

Action to Reduce the Supply of Illicit Opioids and Other Drugs

The rapid rise in opioid-related overdose and death, exacerbated by the increased availability of illicit fentanyl across Canada, has highlighted gaps in the Government's enforcement toolkit. Bill C-XX proposes to close these gaps by amending the *Controlled Drugs and Substances Act* (CDSA) and the *Customs Act* to prevent the uncontrolled import into Canada of devices that can be used to manufacture illicit drugs, such as pill presses and encapsulators and to provide authority to officers at the border to open small packages.

What major amendments are being made to the *Controlled Drugs and Substances Act*?

Action to help halt the production of illicit opioids is essential to fighting the opioid crisis. Counterfeit tablets made with pill presses can look like pharmaceutical drugs that have been diverted from the legitimate market.

Currently, pill presses used to make illicit opioid tablets can be legally imported into Canada with no registration or safeguards. As a result, drug dealers can mass produce counterfeit pills, such as fentanyl tablets. Bill C-XX would require every pill press or encapsulator imported into Canada to be registered with Health Canada. Officers at the border would have the authority to detain unregistered pill presses and encapsulators. Bill C-XX would also allow this information to be shared with law enforcement agencies in the course of an investigation.

Currently under the CDSA, specific prohibitions and penalties exist for the possession, production, sale and importation of anything—including precursor chemicals or devices such as pill presses—knowing that they will be used in the production or trafficking of *methamphetamine*. With Bill C-XX, these controls would be broadened to apply to the possession, production, sale, importation or transport of anything intended to be used in the production of *any controlled substance*.

This would increase law enforcement's ability to take early action against suspected drug production operations.

What amendments are being made to the *Customs Act*?

Under the *Customs Act*, officers at the border currently have the authority to open and inspect most packages entering Canada, if they suspect the package contains contraband such as drugs. However, they have to request permission from either the sender or the recipient to open mail weighing 30 grams (g) or less. If no permission is received, the mail is returned to sender. This exception allows illegal importers of dangerous substances, such as pure fentanyl, to ship many separate small envelopes, weighing 30 g or less, knowing some will get through and that there will be no legal consequences for the importer if some of the packages are detained and sent back.

Bill C-XX would remove the 30 g or less mail exception from the Act, so that Canada Border Services Agency officers at the border could open international mail of any weight, should they have reasonable grounds to suspect the item may contain prohibited, controlled or regulated goods.

Temporary Accelerated Scheduling

New psychoactive substances (sometimes known as designer drugs or legal highs) are often designed to mimic the effects of illegal drugs while being chemically different enough to not be caught by existing laws. Dozens of these substances appear on the illegal drug market every year.

Bill C-XX proposes that the Minister of Health be granted powers to quickly schedule and control a new and dangerous substance. Bill C-XX would allow the Minister of Health to temporarily add a substance that poses a significant risk to public health or safety to a schedule of the CDSA, pending a comprehensive review and decision on permanent scheduling. The temporary scheduling would last for up to two years. Bill C-XX would also establish offences and penalties for the production, trafficking, import and export of those substances that are added to the temporary schedule. Simple possession of a temporarily scheduled substance would not be an offence.