and for whom diacetylmorphine is a medically indicated treatment.

4. WHAT ARE THE DATES FOR THE INJUNCTION APPLICATION?

The application is scheduled for March 25, 26, and 27, 2014 at British Columbia Supreme Court House, 800 Smithe Street, Vancouver B.C.

5. WILL THE CONSTITUTIONAL CHALLENGE PORTION OF YOUR CASE BE IMPACTED WHETHER THE INJUNCTION IS GRANTED OR NOT?

PHC's plan is to continue with the constitutional challenge, no matter what decision is made on the injunction request.