

Santé Canada et l'Agence de santé publique du Canada

Bill C-10, An Act respecting certain measures related to COVID-19

Briefing Binder, March 2, 2022

Bill C-10, An Act respecting certain measures related to COVID-19

SOCI Briefing Binder

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Remarks for the Honourable Jean-Yves Duclos Minister of Health

Appearance before the Standing Committee on Social Affairs, Science and Technology

Bill C-10: An Act respecting certain measures related to COVID-19

March 2, 2022 Ottawa, ON

Allotted speaking time: 5 minutes (maximum) Speech length: 608 words (5 minutes)

Check against delivery

Madam Chair and Honourable Members:

Thank you for this opportunity to speak to the Committee today. I am pleased to be here to discuss Bill C-10, legislation that would provide Health Canada with the statutory authority to purchase and distribute up to \$2.5 billion worth of COVID-19 rapid tests across the country.

To begin, I want to impress upon you the importance of this Bill, and the need to make rapid tests widely available right now.

As you know, the COVID-19 pandemic outlook is stabilizing across Canada. Omicron infection rates have peaked in many areas of the country, followed by a slower decline in hospitalization rates.

While that is good news, we are not out of the woods yet. We have been in this situation before.

As we transition to the next phase of our pandemic response, we need to have the right tools to avoid a resurgence of the virus.

Testing plays a key role in our efforts to contain and mitigate the pandemic. By identifying infected

Rapid tests can identify cases and effectively reduce the spread of COVID-19 in schools, in workplaces and in other high-risk settings.

Madam Chair, not everyone who has the Omicron variant of COVID-19 will show symptoms. In fact, the prevalence of asymptomatic infection is probably a significant factor in the high rate of transmission of Omicron.

Bill C-10

Bill C-10 would help to meet provincial and territorial needs for rapid tests, and would continue to support the national workplace testing program, as well as federal workplace screening initiatives.

With this funding, the Government of Canada would purchase and ship hundreds of millions of additional COVID-19 rapid tests to provinces and territories and Indigenous communities over the next three months, free of charge.

The funding would also allow Health Canada to continue to provide tests for distribution through partners such as the Canadian Red Cross, chambers of commerce and pharmacies.

Throughout the pandemic, the Government of Canada has been working closely with our provincial and territorial partners to ensure they have the tools they need to manage outbreaks and keep people safe.

The federal government started buying and providing rapid tests free of charge to the provinces and territories in October 2020. To date, we have purchased more than 520.5 million rapid tests, at a total cost of almost \$3.8 billion.

In December alone, the Government of Canada delivered more than 35 million rapid tests to provinces and territories.

In January, we secured and delivered another 140 million rapid antigen tests for the provinces and territories.

Bill C-10 would allow Health Canada and the Public Health Agency of Canada to continue supporting provinces and territories by securing the rapid tests they need to keep people in Canada safe and healthy.

And it would help ensure equitable access across all jurisdictions.

Conclusion

After two years of living through the COVID-19 pandemic, all of us are tired of it. But the reality is, COVID-19 continues to be part of our lives.

As long as the virus continues to circulate in Canada, rapid testing will be an essential tool.

It is safe, effective, easy to administer, and produces results in as little as 15 minutes.

Bill C-10 would help the Government of Canada deliver hundreds of millions more rapid tests across the country.

This legislation would help reduce the risk of outbreaks, quickly identify and isolate cases, and limit the spread of COVID-19 and its variants of concern.

It would help keep people in Canada safe as we transition to the next phase of our pandemic response.

Thank you.

Bill C-10 Q&As

Q1 – What was the original funding source to procure tests?

The federal allocation of the Safe Restart Agreement provided the initial funding for the procurement of COVID-19 rapid tests.

Q2. Instead of seeking additional funding, did the Government consider shifting the responsibility of procurement of tests to provinces and territories?

Since the outset of the pandemic jurisdictions have taken a Team Canada approach, with the Government of Canada taking a leadership role for funding and procuring vaccines and rapid tests. This has been critical in a highly competitive global market and to ensure equitable access across Canada.

Q3 How did the Department procure the tests announced by the Prime Minister in January?

With the announcement of \$1.7 billion for rapid tests in the 2021 Economic and Fiscal Update, Health Canada, working with Public Services and Procurement Canada, was able to buy rapid tests for December, January and February. With this funding the Health Portfolio procured 345.0M tests.

