



## Quick Reference Guide

This document is a short guide to support you through the steps of how to handle 3<sup>rd</sup> party drug checking without consent. For more in-depth guidance, please refer to the [Third Party Drug Checking Without Consent](#) best practice guidance.

While most samples are brought by the sample owner, drug checking staff will likely at some point receive samples where the person bringing the sample is not the sample owner and it appears that they do not have the consent of the sample owner to get it tested. In these situations, it is important to take the time to assess whether testing the sample is in the best interest of the sample owner.

The core purpose of drug checking services is to serve people who use drugs, so we must be very careful in considering any request to test a sample not provided by the substance owner directly.

### 1. Assess if there was consent

*If you have concerns that the person bringing in a sample is doing so without the owner's knowledge or consent, you are not required to verify consent by asking for some kind of proof. If you are concerned that testing the sample without consent may bring harm to the sample owner, you should ask more questions in order to inform your decision making about whether to test the sample. It is important that as soon as these concerns come up that you inform the person accessing the service that we may not be able to test the sample before you continue gathering information.*

*If the sample owner has not provided consent to the 3<sup>rd</sup> party, you have a right to refuse service because the owner of the sample is not present to provide consent.*

*If you determine the benefits outweigh the harms, you may proceed with testing the sample.*

If the person has consent from the substance owner, then proceed with the drug check as normal.



If **no consent** was given by the substance owner, the first step is to inform the third party that you may not be able to test the sample without consent from the owner. **Then we follow steps 2 and 3 below.**



## 2.

# Get more information and weigh the risks

*When having a conversation with the third party, stay curious about what their purpose is. Be non-judgemental, empathetic, and supportive. The goal is to gather information to make a decision and not to assume intent.*



### Use compassion

- Acknowledge that the 3<sup>rd</sup> party may have their own worries or concerns. This may be an emotionally hard situation for the 3<sup>rd</sup> party.



### Gather Information

- **Intention:** Why are they seeking testing for this sample?  
(See pg. 3 of this document for example questions)
- **Context:** How did they get the sample?  
(See pg. 3 of this document for example questions)



### Consult with colleagues

- If you want a second opinion before making the decision you can ask a colleague or a supervisor for their input. When asking for that opinion we recommend using the SBAR framework. (Page 15-17 of the [Best Practices document](#))
  - **Situation:** A concise statement of the situation
  - **Background:** Provide any relevant information to the situation
  - **Assessment:** Analysis of the situation and options, the pros and cons
  - **Recommendation:** Recommended/requested action
- If nobody is immediately available you can defer the decision until such a time where you can consult with colleagues. You will need to inform the service user of this and either hold a sample until the decision or contact them once a decision is made.



### Weigh the Risks

- By carefully considering both intention and context, you can make an informed decision while balancing the need to promote harm reduction and safety with respect for autonomy and confidentiality.

# 3. Decide to refuse service or proceed with drug check

After weighing the risks and making a decision you will need to communicate clearly, explain the decision making and reasoning for accepting or refusing service.

## If proceeding



- Work out a way to share the results with the sample owner directly, such as offering to meet with both of them together.
- Take time to review the results and answer questions from the third party and help them find ways to discuss results with the substance owner.
- Offer any relevant resources to the third party such as referral to other services, naloxone, or other safer use supplies.

## If refusing service



- If possible, have a colleague with you, or available to support as needed.
- Explain to third party why you cannot test the sample at this time. You need consent from the owner of the sample and want to make sure they have the results.
- Offer referrals to other supports for the substance owner and/or the third party
- Provide other relevant harm reduction strategies or tools (naloxone, sterile supplies, take home FTS, etc.) as an opportunity for education and conversation.
- The third-party may escalate if refused service. Maintain your messaging and reasons for refusal.
- After, make sure to document any relevant or important information with details and dates and times, in case you need to refer to this incident in the future.

# Questions to ask a third party

Below are some questions you can ask the third party when gathering more information to identify their intentions and the context. This information will help as you assess the risks of refusing service or testing the sample without consent of the owner.

## Questions to inquire about intention

What are you planning to do with the results?

What would you do if the results contain \_\_\_\_\_?

What is your desired outcome of the drug check?

Do you need any other harm reduction supplies? (naloxone, take home FTS, straws, etc)

Are you connected with any other support services?

Is the sample owner connected to other support services?

# Questions to ask a third party *continued...*

## Questions to inquire about context

How did you get this sample?

What did the owner buy the substance as?

Have they used this substance before?

Were there adverse events related with this substance?

Where was this sample acquired?

## Specific Scenarios

### 1. Law Enforcement

*If law enforcement approaches drug checking services to have samples checked that they have seized from an individual these are the recommended protocols.*

- a. If the tests are in regards to a criminal matter refer them to Health Canada DAS
- b. Document the situation and follow any internal protocols

### 2. Parents/Caregivers

*The above guidance should be followed in these situations while also offering any specific resources that are relevant.*

- a. Validate their concerns
- b. If the youth is present engage with them directly as the sample owner
- c. Offer relevant resources (Moms Stop the Harm, Holding Hope, Foundry, etc.)

### 3. Substance Disposal Requests

*If you are asked to dispose of a sample that someone has knowingly taken from a third party this would warrant a discussion.*

- a. Discuss the risks of disposing of the substance with the third party. These may include the sample owner experiencing withdrawal, sourcing riskier replacements for the substance, and breaking trust between the sample owner and third party.
- b. If a sample was found abandoned in public follow standard disposal policies.