



Senate

Sénat

CANADA

CANNABIS :

OUR POSITION FOR A CANADIAN PUBLIC POLICY

**REPORT OF THE SENATE SPECIAL
COMMITTEE ON ILLEGAL DRUGS**

VOLUME IV : APPENDICES

CHAIRMAN

DEPUTY CHAIRMAN

PIERRE CLAUDE NOLIN

COLIN KENNY

SEPTEMBER 2002

APPENDIX I

MEMBERS AND STAFF OF THE SENATE SPECIAL COMMITTEE ON ILLEGAL DRUGS

1. MEMBERS OF THE SENATE SPECIAL COMMITTEE ON ILLEGAL DRUGS

Honourable Pierre Claude Nolin
(Chair)

Honourable Colin Kenny
(Deputy Chair)

Honourable Tommy Banks

Honourable Eileen Rossiter

Honourable Shirley Maheu

Honourable John Lynch-Staunton *

Honourable Sharon Carstairs, P.C.* **

Honourable Noël A. Kinsella *

Honourable Fernand Robichaud *

2. OTHER SENATORS WHO PARTICIPATED IN THE PROCEEDINGS OF THE COMMITTEE

Honourable Michel Biron

Honourable Laurier LaPierre

Honourable Pat Carney, P.C.

Honourable Jean Lapointe

Honourable Thelma Chalifoux

Honourable Edward M. Lawson

Honourable Ione Christensen

Honourable Loma Milne

Honourable Ethel M. Cochrane

Honourable Yves Morin

Honourable Pierre De Bané, P.C., Q.C.

Honourable Lucie Pépin ***

Honourable Consiglio Di Nino

Honourable Marie-P. Poulin

Honourable Joyce Fairbairn, P.C.

Honourable Marcel Prud'homme, P.C.

Honourable Sheila Finestone, P.C.

Honourable Gerry St. Germain, P.C.

Honourable J. Michael Forrestall

Honourable Peter A. Stollery

Honourable Jerahmiel S. Grafstein, Q.C.

Honourable Terry Stratton

Honourable Mobina S.B. Jaffer

Honourable John Wiebe

Honourable Lois M. Wilson

* *Ex Officio* Members

** The Honourable Sharon Carstairs was a member of the Committee from April 2000 to October 2000

*** The Honourable Lucie Pépin was a member of the Committee from April 2000 to October 2000

3. STAFF OF THE SENATE SPECIAL COMMITTEE ON ILLEGAL DRUGS

3.1 CLERKS

Daniel Charbonneau <i>(Acting Clerk of the Committee)</i>	Blair Armitage <i>(Clerk)</i>	Adam Thompson <i>(Acting Clerk of the Committee)</i>
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3.2 RESEARCH

	Daniel Sansfaçon <i>(Director of Research)</i>	
Gérald Lafrenière <i>(Analyst – Library of Parliament)</i>		Chantal Collin <i>(Analyst – Library of Parliament)</i>
Lyne Casavant <i>(Library of Parliament)</i>		Diane Leduc <i>(Library of Parliament)</i>
Benjamin Dolin <i>(Library of Parliament)</i>		Martine Leroux <i>(Office of Senator Shirley Mahau)</i>
Nancy Miller Chenier <i>(Library of Parliament)</i>		Robin MacKay <i>(Library of Parliament)</i>
François Dubois <i>(Office of Senator Pierre Claude Nolin)</i>		Jeffrey Myers <i>(Senate Special Committee on Illegal Drugs)</i>
Mollie Dunsmuir <i>(Library of Parliament)</i>		Sonya Norris <i>(Library of Parliament)</i>
Daniel Dupras <i>(Library of Parliament)</i>		Emmanuel Préville <i>(Library of Parliament)</i>
David Goetz <i>(Library of Parliament)</i>		Jay Sinha <i>(Library of Parliament)</i>
Anthony Jackson <i>(Library of Parliament)</i>		Leah Spicer <i>(Library of Parliament)</i>
Rebecca Jesseman <i>(Senate Special Committee on Illegal Drugs)</i>		Barbara B. Wheelock <i>(Office of Senator Eileen Rossiter)</i>

3.3 ADMINISTRATION

Lise Bouchard
*(Committees and Private
Legislation Directorate of the Senate)*

Nicole Bouchard
(Office of Senator Pierre Claude Nolin)

Martine de Launière
(Special Committee on Illegal Drugs)

Krista Durrell
*(Committees and Private
Legislation Directorate of the Senate)*

Keli Hogan
*(Committees and Private
Legislation Directorate of the Senate)*

Mireille Khouri
*(Committees and Private
Legislation Directorate of the Senate)*

Nathalie Lemay-Paquette
*(Committees and Private
Legislation Directorate of the Senate)*