Q4 Why has Health Canada requested funds through the Supplemental Estimates C and Bill C-10?

These planned expenditures for rapid tests have been included in both Supplementary Estimates C and in Bill C-10 primarily due to timing constraints. As a result of the highly competitive global market for rapid tests, some manufacturers are requesting advance payments. The statutory authority in Bill C- 10 would provide the ability to advance procurement and make payments up to one month earlier than waiting for Supplementary Estimates C to receive Royal Assent.

Q5 Why do Bill C-8 and Bill C-10 permit the Health Portfolio to cover off costs incurred as of April 1, 2021 and January 1, 2022?

The language of the Bill provides flexibility to replenish sources of funds that were accessed to allow the procurement of tests prior to the passing of Bill C-8 and Bill C-10.

Q6 Why has the Government introduced Bill C-10 given that Bill C-8 is still pending?

Bill C-8 funding as committed in the 2021 Economic and Fiscal Update addressed needs in December to February. Bill C-10 is needed to respond to the ongoing demand for rapid tests, and ensure equitable access across Canada.

Q7 What is the source of funds?

Payments will be made from the Consolidated Revenue Fund.

Q8 What authorities does Bill C-10 provide the Minister of Health?

Bill C-10 provides the Minister of Health access for up to \$2.5 billion from the Consolidated Revenue Fund to procure and distribute COVID-19 rapid tests.

The Bill also gives the Minister the authority to distribute tests to provinces and territories, any body or a person in Canada.

Q9 What is the urgency of Bill C-10?

The global demand for COVID-19 rapid tests has resulted in limited supply.

If passed, Bill C-10 would provide statutory authority to spend the \$2.5 billion immediately, and not bound by the fiscal year, enabling the Government to sign contracts quickly for delivery in the next few months. There is an urgent need for this Bill C- 10 to pass so that there is a guarantee of supply in March to spring 2022.

Q10 Does Bill C-10 provide enough funding for rapid tests?

Bill C-10 would provide funding needed to procure critical supply of COVID-19 rapid tests to support rapid testing into spring 2022.

Q11 Is the Government spending too much money on rapid tests?

To date, tests procured have or are being deployed to support provinces and territories' testing regimes, to fulfill federal mandates, to support employers and vulnerable communities.

Q12 Did the Government of Canada deliver on its promise to get 140M RATs to provinces and territories in January?

The Government of Canada received 140M rapid tests in January and distributed them to provinces and territories.

Q13 Why did some provinces and territories get more rapid tests than others?

Initially, shipments to provinces and territories were driven by provincial and territorial demand. With the advent of Omicron and the expansion of the use of COVID-19 rapid tests across all provinces and territories, the Government moved to a per capita allocation, resulting in provinces with larger populations receiving higher quantities of tests.

Q14 What is the federal government doing to ensure that Canadians most at risk are getting access to rapid tests?

The Government has put in place agreements with organizations to support roll-out of workplace screening, including an agreement with the Canadian Red Cross to provide tests and support for workplace screening in the non-profit sector.

Due to the success of this initiative and the partnerships that the Canadian Red Cross has with organizations that support vulnerable populations, the agreement has been expanded so that the Canadian Red Cross can provide tests to individuals through organizations such as Boys and Girls Club, YMCA-YWCA and food banks.

The Minister received an emailed request from Senator Marshall's (CPC) office for more information regarding C-10, following his appearance at Senate Question Period, on February 9th. In the event that a similar question is asked at SOCI the question and proposed response appear below.

Question:

I believe Senator Marshall was hoping for a more detailed answer on how that money would be spent, but we appreciated your offer to get back to us with specific examples, hoping that a more detailed accounting of how the money is expected to be spent would also be included.

However, regrettably we have not heard back from anyone as of yet. Can someone from your office please get back to us and let us know when we might expect to hear from you on this issue?

Response:

The Government has proposed additional funding up to \$2.5B to Health Canada to procure rapid test kits and to cover associated logistics and operations costs.

The majority of the funding is for the procurement of approximately 350 million COVID-19 rapid tests. However, some funding is required for the shipping of tests from Asia. There are also costs related to the warehousing and domestic transportation in Canada.

First Session, Forty-fourth Parliament, 70-71 Elizabeth II, 2021-2022

HOUSE OF COMMONS OF CANADA

BILL C- 10

An Act respecting certain measures related to COVID-19

AS PASSED

BY THE HOUSE OF COMMONS

FEBRUARY 15, 2022

91072

RECOMMENDATION

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled “An Act respecting certain measures related to COVID-19”.

