



Plain Language Summary for Bill 72: Opioid Damages and Health Care Costs Recovery Act

The Government of the Northwest Territories (GNWT), Department of Justice, is proposing a new act called the *Opioid Damages and Health Care Costs Recovery Act*, which will permit the GNWT to file a lawsuit to recover from manufacturers and distributors of opioid drugs for past and future health care costs incurred on behalf of Northwest Territories' (NWT) residents for opioid-related illnesses.

The opioid crisis has incurred substantial costs to federal, provincial, and territorial governments who have spent increasing amounts on health care to address the fallout of opioid over-prescription.

The Government of British Columbia launched a class action lawsuit in the Supreme Court of British Columbia against 53 opioid manufacturers and distributors on June 20, 2019 (the "Opioid Action.") The Opioid Action identifies all federal, provincial, and territorial governments as potential class members in this lawsuit and seeks to recover the opioid-related health care costs of the potential class members.

At present, the GNWT's ability to sue for the recovery of opioid-related health care costs is in question, as the applicable limitation period has expired under the *Limitation of Actions Act*. The GNWT may be unable to recover health care costs under the British Columbia Opioid Action as our legislation currently stands. The proposed legislation would remove the existing limitation period barrier to such a claim and would simplify the advancement of the Opioid Action.

The new act will:

- Provide a statutory basis to sue manufacturers and distributors of opioid drugs directly for opioid-related wrongs;
- Provide the ability to sue opioid producers and distributors on an aggregate basis, without having to identify particular insured persons who suffered harm;
- Provide simplified formulae to determine the individual share of liability for each opioid producer and/or manufacturer named in a lawsuit;
- Provide the ability to base claims of harm on statistical and sociological data; and
- Extend limitation periods applicable to actions based on opioid-related harm.

Approximately eight other jurisdictions have enacted their own versions of this legislation and the wording of the proposed new act is virtually identical to the existing legislation in other jurisdictions.

For additional information or questions, contact:

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