Brigitte Martineau
*(Committees and Private
Legislation Directorate of the Senate)*

Liliane Poiré
(Office of Senator Pierre Claude Nolin)

3.4 COMMUNICATIONS

Diane Boucher and her team
(Communications Directorate of the Senate)

Jean-Guy Desgagné
*(Special Advisor – Senate Special
Committee on Illegal Drugs)*

David Newman
(Newman Communications)

3.5 REPORTERS, TRANSLATORS AND INTERPRETERS

Official Reporters of the Senate
(Debates and Publications Directorate of the Senate)

Translators
(Translation Bureau)

Interpreters
(Translation Bureau)

Thérèse Alier
(Private Text Editor)

APPENDIX II

LIST OF WITNESSES

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Cathy Airth	Health Canada Acting Director, Office of Canada's Drug Strategy, Health Environments and Consumer Safety Branch (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Bruce Alexander	Simon Fraser University Professor, Department of Psychology (Victoria, British Columbia)	April 23, 2001 Ottawa, Ontario
Lindsay Armitage	As an individual	May 13, 2002 Regina, Saskatchewan
Lyell Armitage	Regina Health District Former Director, Alcohol and Drug Services (Regina, Saskatchewan)	May 13, 2002 Regina, Saskatchewan
Guy Ati Dion	Town Hall Panelist University of Montreal (Montreal, Quebec)	October 29, 2001 Ottawa, Ontario
George Bailey	As an individual	May 14, 2002 Richmond, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Linda Barnes	City of Richmond City Councillor (Richmond, British Columbia)	May 14, 2002 Richmond, British Columbia
Pat Baumet	As an individual	May 13, 2002 Regina, Saskatchewan
David Beall	Inter-American Drug Abuse Control Commission Executive Secretary (Washington (D.C.), United States of America)	March 18, 2002 Ottawa, Ontario
Line Beauchesne	University of Ottawa Professor, Department of Criminology (Ottawa, Ontario)	October 16, 2000 Ottawa, Ontario
Denise Beaudoin	As an individual	May 30, 2002 Montreal, Quebec
Patricia Bégin	National Crime Prevention Centre Director, Research and Evaluation (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Mohamed Ben Amar	University of Montreal Professor, Pharmacology and Toxicology (Montreal, Quebec)	June 11, 2001 Ottawa, Ontario
Chris Bennett	As an individual	November 7, 2001 and May 14, 2002 Vancouver and Richmond, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Marie-Andrée Bertrand	University of Montreal Professor Emeritus of Criminology Town Hall Panelist (Montreal)	April 23, 2001 and May 30, 2002 Ottawa, Ontario Montreal, Quebec
Beverly Best	Village of Salisbury City Councillor (Salisbury, New Brunswick)	June 5, 2002 Moncton, New Brunswick
Hilary Black	B.C. Compassion Club Society Founder and Director (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia
Bill Blanchard	Royal Canadian Mounted Police Sergeant (Regina, Saskatchewan) Town Hall Panelist	May 13, 2002 Regina, Saskatchewan
Guillaume Blouin-Beaudoin	As an individual	May 30, 2002 Montreal Quebec
Ron Bocking	As an individual	May 13, 2002 Regina, Saskatchewan
Tim Boekhout Van Solinge	Utrecht University Lecturer and Researcher in Criminology (Utrecht, Netherlands)	November 19, 2001 Ottawa, Ontario
Renee Boje	As an individual	May 14, 2002 Vancouver, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Stephen Bolton	Department of Foreign affairs and International Trade International Drug Officer, International Crime Division (Ottawa, Ontario)	March 18, 2002 Ottawa, Ontario
Yvan Bombardier	CACTUS Intervener (Montreal, Quebec)	May 30, 2002 and May 31st, 2002 Montreal, Quebec
Pierre-Charles Boudrias	Dollard-Cormier Centre (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
David Bourgeois	As an individual	May 14, 2002 Richmond, British Columbia
Michael J. Boyd	Canadian Association of Chiefs of Police Chair of the Drug Abuse Committee and Deputy Chief of the Toronto Police Service (Ottawa, Ontario)	March 11, 2002 Ottawa, Ontario
Neil Boyd	Simon Fraser University Professor, Department of Criminology (Victoria, British Columbia)	October 16, 2000 Ottawa, Ontario
Al Breau	Village of Salisbury Member of the Salisbury Municipal Drug Strategy (Salisbury, Nouveau-Brunswick) Town Hall Panelist	June 5, 2002 Moncton, New Brunswick