SUMMARY

This enactment authorizes the Minister of Health to make payments of up to \$2.5 billion out of the Consolidated Revenue Fund in relation to coronavirus disease 2019 (COVID-19) tests.

It also authorizes that Minister to transfer COVID-19 tests and instruments used in relation to those tests to the provinces and territories and to bodies and persons in Canada.

Available on the House of Commons website at the following address:

www.ourcommons.ca

2021-2022 ii 70-71 Eliz. II

1st Session, 44th Parliament, 70-71 Elizabeth II, 2021-2022

HOUSE OF COMMONS OF CANADA

BILL C-10

An Act respecting certain measures related to COVID-19

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Payments out of C.R.F.

1 The Minister of Health may make payments, the total of which may not exceed \$2.5 billion, out of the Consolidated Revenue Fund for any expenses incurred on or after January 1, 2022 in relation to coronavirus disease 2019 (COVID-19) tests.

Transfers

2 The Minister of Health may transfer to any province or territory, or to any body or person in Canada, any coronavirus disease 2019 (COVID-19) tests or instruments used in relation to those tests acquired by Her Majesty in right of Canada on or after April 1, 2021.

91072

Published under authority of the Speaker of the House of Commons

2021-2022 1 70-71 Eliz. II

Available on the House of Commons website at the following address: www.ourcommons.ca

Government Bill C-10

Sponsor: XX

An Act respecting certain measures related to COVID-19

Ministries: Health

Summary:

Authorizes the Minister of Health to make payments of up to \$2.5 billion out of the Consolidated Revenue Fund in relation to coronavirus disease 2019 (COVID-19) tests

It also authorizes the Minister of Health to transfer COVID-19 tests and instruments used in relation to those tests to provinces, territories and bodies and persons in Canada

Minister:

The Honourable Jean-Yves Duclos (Health)

Technical Briefing:

A technical briefing on Bill C-10 was held for all Senators and staff by teleconference on Friday, February 4th, 2022 at 3:00PM Eastern time (EST).

Government Rationale:

The Act Respecting Certain Measures Related to COVID-19 provides the legislation needed to implement key campaign commitment of protecting our recovery by finishing the fight against COVID-19, which was reiterated in the Fall Economic Statement 2021. Bill C-10 would allow Health Canada to purchase and distribute up to \$2.5 billion worth of COVID-19 rapid tests across the country over the next three months.

Background and Analysis:

The Government of Canada understands the importance of testing to slow and reduce the spread of COVID-19 in Canada. As part of our response, we are purchasing and providing hundreds of millions of rapid tests and sending them free of charge to provinces and territories since October 2020, in line with the authorization of the first rapid test.

Bill C-10 would allow Health Canada to purchase and distribute up to \$2.5 billion worth of COVID-19 rapid tests across the country over the next three months.

This statutory authority would ensure the delivery of hundreds of millions of additional COVID-19 rapid tests to provinces and territories and Indigenous communities, free of charge. It would also continue to support screening programs, through partners such as the Canadian Red Cross, Canadian Chambers of Commerce, and pharmacies, via the Safe Restart Agreement.

We will continue to work with provinces and territories and the manufacturers to continue to buy and distribute rapid tests as fast as possible to meet the new demand.

Key Messages:

- Rapid tests have become an important additional layer of protection in the fight against COVID-19, with significantly increased demand during the Omicron wave.
- To ensure equal access across all jurisdictions, Minister Duclos introduced Bill C-10, An Act respecting certain measures related to COVID-19 in Parliament to provide Health Canada with \$2.5 billion to purchase and distribute rapid tests across the country.
- This legislation would also give the Government of Canada the authority to transfer inventory directly to provinces and territories, speeding up the shipping process.
- With the additional funding being sought, our Government will be better placed to secure consistent, longer-term supply for the coming months, streamlining delivery channels.
- As our top priority, we will be continuing all efforts to support jurisdictions in their efforts to manage COVID-19.

News Release

For Immediate Release

Government of Canada introduces legislation to increase access to rapid testing across the country

January XX, 2022 Ottawa, ON Health Canada

Testing and screening, in combination with local public health measures and vaccination, are important tools to protect Canadians and limit the spread of COVID-19 and its variants of concern.

