

AN ACT TO AMEND THE OPIOID DAMAGES AND HEALTH CARE COSTS RECOVERY ACT

The Department of Justice and Public Safety is proposing *An Act to Amend the Opioid Damages and Health Care Costs Recovery Act* (the “Bill”). The purpose of this Bill is to better align with recent changes to comparable legislation in other Canadian jurisdictions.

The proposed changes can be summarized as follows:

- (1) the addition of a direct cause of action against consultants (persons who provide advisory services to a wholesaler or manufacturer of opioid products) in respect of
 - (i) conduct that causes or contributes to opioid-related disease, injury or illness, or
 - (ii) a breach of a statutory duty or obligation to persons in Prince Edward Island in respect of opioid products;
- (2) clarification that the definition of “opioid product” includes an “active ingredient” as defined;
- (3) an amendment of the formula for the calculation of market share for wholesaler and manufacturer defendants to better reflect the separate markets for manufacture of opioid products versus distribution of opioid products; and
- (4) an amendment to provide for a direct cause of action by the Government of Canada in respect of Federal costs for health care related to opioids, i.e. federal employees, inmates, Canadian Forces personnel

Once enacted, the Department expects this Bill will support the Government’s position as a plaintiff in class action litigation that is taking place in British Columbia against parties who have committed opioid-related wrongs. The Government of Prince Edward Island is part of the national class action filed by the Government of British Columbia, on behalf of the provincial, territorial, and federal governments, to recover health care costs incurred as a consequence of the opioid crisis. The *Opioid Damages and Health Care Costs Recovery Act* was enacted to give the Province of Prince Edward Island a direct and distinct cause of action against manufacturers and wholesalers of opioid related products to recover the cost of health care benefits caused or contributed to by an opioid related wrong. This Bill enables a direct and distinct action against consultants to manufacturers and wholesalers as well.

We encourage you to provide comments on this Bill by **October 13, 2023** so that Government has an opportunity to consider all feedback prior to finalizing the Bill for consideration by the Legislative Assembly of Prince Edward Island. You can contact us to provide your comments or questions about this document by mail or e-mail to:

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This consultation is a public process. The Department of Justice and Public Safety assumes that comments received on this Consultation Report are not confidential unless specifically indicated. The Department may quote from or refer to your comments in whole or in part. The Department may attribute comments provided

by organizations. If you would like your comments to be treated confidentially, please request confidentiality in your response or submit your comments anonymously.

Any personal information received by the Department through this consultation process is subject to the *Freedom of Information and Protection of Privacy Act*. If you have any questions or concerns, please contact the Legislative Specialist by means of the contact information indicated above.