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Serge Brochu	University of Montreal Professor and Director of the International Center for Comparative Criminology (Montreal, Quebec)	December 10, 2001 Ottawa, Ontario
Nick Brusatore	As an individual	May 14, 2002 Richmond, British Columbia
Perry Bulwer	As an individual	November 7, 2001 Vancouver, British Columbia
Fred Burford	As an individual	September 10 Toronto, Ontario
Michele Burque	As an individual	May 30, 2002 Montreal, Quebec
Tracy Butler	Salvation Army Harbour Light Addiction and Rehabilitation Treatment Centre, HCC St. John's Program Director (St. John's, Newfoundland and Labrador)	June 4, 2002 St-John's, Newfoundland and Labrador
Bill Campbell	Canadian Society on Addiction Medicine President (Ottawa, Ontario)	March 11, 2002 Ottawa, Ontario
Chris Carnell	As an individual	May 13, 2002 Regina, Saskatchewan
Nicolas Carrier	As an individual	May 30, 2002 Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
James Anthony Cavalier	As an individual	September 10 Toronto, Ontario
Walter Cavaliere	Toronto Harm Reduction Task Force (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Jean-Pierre Chiasson	Clinique du Nouveau Départ Inc. Medical Director (Montreal, Quebec)	May 30, 2002 Montreal, Quebec
Ward Clapham	Town Hall Panelist Royal Canadian Mounted Police Superintendent (Richmond, British Columbia)	May 14, 2002 Richmond, British Columbia
Chantal Cloutier-Vautour	Addiction Services, Health Region Addiction Councillor (Moncton, New Brunswick)	June 5, 2002 Moncton, New Brunswick
Pierre Cloutier	As an individual	May 31, 2002 Montreal, Quebec
Peter Cohen	University of Amsterdam Professor (Amsterdam, Netherlands)	May 28, 2001 Ottawa, Ontario
Émile Colas	As an individual Town Hall Panelist	May 30, 2002 Montreal, Quebec
Mark Connolly	Canada Customs and Revenue Agency Director General, Contraband and Intelligence Services Directorate, Customs Branch (Ottawa, Ontario)	October 29, 2001 Ottawa, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
John W. Conroy	As an individual Barrister and Solicitor in (<i>R. v. Malmö-Levine and R. v. Caine</i>)	March 11, 2002 Ottawa, Ontario
Randy Cormier	Brentwood Recovery Home Counsellor/Group Leader (Windsor, Ontario)	June 7, 2002 Windsor, Ontario
Terry Cormier	Department of Foreign affairs and International Trade Director, International Crime Division (Ottawa, Ontario)	March 18, 2002 Ottawa, Ontario
Jean-Michel Coste	French Monitoring Centre for Drugs and Drug Addictions Director (Paris, France)	October 1st, 2001 Ottawa, Ontario
Roland Côté	As an individual	May 30, 2002 Montreal, Quebec
Richard Cowan	As an individual	November 7, 2001 Vancouver, British Columbia
Michael Crichton	Canada Customs and Revenue Agency Chief, Intelligence and Operations Division, Contraband and Intelligence Services Directorate, Customs Branch (Ottawa, Ontario)	October 29, 2001 Ottawa, Ontario
Jean de Lavaltrie	As an individual	May 30, 2002 Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
France Desjardins	As an individual	May 30, 2002 Montreal, Quebec
Chuck Doucette	Royal Canadian Mounted Police (Vancouver, British Columbia) Town Hall Panelist	May 14, 2002 Richmond, British Columbia
Wally Dowhayko	Royal Canadian Mounted Police Sergeant, Windsor Drug Section (Windsor, Ontario)	June 7, 2002 Windsor, Ontario
Caroline Doyer	Club Compassion de Montréal President (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
Toby Druce	Seaton House Program Supervisor (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Françoise Dubois-Arber	Swiss Federal Commission for Drug Issues; University Institute for Social and Preventative Medicine Member (Bern, Switzerland)	February 4, 2002 Ottawa, Ontario
Georges Dulex	Canton of Zurich, Criminal Police Department Head (Zurich, Switzerland)	February 4, 2002 Ottawa, Ontario
Johnny Dupuis	As an individual	May 30, 2002 Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Martin Earl	As an individual	June 6, 2002 Windsor, Ontario
Bill Elliot	Canada Customs and Revenue Agency Director, Windsor-St. Clair District (Windsor, Ontario)	June 7, 2002 Windsor, Ontario
Marc Emery	B.C. Marijuana Party (Vancouver, British Columbia) Town Hall Panelist	May 14, 2002 Richmond, British Columbia
Ron Enns	As an individual	June 6, 2002 Windsor, Ontario
Patricia Erickson	Centre for Addiction and Mental Health Researcher (Toronto, Ontario)	May 14, 2001 Ottawa, Ontario
Julian Fantino	Toronto Police Service Chief (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Pat Fiacco	City of Regina Mayor (Regina, Saskatchewan)	May 13, 2002 Regina, Saskatchewan
Ross Findlater	Regina Health District Deputy Medical Health Officer, Alcohol and Drug Services (Regina, Saskatchewan)	May 13, 2002 Regina, Saskatchewan