Today, the Honourable Jean-Yves Duclos, Minister of Health, introduced Bill C-10- An Act respecting certain measures related to COVID-19 in Parliament to provide Health Canada with the statutory authority to purchase and distribute across the country up to \$2.5 billion worth of COVID-19 rapid tests. With this funding, the Government of Canada would put in place critical contracts in a highly competitive global market, to purchase sufficient quantities of rapid tests to meet the continued demand across the country.

Bill C-10 - An Act respecting certain measures related to COVID-19 would:

- Build on the commitments in the December 14, 2021, Economic and Fiscal Update, in which the Government of Canada proposed \$1.7 billion to increase access to COVID-19 rapid testing for everyone in Canada;
- Allow Health Canada and the Public Health Agency of Canada to continue supporting provinces and territories by securing the COVID-19 rapid tests they need.
- Continue to provide additional support to the Canadian Red Cross in their campaign to deliver rapid tests – free of charge – to community organizations for those most in need; and
- Continue to support small, medium and large businesses and organizations, as well as federal workplace screening programs through direct delivery and through partners such as Chambers of Commerce, and pharmacies.

Quote

“As COVID-19 remains a global threat, driven by the highly transmissible Omicron variant, the demand for rapid tests has increased worldwide. Keeping Canadians safe has always been our number one priority, and rapid tests are an important part of that strategy. This Bill will allow Health Canada to buy the necessary rapid tests so that jurisdictions across the country can identify cases early, break the chain of transmissions, and reduce outbreaks.”

The Honourable Jean-Yves Duclos Minister of Health

Quick Facts

- The Government of Canada has provided \$3 billion via the Safe Restart Agreement to provinces and territories to increase capacity to conduct polymerase chain reaction (PCR) testing, perform contact

tracing and share public health data. This funding provided a foundation to help jurisdictions slow the spread of the virus.

- In addition to providing free COVID-19 rapid tests, the Government of Canada has provided \$6.6 million to the Canadian Red Cross to distribute tests to charities and non- profits for workplace screening, and \$8.1 million to the Canadian Chamber of Commerce to support distribution to small to medium sized businesses through local chambers.
- Organizations with 200 or more employees, including federally regulated businesses are able to receive free COVID-19 rapid tests directly from the Government of Canada.
- In partnership with provinces and territories, small and medium-sized businesses and organizations can also access rapid tests through distribution partners:
 - o Independent pharmacies, Rexall, Sobeys and Shoppers Drug Mart locations in Alberta, Saskatchewan, Manitoba, Ontario, British Columbia, PEI and Northwest Territories,
 - o Chambers of Commerce in Ontario, Alberta, New Brunswick, and Saskatchewan.

Additional Information

Where to get tested and how to get rapid tests COVID-19 testing, screening and contact tracing

COVID-19 rapid testing and screening in workplaces: Get free rapid tests

Associated Links

Government of Canada increases access to COVID-19 rapid testing for workers

Rapid tests for COVID-19 screening in the workplace

COVID-19 Testing, Screening, and Contact Tracing

Industry Advisory Roundtable on COVID-19 Testing, Screening, Tracing and Data Management

Testing and Screening Expert Advisory Panel

Safe Restart Agreement

COVID-19: Digital tools and apps for staying healthy

Coronavirus disease (COVID-19)

Media Lines

COVID-19 Rapid Test Supply and Distribution

Issue Statement: Minister Duclos introduced Bill C-X, An Act respecting certain measures related to COVID-19 in Parliament to provide Health Canada with the statutory authority to purchase and distribute up to \$2.5 billion worth of COVID-19 rapid tests across the country.

Key Messages:

- Bill XX would allow Health Canada to purchase and distribute up to \$2.5 billion worth of COVID-19 rapid tests across the country.
- This statutory authority would ensure the delivery of hundreds of millions of additional COVID-19 rapid tests to provinces and territories and Indigenous communities, free of charge. It would also continue to support screening programs, through partners such as the Canadian Red Cross, Canadian Chambers of Commerce, and pharmacies, via the Safe Restart Agreement.
- The Government of Canada has been buying and providing COVID-19 rapid tests free of charge to provinces and territories since October 2020, in line with its authorization of the first COVID-19 rapid test. With the expedited passage of this Bill, Health Canada would be able to provide hundreds of millions more COVID-19 rapid tests to provinces and territories and Indigenous communities over the next three months.

