



IMPROVE ACCESS TO NALOXONE IN FEDERAL PRISONS

There is an opioid overdose crisis in Canada. In 2017, a record 3,987 people in Canada died of apparent opioid overdoses, an increase of nearly 34% from 2,978 in 2016.¹ As in the community as a whole, an increasing number of prisoners are overdosing — sometimes fatally — behind bars.²

Naloxone can temporarily reverse an opioid overdose and is an exceedingly safe medication. Moreover, a growing body of evidence supports widespread access to naloxone as a means of reducing the toll of the opioid crisis,³ leading Health Canada to reclassify its status in March 2016 and make it available without a prescription.⁴ As a result, a number of provinces and territories, including B.C., Alberta, Ontario, Quebec, Nova Scotia, Northwest Territories and Yukon, offer free, unrestricted access to naloxone through first line responders, health centres and pharmacies.⁵

While we applaud these positive steps in the community, **prisoners do not receive the same standard of care**. Naloxone is only accessible to prison health care staff.⁶ Prisoners are not permitted to have naloxone kits in their cells, where they could use them in the event their cellmates suffer an opioid overdose. As Health Canada itself has noted, “Naloxone is a safe drug and administering naloxone to a person that is unconscious because of a non-opioid overdose is unlikely to create more harm.”⁷ Some federal prisoners (i.e., those who are already taking opioid substitution therapy or are known to Correctional Service Canada to have a history of opioid use or overdosing) are given take-home naloxone kits only when they are released back into the community.⁸

Correctional health care staff will not always be immediately available in overdose situations, yet a timely response to an opioid overdose can mean the difference between life and death. **Training all prisoners on naloxone administration and ensuring all prisoners have direct access to naloxone kits (including nasal naloxone sprays) in their cells will save lives.** It is also an ethical and legal obligation under human rights legislation, including the *Canadian Charter on Rights and Freedoms* and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), which entitles prisoners to enjoy the same standards of health care that are available in the community.⁹ Incarceration should not be a death sentence for people who use drugs.

About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization. The Legal Network is Canada’s leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.

¹ Government of Canada, *National report: Apparent opioid-related deaths in Canada*, June 2018. Available at www.canada.ca/en/public-health/services/publications/healthy-living/national-report-apparent-opioid-related-deaths-released-june-2018.html.

² See, for example, A. Crawford, “Corrections Canada trying to stop inmates from overdosing on fentanyl,” *CBC*, October 16, 2016, available at www.cbc.ca/news/politics/fentanyl-prisons-correctional-service-canada-1.3805709 and CSC, *Annual Report on Deaths in Custody 2015-2016*, November 2017, available at www.csc-scc.gc.ca/research/005008-3010-en.shtml#toc22.

³ A. Cressman et al., “Availability of naloxone in Canadian pharmacies: a population-based survey,” *CMAJ* 5 (November 8, 2017):E779-E784.

⁴ Health Canada Prescription Drug Status Committee, *Notice: Prescription Drug List (PDL): naloxone*, 2016. Available at www.canada.ca/en/health-canada/services/drugs-health-products/drug-products/prescription-drug-list/notice-naloxone.html.

⁵ Canadian Pharmacists’ Association, *Environmental Scan: Access to naloxone across Canada*, November 2017. Available at www.pharmacists.ca/cpha-ca/assets/File/cpha-on-the-issues/Environmental%20Scan%20-%20Access%20to%20Naloxone%20Across%20Canada_Final.pdf.

⁶ Government of Canada, *Actions on Opioids: 2016 and 2017*, November 15, 2017 available at www.canada.ca/en/health-canada/services/publications/healthy-living/actions-opioids-2016-2017.html and P. White, “Series of fentanyl exposures puts Canadian prison staff on high alert,” *Globe and Mail*, August 8, 2017, available at www.theglobeandmail.com/news/national/series-of-fentanyl-exposures-in-three-week-span-puts-canadian-prison-staff-on-high-alert/article35918236/.

⁷ Government of Canada, *Frequently Asked Questions: Access to naloxone in Canada (including NARCAN™ Nasal Spray)*, June 30, 2017. Available at www.canada.ca/en/health-canada/services/drugs-health-products/drug-products/announcements/narcana-nasal-spray-frequently-asked-questions.html.

⁸ S. Taylor, “Correctional Service Canada expands take-home naloxone kit program for inmates,” *CBC*, July 13, 2017. Available at www.cbc.ca/news/canada/saskatchewan/corrections-take-home-naloxone-kits-1.4202556.

⁹ UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), UN General Assembly in Resolution A/RES/70/175, January 8, 2016, Rule 24(1).