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Benedikt Fischer	University of Toronto Professor, Department of Public Health Sciences (Toronto, Ontario)	September 17, 2001 Ottawa, Ontario
Jerry Fitzgerald	Alcohol and Drug Services, Regina Health District Manager (Regina, Saskatchewan)	May 13, 2002 Regina, Saskatchewan
Donald Fitzsimmons	Alcohol and Drug Services, Regina Health District Youth and Family Coordinator (Regina, Saskatchewan)	May 13, 2002 Regina, Saskatchewan
Mark Fortier	As an individual	May 13, 2002 Regina, Saskatchewan
Michel Frenette	Royal Canadian Mounted Police Drug Awareness Services Coordinator (Fredericton, New Brunswick) Town Hall Panelist	June 5, 2002 Moncton, New Brunswick
Thomas Fulgosi	Seaton House Shift Leader (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Nick Gallant	As an individual	June 5, 2002 Moncton, New Brunswick
Paul E. Garfinkel	Centre for Addiction and Mental Health President and C.E.O. (Toronto, Ontario)	June 7, 2002 Windsor, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Serge Gascon	City of Montreal Police Service Deputy Director (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
Ryan Genie	As an individual	May 13, 2002 Regina, Saskatchewan
Michel Germain	Comité permanent de lutte à la toxicomanie Director General (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
Rob Gillespie	As an individual	May 14, 2002 Richmond, British Columbia
John P. Gordon	As an individual	November 7, 2001 Vancouver, British Columbia
Hélène Goulet	Health Canada Director General, Tobacco Control Programme, Health Environments and Consumer Safety Branch (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Caylie Graham	As an individual	May 13, 2002 Regina, Saskatchewan
Serge Granger	University of Quebec in Montreal Historian (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
Brian Grant	Correctional Service Canada Director, Addictions Research Centre (Montague, Prince Edouard Island)	June 10, 2002 Ottawa, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
David Griffin	Canadian Police Association	May 28, 2001
	Executive Officer (Ottawa, Ontario)	Ottawa, Ontario
Peter Grin	As an individual	May 14, 2002
		Richmond, British Columbia
Derril W. Gudlaugson	As an individual	May 14, 2002
		Richmond, British Columbia
André-Bernard Guévin	As an individual	May 30, 2002
		Montreal, Quebec
Cathleen Guthrie	As an individual	May 13, 2002
		Regina, Saskatchewan
Henry Haddad	Canadian Medical Association	March 11, 2002
	President (Ottawa, Ontario)	Ottawa, Ontario
Susan Hague	Canada Customs and Revenue Agency	October 29, 2001
	Senior Program Advisor, Contraband Operations Section, Contraband and Intelligence Services Directorate, Customs Branch (Ottawa, Ontario)	Ottawa, Ontario
Nichola Hall	Grief to Action	November 7, 2001
	Chairperson (Vancouver, British Columbia)	Vancouver, British Columbia
Ross Hall	Grief to Action	November 7, 2001
		Vancouver, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Peter Hamel	Club Compassion de Montréal Executive Director (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
Tony Hammer	As an individual	June 6, 2002 Windsor, Ontario
Timothy Hampton	NORML Saskatchewan President, National Organization for Reform of Marijuana Laws (NORML) (Watrous, Saskatchewan)	May 13, 2002 Regina, Saskatchewan
Michael C. Hansen	As an individual	May 14, 2002 Richmond, British Columbia
Andy Hathaway	Centre for Addiction and Mental Health Researcher (Toronto, Ontario)	May 14, 2001 Ottawa, Ontario
Glen Hayden	Canadian Police Association Detective, Drug Control Section, Edmonton Police Service (Ottawa, Ontario)	May 28, 2001 Ottawa, Ontario
Kenneth E. Hayes Jr.	As an individual	May 14, 2002 Richmond, British Columbia
Kash Heed	Vancouver Police Service Drugs Section (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Sean Hunt	As an individual	September 10, 2001 Toronto, Ontario
Thomas E. Hunter	As an individual	June 5, 2002 Moncton, New Brunswick
Alexis Jabarit	As an individual	May 30, 2002 Montreal, Quebec
Edward Jackson	As an individual	May 30, 2002 Montreal, Quebec
Gary E. Johnson	State of New Mexico Governor (Albuquerque, New Mexico – United States of America)	November 5, 2001 Ottawa, Ontario