Questions and Answers:

Q1. What is the purpose of this bill and why now?

Through Bill XX, Health Canada would have the statutory authority to purchase and distribute up to \$2.5 billion worth of COVID-19 rapid tests across Canada over the next three months.

A critical part of finishing the fight against COVID-19 is continuing to prevent outbreaks. This targeted investment will ensure the delivery of hundreds of millions of COVID-19 rapid tests to provinces and territories and Indigenous communities, free of charge. It will support workplace screening programs through Health Canada, or through one of the Government of Canada's distribution partners such as the Canadian Red Cross, Canadian Chambers of Commerce, and pharmacies, via the Safe Restart Agreement.

Q2. What exactly does the \$2.5 billion buy the Government of Canada?

With this funding, the Government of Canada could put in place critical contracts, in a highly competitive global market, to procure COVID-19 rapid tests to meet the anticipated demand to the end of April 2022.

Q3. How are the tests currently being distributed and why the change?

The National Emergency Strategic Stockpile plays a critical role in supporting provinces and territories through the distribution of critical medical supplies and equipment including personal protective equipment, vaccine ancillary supplies and COVID-19 testing supplies. The NESS works closely with provinces and territories to coordinate deliveries of inventories and to respond to an array of requests for assistance.

Since March 2020, the NESS has distributed over 115 million surgical masks, 540 million pairs of gloves, 75 million N95 respirators and equivalents many and 275 million needles and syringes. Given its expertise, in the fall of 2020, the Government of Canada decided to include COVID-19 tests in the NESS inventory. Over a 13-month period, the NESS distributed 78 million tests.

However, with the advent of the Omicron variant and in response to the exponential growth in demand from the provinces and territories for COVID-19 tests, the Government of Canada aims to procure hundreds of millions of more tests for distribution over a three-month period. The volume of tests will require considerable additional resources to distribute in this timeframe.

With this authority, Health Canada would be able to streamline the distribution of COVID-19 rapid tests to provinces and territories, as well as to workplace screening programs.

Q4. Given the varied approaches to testing in provinces and territories, is the federal government considering direct delivery to Canadians like the U.S. is doing?

COVID-19 continues to be part of our lives, and testing and screening remains an important tool to:

- rapidly detect and isolate new cases;
- support follow-up with close contacts; and
- prevent outbreaks in the community by breaking the chain of transmission.

The Government of Canada is committed to supporting the provinces' and territories' testing strategies.

The delivery and distribution of COVID-19 rapid tests into and across Canada is a high priority, and is a large and complex operation. It is the shared responsibility of federal, provincial, and territorial governments.

The Government of Canada will continue to assess the federal testing strategy as the situation evolves.

Q5. Why is it harder for people in some provinces and territories to obtain rapid tests than in others?

In light of the increased demand for COVID-19 rapid tests and in agreement with the provinces and territories, allocation has shifted from a demand basis to a per capita approach as of January 2022 to ensure equitable distribution across the country.

Provinces and territories have jurisdiction over COVID-19 testing and screening approaches in their respective regions. Under the Government of Canada's Safe Restart Program, provinces and territories

receive free COVID-19 rapid tests directly from the federal government and may use these rapid tests in line with their respective plans, priorities and regulations.

Q6. To date, how many COVID-19 rapid tests have been shipped to the provinces and territories?

As noted on the Government of Canada website, as of January 21, 2022, more than 168 million COVID-19 rapid tests have been shipped, free of charge, to provinces and territories. The Government of Canada continues to aggressively procure COVID-19 rapid tests and screening supplies in response to provincial and territorial needs.

Q7. How many rapid tests are currently authorized for sale in Canada?

As of January 21, Health Canada has authorized 107 testing devices, including 10 self-tests and 27 point-of-care tests (often referred to as rapid tests). A complete list is available [here](#).

Q8. In the event that Parliament doesn't pass this bill quickly, what will happen?

If there is a delay in passing the Bill, the Government of Canada may experience difficulty in meeting the increasing COVID-19 rapid testing needs of Canadians. The Bill currently under consideration by Parliamentarians would allow the Government of Canada to purchase COVID-19 rapid tests for the coming months, and meet provincial and territorial needs for the month of February and beyond. Any delays in the passing of the Bill could impact the collective effort to keep Canadians safe and healthy.

Redacted – Confidences of the Queen's Privy Council for Canada (Cabinet Confidences)