# BILL

No. 72

## An Act to amend *The Opioid Damages and Health Care Costs Recovery Act*

(Assented to )

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

**Short title**

**1** This Act may be cited as *The Opioid Damages Amendment Act, 2026*.

**SS 2020, c 32 amended**

**2** *The Opioid Damages and Health Care Costs Recovery Act* is amended in the manner set forth in this Act.

**Section 2 amended**

**3 Subsection 2(1) is amended:**

**(a) in the definition of "consultant" by adding "**or active ingredient**" after "**opioid product**";**

**(b) by repealing the definition of "cost of health care benefits" and substituting the following:**

**" 'cost of health care benefits'** means:

(a) in relation to an action under subsection 3(1), the sum of:

(i) the present value of the total expenditure by the Government for health care benefits provided for insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness; and

(ii) the present value of the estimated total expenditure by the Government for health care benefits that could reasonably be expected to be provided for insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness; and

(b) in relation to an action under subsection 3.1(1), the sum of:

(i) the present value of the total expenditure by the Government of Canada for health care benefits provided for insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness; and

(ii) the present value of the estimated total expenditure by the Government of Canada for health care benefits that could reasonably be expected to be provided for insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness**";**

**(c) by repealing the definition of "health care benefits" and substituting the following:**

**" 'health care benefits'** means:

(a) in relation to an action under subsection 3(1):

(i) payments made pursuant to *The Saskatchewan Medical Care Insurance Act* or the regulations made pursuant to that Act, on behalf of beneficiaries as defined in that Act;

(ii) payments made pursuant to *The Saskatchewan Hospitalization Act*, as that Act existed on or before August 2, 2002, on behalf of beneficiaries as defined in that Act;

(iii) expenditures made pursuant to *The Prescription Drugs Act* or the regulations made pursuant to that Act, on behalf of residents as defined in that Act; and

(iv) other payments or expenditures made for programs, services, benefits or similar matters associated with disease, injury or illness made:

(A) directly by the Government;

(B) by a body pursuant to any enactment, including but not limited to:

(I) regional health authorities and health care organizations as defined in *The Regional Health Services Act*, as that Act existed on or before December 3, 2017;

(II) district health boards established or deemed to have been established pursuant to *The Health Districts Act* and affiliates as defined in that Act;

(III) the Saskatchewan Cancer Foundation as defined in *The Cancer Foundation Act*, as that Act existed on or before January 1, 2007;

(IV) the Saskatchewan Cancer Agency as continued by *The Cancer Agency Act*;

(V) the provincial health authority and health care organizations as defined in *The Provincial Health Authority Act*; or

(C) through or by one or more agents or other intermediate bodies; and

(b) in relation to an action under subsection 3.1(1), expenditures by the Government of Canada for programs, services, benefits or similar matters associated with disease, injury or illness**";**

**(d) in the definition of "manufacturer" by striking out "**pharmaceutical**";**

**(e) in the definition of "opioid product":**

**(i) in clause (a) by adding "**or active ingredient**" after "**a drug**"; and**

**(ii) in clause (b) by adding "**or active ingredient**" after "**a drug**"; and**

**(f) in the definition of "opioid-related wrong":**

**(i) in clause (a) by striking out "**or wholesaler**" and substituting "**, wholesaler or consultant**";and**

**(ii) in clause (b) by adding "**or 3.1(1)**" after "**subsection 3(1)**".**

**New section 3.1**

**4 The following section is added after section 3:**

**"Direct action by the Government of Canada**

**3.1**(1) The Government of Canada has a direct and distinct action against a manufacturer, wholesaler or consultant to recover the cost of health care benefits caused or contributed to by an opioid-related wrong.

(2) An action under subsection (1) is brought by the Government of Canada in its own right and not on the basis of a subrogated claim.

(3) In an action under subsection (1), the Government of Canada may recover the cost of health care benefits whether or not there has been any recovery by other persons who have suffered damage caused or contributed to by the opioid-related wrong committed by the defendant.

(4) In an action under subsection (1), the Government of Canada may recover the cost of health care benefits:

(a) for particular individual insured persons; or

(b) on an aggregate basis, for a population of insured persons;

who have suffered damage caused or contributed to by the use of or exposure to a type of opioid product.

(5) If the Government of Canada seeks in an action under subsection (1) to recover the cost of health care benefits on an aggregate basis:

(a) it is not necessary:

(i) to identify particular individual insured persons;

(ii) to prove the cause of opioid-related disease, injury or illness in any particular individual insured person; or

(iii) to prove the cost of health care benefits for any particular individual insured person;

(b) the health care records and documents of particular individual insured persons or the documents relating to the provision of health care benefits for particular individual insured persons are not compellable except as provided under a rule of law, practice or procedure that requires the production of documents relied on by an expert witness;

(c) a person is not compellable to answer questions with respect to the health of, or the provision of health care benefits for, particular individual insured persons;

(d) despite clauses (b) and (c), on application by a defendant, the court may order discovery of a statistically meaningful sample of the documents referred to in clause (b), and the order must include directions concerning the nature, level of detail and type of information to be disclosed; and

(e) if an order is made under clause (d), the identity of particular individual insured persons must not be disclosed, and all identifiers that disclose or may be used to trace the names or identities of any particular individual insured persons must be deleted from any documents before the documents are disclosed**".**

**Section 4 amended**

**5 Subsection 4(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

**"**In an action under subsection 3(1) or 3.1(1) for the recovery of the cost of health care benefits on an aggregate basis, subsection (2) applies if the Government, or the Government of Canada, as the case may be, proves, on a balance of probabilities, that, with respect to a type of opioid product:**".**

**Section 5 amended**

**6(1) Subsection 5(1) is amended:**

**(a) in the portion preceding clause (a) by adding "**or 3.1(1)**" after "**subsection 3(1)**"; and**

**(b) in clause (b) by adding "**or 3.1(1)**" after "**subsection 3(1)**".**

**(2) Subsection 5(2) is amended in the portion preceding clause (a) by adding "**or 3.1(1)**" after "**subsection 3(1)**".**

**Section 6 amended**

**7 Section 6 is amended:**

**(a) by striking out "**or**" after clause (a);**

**(b) by adding "**or**" after clause (b); and**

**(c) by adding the following clause after clause (b):**

**"**(c) by the Government of Canada under subsection 3.1(1)**".**

**Section 7 amended**

**8 Subsection 7(1) is amended by adding "**or the Government of Canada**" after "**the Government**".**

**Section 8 amended**

**9 Subsection 8(2) is amended in the portion preceding clause (a) by adding "**or the Government of Canada, as the case may be,**" after "**the Government**".**

**Section 11 amended**

**10 Section 11 is amended by adding "**or 3.1(1)**" after "**subsection 3(1)**".**

**Schedule amended**

**11 The Schedule is amended:**

**(a) in the text preceding the table by adding "**or active ingredients**" after "**drugs**"; and**

**(b) in the heading to column 1 of the table by striking out "**containing any of the following active ingredients**" and substituting "**or active ingredients**".**

**Coming into force**

**12** This Act comes into force on assent but is retroactive and is deemed to have been in force on and from July 3, 2020.

THIRD SESSION

# Thirtieth Legislature

SASKATCHEWAN

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Received and read the

First time

Second time

Third time

And passed

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Honourable Jeremy Cockrill

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Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2026