Cal Johnston	Regina Police Service Chief of Police (Regina, Saskatchewan)	May 13, 2002 Regina, Saskatchewan
Hélène Jutras	As an individual	May 30, 2002 Montreal, Quebec
Harold Kalant	University of Toronto Professor Emeritus (Toronto, Ontario)	June 11, 2001 Ottawa, Ontario
Sean Karl	As an individual	May 14, 2002 Richmond, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Robert Keizer	Ministry of Health, Welfare and Sports of the Netherlands Drug Policy Advisor (The Hague, Netherlands)	November 19, 2001 Ottawa, Ontario
Jim Kelly	Richmond Alcohol and Drug Action Team (RADAT) Director (Richmond, British Columbia)	May 14, 2002 Richmond, British Columbia
Perry Kendall	As an individual Health Officer (Victoria, British Columbia)	September 17, 2001 Ottawa, Ontario
Paul E. Kennedy	Solicitor General of Canada Senior Assistant Deputy Solicitor General, Policing and Security Branch (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Steven Kent	City of Mount Pearl Deputy Mayor (Mount Pearl, Newfoundland and Labrador)	June 4, 2002 Mount Pearl, Newfoundland and Labrador
Barry King	Canadian Association of Chiefs of Police Former Chair of the Drug Abuse Committee and Chief of the Brockville Police Service (Ottawa, Ontario)	March 11, 2002 Ottawa, Ontario
Michel Kokoreff	Lille University (Lille, France)	October 1st, 2001 Ottawa, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Dirk J. Korf	University of Amsterdam	November 19, 2001
	Professor (Amsterdam, Netherlands)	Ottawa, Ontario
Michele Kubby	As an individual	May 14, 2002
		Richmond, British Columbia
Alain Labrousse	Observatoire français des drogues et des toxicomanies	May 28, 2001
	Chargé de mission (Paris, France)	Ottawa, Ontario
C. Gwendolyn Landolt	REAL Women of Canada	June 6, 2002 and June 7, 2002
	National Vice-President (Ottawa, Ontario)	Windsor, Ontario
	Town Hall Panelist	
Michel Landry	Dollard-Cormier Centre	December 10, 2001
	Director of Professional Services and Research (Montreal, Quebec)	Ottawa, Ontario
Julie Langlois	As an individual	May 30, 2002
		Montreal, Quebec
Dana Larsen	Cannabis Culture	November 7, 2001 and May 14, 2002
	(Vancouver, British Columbia) Town Hall Panelist	Vancouver and Richmond, British Columbia
Pierre Lauzon	As an individual	May 30, 2002
	Town Hall Panelist	Montreal, Quebec
Marc-André Lavoie	As an individual	May 30, 2002
		Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
James Leslie	As an individual	November 7, 2001 Vancouver, British Columbia
Robert G. Lesser	Royal Canadian Mounted Police Chief Superintendent (Ottawa, Ontario)	October 29, 2001 and March 11, 2002 Ottawa, Ontario
	Canadian Association of Chiefs of Police Vice Chair of the Drug Abuse Committee (Ottawa, Ontario)	
Mason Loh	As an individual	November 7, 2001 Vancouver, British Columbia
Dennis Long	Breakaway Executive Director (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Blair T. Longley	As an individual	May 30, 2002 Montreal, Quebec
Cynthia Low	As an individual	November 7, 2001 Vancouver, British Columbia
Phillippe Lucas	Vancouver Island Compassion Society Director (Victoria, British Columbia)	May 14, 2002 Richmond, British Columbia
Gillian Lynch	Health Canada Director General, Drug Strategy and Controlled Substances Programme (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Mary Lynch	Dalhousie University Director, Canadian Consortium for the Investigation of Cannabinoids (Halifax, Nova Scotia)	June 11, 2001 Ottawa, Ontario
Sandy MacDonald	As an individual	May 14, 2002 Richmond, British Columbia
Edward J. MacEachern	Royal Canadian Mounted Police Sergeant (Fredericton, New Brunswick)	June 5, 2002 Moncton, New Brunswick
David MacFarnam	As an individual	November 7, 2001 Vancouver, British Columbia
Chris MacLean	As an individual	June 5, 2002 Moncton, New Brunswick
Donald MacPherson	City of Vancouver Drug Policy Coordinator (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia
Nicole Maestracci	Interministerial Mission for the Fight against Drugs and Drug Addiction President (Paris, France)	October 1st, 2001 Ottawa, Ontario
Achille Maillet	Addiction Services, Health Region Director (Moncton, New Brunswick)	June 5, 2002 Moncton, New Brunswick

