

Provisional Act No. 64 of 2 July 2004 relating to a trial scheme of premises for drug injection (Drug Injection Rooms Act)

§ 1. The King may decide that as a trial scheme premises may be established for drug injection (Injection Rooms Scheme).

§ 2. A person who with legal access to the injection room

- a) injects drugs in an approved injection room, or
- b) is in possession of a user dose of drugs for his/her own use in an approved injection room or adjoining waiting room, interview room or treatment room, may not be punished for this under § 31, cf. § 24, fourth paragraph, of the Act relating to Medicines, etc.

Personnel employed in the Injection Rooms Scheme shall be permitted to give the users individual and specific advice in connection with drug injecting in the injection room.

§ 3. A municipality which establishes an approved Injection Rooms Scheme may keep a personal health data filing system and process personal health data as mentioned in § 2(1) of the Act relating to Personal Health Data Filing Systems, insofar as this is necessary in order to comply with the rules given in or in pursuance of this Act.

§ 4. A decision on the right to use the drug injection premises is not an individual decision as laid down in the Public Administration Act.

If the police suspect illegal possession or use of drugs on the drug injection premises, the personnel must notwithstanding their duty of confidentiality according to § 21 of the Health Personnel Act and § 13 to 13 e. of the Public Administration Act and on request give the police information as to whether an identified person is a registered user of the injection room or not.

The right to use the drug injection premises is not necessary medical aid as laid down in § 2-1, first paragraph, of the Municipal Health Services Act and § 2-1, second paragraph, of the Patients' Rights Act. A decision regarding the right to use the drug injections premises may not be appealed pursuant to § 2-4 of the Municipal Health Services Act or § 7-3 of the Patients' Rights Act.

§ 5. § 4 of the Health Personnel Act is no impediment to healthcare personnel carrying out the tasks which, according to rules issued in or in pursuance of this Act, are assigned to the personnel employed in the Injection Rooms Scheme.

§ 6. The King may issue more detailed provisions regarding the implementation of the Injection Rooms Scheme and may decide *inter alia*:

- a) who the scheme shall apply to,
- b) arrangements for regulating access,
- c) the type and quantity of the drugs that shall be exempt from punishment,
- d) arrangements for control of the type and quantity of drugs a person may take into the drug injection rooms,
- e) what access the police shall have to the drug injection rooms,
- f) which requirements shall apply to staffing of the drug injection rooms,
- g) how personal health data in the personal health data filing system may be processed, including which information may be processed and the purpose of the processing,
- h) which requirements shall apply for approval of a municipality for the scheme,
- i) that the municipality shall be obliged to disclose information of significance for the evaluation of the scheme notwithstanding its duty of confidentiality pursuant to § 13 to 13 e of the Public Administration Act and § 21 of the Health Personnel Act, and
- j) that the rules in § 39 and 40 of the Health Personnel Act either wholly or partially shall not apply to personnel who give medical aid under the Injection Rooms Scheme.

§ 7. This Act shall enter into force at the time determined by the King and shall remain in force for three years. The same applies to the amendment in § 1-3, fourth paragraph, new second and third sentences, in Act No. 66 of 19 November 1982 relating to the Municipal Health Services.

Regulations relating to the trial scheme of premises for drug injection (the Injection Rooms Scheme)

Issued by Royal Decree on 17 December 2004 in pursuance of § 6 of Provisional Act No. 64 of 2 July 2004 on a trial scheme to establish premises for the injection of drugs (Drug Injection Rooms Act). Submitted by the Ministry of Health and Care Services.

Chapter 1. Object

§ 1. Object

The object of the trial scheme is to facilitate an evaluation of the effect of exemption from punishment for possessing and using drugs in a specifically delimited area.

The trial scheme of injection rooms shall contribute to greater dignity for heavily dependent drug users, and provide more possibility of contact and talks between drug misusers and the health services, help to prevent disease and infection and reduce the number of overdoses and overdose deaths.

Chapter 2. Access regulation

§ 2. Access to the Injection Rooms Scheme

A person has legal access to the Injection Rooms Scheme when he or she is registered as a user of the drug injection room. Registration may only take place with the consent of the person in question.

To be registered as a user of the injection room, a person must:

- a) be a heavily dependent user of heroin and
- b) be over 18 years of age.

§ 3. Enforcement of the criteria for access and requirements regarding documentation

The personnel in the Injection Rooms Scheme determine whether the criteria for registration under § 2, second paragraph, have been met. The person in charge of the Injection Rooms Scheme determines whether a person shall be refused registration.

If there is doubt whether a person in question is over 18 years of age, the person may be required to produce identification/ proof of age.

