

June 15, 2012

Dr. Perry Kendall
Provincial Health Officer
4th Floor, 1515 Blanshard Street
Victoria BC V8W 3C8

Dear Dr. Kendall:

I am writing on behalf of the Pacific AIDS Network (PAN) to express deep disappointment regarding the recent passing of Bill 39, the Emergency Intervention Disclosure Act, into law.

Given that this bill has now unfortunately become law, the Pacific AIDS Network is formally lodging a standing request with your office that we be notified when the provisions are invoked in the province and under what circumstances. We feel that it is vital that PAN and our 52 member organizations are apprised of the extent to which this legislation is invoked so we can support persons living with HIV/AIDS, Hepatitis C and those "at risk."

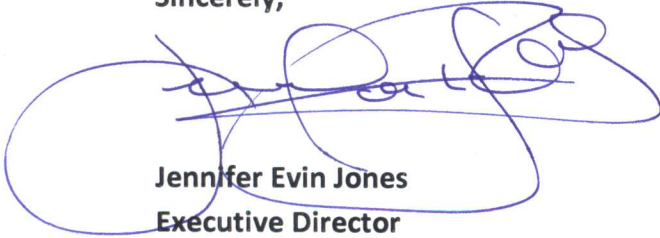
PAN did welcome the opportunity to meet with the Honourable Margaret MacDiarmid, Minister of Labour to express our concerns about Bill 39 and this meeting took place on May 9th. The stated goal of the legislation – to enhance the safety of first responders – is laudable, but unfortunately this legislation is not evidence-based and therefore will not lead to this outcome. The way to ensure safety of first responders is instead to work on providing accurate information and education about universal precautions and through access to post-exposure prophylaxis and other supports, where applicable.

Another of our concerns is the extent to which compelling persons to provide a blood sample violates their right to privacy and to security of the person. This is consistent with the position of Information and Privacy Commissioner Elizabeth Denham who has stated that "[It] subjects individuals to a process of looking for disease that is highly privacy invasive while providing little to no demonstrable benefit to the emergency responder."

Furthermore, we also feel that this legislation has the potential to add to the stigma that is already experienced by persons living with HIV, Hepatitis C and other blood borne conditions; or to those persons perceived to be “a risk”.

Dr. Kendall, we know that you share many of these concerns. We hope to hear back from you at your earliest convenience, with regard to our standing request.

Sincerely,



Jennifer Evin Jones
Executive Director

cc. The Honourable Margaret MacDiarmid, Minister of Labour, Citizens' Services and Open Government

The Honourable Michael de Jong, Minister of Health

Warren O'Briain, Executive Director, Communicable Disease Prevention, Harm Reduction and Mental Health Promotion, Ministry of Health

Ciro Panessa, Director, Blood-borne Pathogens, Communicable Disease Prevention, Harm Reduction and Mental Health Promotion, Ministry of Health

Janice Duddy, Manager, HIV/AIDS Program, Provincial Health Services Authority (PHSA)

c/o BCCDC, Clinical Prevention Services

Adrian Dix, Vancouver-Kingsway MLA, Leader, New Democrat Official Opposition

Mike Farnworth, Port Coquitlam MLA, Health Critic, New Democrat Official Opposition

Ross Harvey, Executive Director, Positive Living BC Society

Marcie Summers, Executive Director, Positive Women's Network

Brian Chittock, Executive Director, AIDS Vancouver

Jesse Brown, Executive Director, YouthCO AIDS Society

Darren Lauscher, Co-Chair, Pacific AIDS Network Society