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
David Malmo-Levine	As an individual	November 7, 2001 and May 14, 2002
		Vancouver and Richmond, British Columbia
Colin R. Mangham	Prevention Source B.C.	September 17, 2001
	Director	Ottawa, Ontario
	(Vancouver, British Columbia)	
Bill Marra	Federation of Canadian Municipalities	March 11, 2002
	Chair of the Standing Committee on Community Safety and Crime Prevention and City Councillor for the City of Windsor	Ottawa, Ontario
	(Ottawa, Ontario)	
Richard Mathias	University of British Columbia	September 17, 2001
	Professor, Health Care and Epidemiology Department	Ottawa, Ontario
	(Vancouver, British Colombia)	
Pierre Matteau	As an individual	May 30, 2002
		Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
William B. McAllister	University of Virginia Professor (Charlottesville, Virginia, United States of America)	March 18, 2002 Ottawa, Ontario
Michael McCoy	Touchtone Family Association (Richmond, British Columbia) Town Hall Panelist	May 14, 2002 Richmond, British Columbia
John McIntyre	BC Civil Liberties Association Member of the Board (Vancouver, British Columbia)	May 14, 2002 Richmond, British Columbia
W. Joe McKeown	City of Regina City Councillor (Regina, Saskatchewan) Town Hall Panelist	May 13, 2002 Regina, Saskatchewan
William A. McKim	Memorial University of Newfoundland Acting Head, Department of Psychology (Mount Pearl, Newfoundland and Labrador) Town Hall Panelist	June 3, 2002 Mount Pearl, Newfoundland and Labrador
Ken McLennan	As an individual	May 14, 2002 Richmond, British Columbia
Wanda McPherson	Springboard Diversion Coordinator (Toronto, Ontario)	September 10, 2001 Toronto, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Timothy Meehan	As an individual	May 14, 2002 Richmond, British Columbia
Céline Mercier	McGill University Associate Professor, Department of Psychiatry (Montreal, Quebec)	December 10, 2001 Ottawa, Ontario
Croft Michaelson	Justice Canada Director and Senior General Counsel, Strategic Prosecution Policy Section (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Dann Michols	Health Canada Assistant Deputy Minister, Healthy Environments and Consumer Safety Branch (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Mike Moldovan	As an individual	June 6, 2002 Windsor, Ontario
John P. Morgan	City of New York Medical School Professor of Pharmacology (City of New York, New York, United States of America)	June 11, 2001 Windsor, Ontario
Tracy Mortensen	As an individual	June 6, 2002 Windsor, Ontario
David Mossop	Community Legal Assistance Society (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Ethan Nadelman	Lindesmith Centre Executive Director (City of New York, New York, United States of America)	November 5, 2001 Ottawa, Ontario
Janet Neves	Federation of Canadian Municipalities Policy Analyst (Ottawa, Ontario)	March 11, 2002 Ottawa, Ontario
John Noddin	New Brunswick Home and Schools Association Former President Town Hall Panelist	June 5, 2002 Moncton, New Brunswick
Kathryn Noddin	As an individual	June 5, 2002 Moncton, New Brunswick
Dale Orban	Canadian Police Association Sergeant and Detective, Regina Police Service Executive Director, Regina Police Association (Ottawa, Canada)	May 28, 2001 Ottawa, Ontario
Albert G. Ormiston	As an individual	May 13, 2002 Regina, Saskatchewan
Eugene Oscapella	Canadian Foundation for Drug Policy Executive Director (Ottawa, Ontario)	October 16, 2000 and October 29, 2001 Ottawa, Ontario
Philip Owen	City of Vancouver Mayor (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Melanie Stephen Patriquen	Marijuana Party of Canada (Montreal, Quebec)	June 5, 2002 Moncton, New Brunswick
Mike Patriquen	Marijuana Party of Canada (Montreal, Quebec) Town Hall Panelist	June 5, 2002 Moncton, New Brunswick
Caroline Pelchat	Royal Canadian Mounted Police Researcher, Drug Awareness Service (Ottawa, Ontario)	October 29, 2001 Ottawa, Ontario
Michel Pelletier	Royal Canadian Mounted Police Sergeant and National Coordinator, Drug Awareness Service (Ottawa, Ontario)	October 29, 2001 Ottawa, Ontario
Michel Perron	Canadian Centre on Substance Abuse Executive Director (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Martin Petit	CACTUS Community Worker (Montreal, Quebec)	May 31, 2002 Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Robert Pike	Penitentiary Addictions Group Classification Officer (St. John's, Newfoundland and Labrador)	June 4, 2002 Mount Pearl, Newfoundland and Labrador
Jim Power	Royal Canadian Mounted Police Sergeant (Clareville, Newfoundland and Labrador)	June 3, 2002 Mount Pearl, Newfoundland and Labrador
Diane Power-Jeans	Town Hall Panelist Janeway Community Mental Health Division, HCC St. John's Social Worker (St. John's, Newfoundland and Labrador)	June 4, 2002 Mount Pearl, Newfoundland and Labrador
Fred Pritchard	Marijuana Compassion Club of Windsor Founder and Operator (Windsor, Ontario) Town Hall Panelist	June 6, 2002 Windsor, Ontario
Norman Qworden	As an individual	June 6, 2002 Windsor, Ontario
Alan Randell	As an individual	May 14, 2002 Richmond, British Columbia
Eleanor Randell	As an individual	May 14, 2002 Richmond, British Columbia
Shauna Raycraft	As an individual	May 13, 2002 Regina, Saskatchewan