§ 4. Rules for behaviour in the injection rooms

The municipality shall issue rules for the behaviour of users in the injection rooms. The rules shall be submitted to the Ministry with the application to establish an Injection Rooms Scheme.

Any person who contravenes current legislation or breaks the rules issued by the municipality may be expelled from the Injection Rooms Scheme for the length of time determined by the person in charge of the Scheme. A decision to expel a person from the Injection Rooms Scheme is not an individual decision as laid down in the Public Administration Act.

Chapter 3. Drugs for use in the injection room

§ 5. *Type and quantity of drugs*

The exemption from punishment under the Injection Rooms Scheme applies only to heroin.

A user of the Injection Rooms Scheme may without being liable to punishment take with him/her and use one user dose of heroin in the injection room.

The heroin for use in the injection room shall be shown to the personnel.

Chapter 4. Requirements regarding the municipality and the personnel

§ 6. *The content of and services in the Injection Rooms Scheme*

The Injection Rooms Scheme shall provide a separate room for injecting, a waiting room and a talk/counselling room. The services shall have access to a treatment room.

The services shall comprise:

- a) the option of general advice to users on injection practice, hygiene and personal care to prevent infection and reduce the risk of harm,
- b) clean injection equipment for each user
- c) observation of users during and after injection
- d) the option of individual and specific counselling for each user in connection with injecting,
- e) the option of simple individual medical aid, such as treatment of sores
- f) the option of counselling and information about healthcare services and social services and
- g) contact arrangements with the health services and/or social services if the user so wishes

The Injection Rooms Scheme shall be co-located with low-threshold health services.

When determining the location of the Injection Rooms Scheme, consideration shall be given to the distance to and access for the ambulance service.

When determining the opening hours and layout of the premises of the Injection Rooms Scheme, consideration shall be given to the needs of the users.

§ 7. Personnel

The Injection Rooms Scheme shall be staffed both with persons with a healthcare education and with persons with a social services education. The person in charge of the Injection Rooms Scheme shall have a healthcare education corresponding at least to university college level.

All of the employees shall regularly undergo training in drug overdose first aid.

The municipality must ensure that the employees are given adequate guidance.

The Injection Rooms Scheme shall have sufficient staff to able them at one and the same time to undertake admission control and observation during injection, give individual and specific advice in connection with injecting, give individual medical aid and check the situation in the waiting room.

§ 8. *Duty to keep records in the Injection Rooms Scheme*

Unless otherwise stated in the rules in the second paragraph, any person providing medical aid in the Injection Rooms Scheme has a duty to keep records in accordance with the rules issued in or in pursuance of § 39 and 40 in the Health Personnel Act.

There is no obligation to keep records for medical aid as mentioned above in § 6, second paragraph, litra a-d, f and g.

§ 9. *Data for statistical purposes*

The municipality has a duty to disclose on request personal health data and other data to the Ministry for use for statistical purposes and for the evaluation of the trial scheme.

Chapter 5. Protection of the user's privacy

§ 10. *Personal health data which may be processed*

The municipality may process personal health data which are necessary to comply with rules issued in the Drug Injection Rooms Act or in these Regulations. The municipality may not register personal health data other than the user's name, if relevant combined with a photograph, age, sex and time for use of injection room. Registration may only take place with the consent of the person in question, cf. § 2, first paragraph.

§ 11. *Purpose of processing personal health data*

The purpose of processing the personal health data is to evaluate the trial scheme.

If the personnel are in doubt as to whether a person is a registered user of the injection room, the personnel may obtain this information from the filing system.

§ 12. *Deleting personal health data*

The municipality may not store personal health data any longer than is necessary to carry out the purpose of the processing of the personal health data, cf. § 27, first paragraph, of the Personal Health Data Filing System Act.

§ 13. *Supervision of the personal health data filing system*

The Data Inspectorate shall supervise personal health data filing systems which are kept in the Injection Rooms Scheme, cf. § 31 of the Personal Health Data Filing System Act.

Chapter 6. Relationship with the police and prosecuting authority

§ 14. *The police's right of control and enforcement of the public peace, etc.*

The police may, on suspicion of illegal possession or use of drugs on the Injection Rooms Scheme's premises and on request, receive information as to whether an identified person is a registered user of the injection room or not.

The police may intervene in order to uphold public peace and order etc. in accordance with § 7 of the Police Act.

Chapter 7. Approval of the trial municipality etc.

§ 15. *Approval*

The Ministry determines whether a municipality may establish a trial scheme of injection rooms.

§ 16. *Entry into force*

These Regulations enter into force on 17 December 2004.