

Modernizing Legislation to Reduce the Risk of Diversion of Controlled Substances

Many of the legislative amendments being proposed in Bill C-XX would modernize the *Controlled Drugs and Substances Act* (CDSA) to strengthen law enforcement and the Government's ability to monitor, promote and enforce compliance. This would reduce the risk of diversion of controlled substances that are used for legitimate purposes to the illegal market. Key elements to modernize compliance and enforcement authorities include the following:

Improved Inspection Authorities

Currently, Health Canada inspectors are able to inspect only those sites where authorized activities with controlled substances and precursors are taking place. Bill C-XX would modernize inspection authorities under the CDSA and bring them in line with authorities in other federal legislation. New authorities are being proposed to allow Health Canada inspectors to enter places where they suspect unauthorized activities with controlled substances are taking place.

For example, Health Canada would be able to inspect vehicles used to transport controlled substances, or establishments whose licences to conduct activities with controlled substances have been suspended or revoked, to ensure that illegal activities are no longer taking place.

The proposed inspection authorities would not allow inspectors to enter private dwellings without the consent of an occupant or a warrant. As always, should Health Canada's inspectors believe that illicit activities with controlled substances are taking place, they would refer the case to law enforcement officers.

New Administrative Monetary Penalties System

As with other modern legislation, the proposed amendments would provide the Minister with the authority to develop a system of administrative monetary penalties. This would allow Health Canada to fine a regulated party for a violation of certain provisions of the CDSA or its regulations. This would in turn improve Health Canada's ability to enforce the CDSA and its regulations without resorting to criminal prosecution, or suspending or revoking a license.

For example, regulated parties could be liable to pay a fine in cases where they do not follow the required security or record-keeping procedures.

Streamlined Disposition

The proposed amendments would introduce a new expedited process for the disposal of seized controlled substances, precursors and chemical offence-related property, whose storage or handling pose a risk to health and safety. The current rules related to the handling and disposition of seized controlled substances, precursors and other drug-related property are cumbersome and complex. Law enforcement agencies must seek a court order and approval from Health Canada before they dispose of these items, which takes time. The new process would not require a court order, or authorization from Health Canada, and would therefore reduce the burden on courts, government and law enforcement agencies.

Military Police

Current authorities under the CDSA do not allow for the Military Police to be designated as a police force under this Act. This limits the kinds of investigative techniques and tools available to them in the course of a drug investigation. Under the proposed amendment, military police could be designated as a police force, in their respective areas of jurisdiction, which would allow them to exercise a full range of investigative tools.