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Jürgen Rehm	University of Zurich	May 14, 2001
	Professor	Ottawa, Ontario
	(Zurich, Switzerland)	
Rick Reimer	As an individual	May 31, 2002
		Montreal, Quebec
Dave Roberts	Windsor Police Service	June 7, 2002
	Inspector, Investigation Services	Windsor, Ontario
	(Windsor, Ontario)	
Gerald Royce	As an individual	June 3, 2002
		Mount Pearl, Newfoundland and Labrador
Jerome Sabourin	As an individual	June 5, 2002
		Moncton, New Brunswick
Greg Schweitzer	As an individual	June 6, 2002
		Windsor, Ontario
Darlene Simpson	House of Sophrosyne	June 7, 2002
	Director of Program	Windsor, Ontario
	(Windsor, Ontario)	
Eric Single	University of Toronto	May 14, 2001
	Professor, Department of Public Health Sciences	Ottawa, Ontario
	(Toronto, Ontario)	
Leon Smith	As an individual	May 14, 2002
		Richmond, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Patrick Smith	Centre for Addiction and Mental Health Vice-President, Clinical Programs (Toronto, Ontario)	June 7, 2002 Windsor, Ontario
Ted Smith	As an individual	November 7, 2001 Vancouver, British Columbia
Raf Souccar	Royal Canadian Mounted Police Superintendent (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Rob Spring	As an individual	June 6, 2002 Windsor, Ontario
Randall St. Jacques	As an individual	June 6, 2002 Windsor, Ontario
Margaret Stanowski	Springboard Executive Director (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Paul St-Denis	Justice Canada Senior Counsel, Criminal Law Policy Section (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario
Diane Steber Büchli	Swiss Federal Office of Public Health Head, International Drug Affairs Unit (Bern, Switzerland)	February 4, 2002 Ottawa, Canada
Art Steinmann	Alcohol-Drug Education Service Executive Director (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Marc-Boris St-Maurice	Marijuana Party	May 30, 2002 and May 31st
	Leader	Montreal, Quebec
	(Montreal, Quebec)	
	Town Hall Panelist	
Ron Taverner	Toronto Police Service	June 7, 2002
	Sergeant, Superintendent	Windsor, Ontario
	(Toronto, Ontario)	
Rosaire Théorêt	As an individual	May 30, 2002
		Montreal, Quebec
Rick Tipple	As an individual	November 7, 2001
		Vancouver, British Columbia
Lilian To	As an individual	November 7, 2001
		Vancouver, British Columbia
Ross Toller	Correctional Service Canada	June 10, 2002
	Deputy Commissioner, Prairie Region	Ottawa, Ontario
	(Ottawa, Ontario)	
Chris Trenholm	As an individual	June 5, 2002
		Moncton, New Brunswick
John Turmel	As an individual	May 30, 2002
		Montreal, Quebec
Ray Turmel	As an individual	May 30, 2002
		Montreal, Quebec

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Selene Tracy Tyndale	Ontario Public Interest Research Group Volunteer (Windsor, Ontario) Town Hall Panelist	June 6, 2002 Windsor, Ontario
Mark Tyndall	B.C. Centre for Excellence in HIV/AIDS (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia
Ambros Uchtenhagen	Addiction Research Institute Retired Professor (Zurich, Suisse)	February 4, 2002 Ottawa, Ontario
Steven Van Hoogstraten	Ministry of Justice of the Netherlands Director for International Criminal Affairs and Drugs Policy (The Hague, Netherlands)	November 19, 2001 Ottawa, Ontario
Anne Vogel	Gilwest Clinic Manager (Richmond, British Columbia)	May 14, 2002 Richmond, British Columbia
John Walsh	City of Mount Pearl City Councillor (Mount Pearl, Newfoundland and Labrador) Town Hall Panelist	June 3, 2002 Mount Pearl, Newfoundland and Labrador
Chuck Walter	Royal Canadian Mounted Police Officer in Charge, Operational Systems Policy Section, National Contract Policing Branch (Ottawa, Ontario)	June 10, 2002 Ottawa, Ontario

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Thia Walter	As an individual	November 7, 2001 Vancouver, British Columbia
Mark A. Ware	McGill University Assistant Professor (Montreal, Quebec)	May 31, 2002 Montreal, Quebec
David Weinberg	As an individual	June 5, 2002 Moncton, New Brunswick
Yves Wermelinger	As an individual	June 5, 2002 Moncton, New Brunswick
Anna Marie White	Focus on the Family Policy Analyst (Vancouver, British Columbia)	May 14, 2002 Richmond, British Columbia
Dean Wilson	Vancouver Area Network of Drug Users (VANDU) Executive Director (Vancouver, British Columbia)	November 7, 2001 Vancouver, British Columbia
Cory Wint	Inner Visions Recovery Society (Vancouver, British Columbia) Town Hall Panelist	May 14, 2002 Richmond, British Columbia
Brad Wolbaum	As an individual	May 13, 2002 Regina, Saskatchewan
Scott Wolbaum	As an individual	May 13, 2002 Regina, Saskatchewan

NAME	ORGANIZATION	DATE AND LOCATION OF APPEARANCE
Danny Woods	Windsor Police Service Sergeant, Drug Enforcement Branch (Windsor, Ontario)	June 7, 2002
Alan Young	As an individual Associate Professor, Osgoode Hall Law School (Toronto, Ontario)	September 10, 2001 Toronto, Ontario
Mark Zoccolillo	McGill University Professor, Department of Psychiatry (Montreal, Quebec)	October 16, 2000 Ottawa, Canada

APPENDIX III

RESEARCH PAPERS *

A- RESEARCH PAPERS PREPARED BY THE PARLIAMENTARY RESEARCH BRANCH OF THE LIBRARY OF PARLIAMENT

AUTHORS	TITLE	DATE OF PUBLICATION
Lyne Casavant, Chantal Collin	Illegal Drug Use and Crime : A Complex Relationship	August 2001
Chantal Collin	National Drug Policy: France	August 2001
Chantal Collin	National Drug Policy: Switzerland	January 2002
Benjamin Dolin	National Drug Policy: United States of America	July 2001
Benjamin Dolin	National Drug Policy: Netherlands	August 2001
Daniel Dupras	Canada's International Obligations Under the Leading International Conventions on the Control of Narcotics Drugs	October 1998
David Goetz	Drug Prohibition and the Constitution	March 2001
Anthony Jackson	The Costs of Drug Abuse and Drug Policy	April 2002
Diane Leduc, Nancy Miller Chenier, Sonya Norris	Inventory of Federal Research on Illegal Drugs and Related Issues	October 2001

* All the research papers quoted in this appendix were produced at the request of the Senate Special Committee on Illegal Drugs and are available at: www.parl.gc.ca/illegal-drugs.asp

AUTHORS	TITLE	DATE OF PUBLICATION
Diane Leduc, Nancy Miller Chenier, Sonya Norris	Inventory of Provincial and Territorial Research on Illegal Drugs and Related Issues	May 2002
Gérald Lafrenière	Police Powers and Drug-Related Offences	March 2001
Gérald Lafrenière	National Drug Policy: United Kingdom	July 2001
Gérald Lafrenière	National Drug Policy: Sweden	April 2002
Gérald Lafrenière, Emmanuel Préville	Reported Incidents, Convictions, Incarceration and Sentencing in Relation to Illegal Drugs in Canada	May 2002
Gérald Lafrenière, Leah Spicer	Illicit Drug Trends in Canada 1980-2001: A Review and Analysis of Enforcement Data	June 2002
Robin MacKay	National Drug Policy: Australia	December 2001
Jay Sinha	The History and Development of the Leading International Drug Control Conventions	February 2001
Leah Spicer	Historical and Cultural Uses of Cannabis and the Canadian “Marijuana Clash”	April 2002

B- RESEARCH PAPERS ON GUIDING PRINCIPLES

AUTHORS	TITLE	DATE OF PUBLICATION
Thomas De Koninck Laval University	The Role of Knowledge and Culture in Public Policy on Illegal Drugs	June 2002
Roderick A. Macdonald McGill University	The Governance of Human Agency	May 2001
Jean-François Malherbe University of Sherbrooke	The Contribution of Ethics in Defining Guiding Principles for a Public Drug Policy	May 2002
Alvaro P. Pires University of Ottawa	La politique législative et les crimes à « double face » : Éléments pour une théorie pluridimensionnelle de la loi criminelle	June 2002

C- OTHER RESEARCH PAPERS

AUTHORS	TITLE	DATE OF PUBLICATION
François Dubois Office of Senator Pierre Claude Nolin	The Federal Parliament and the Evolution of Canadian Legislation on Illegal Drugs	June 2002
Léger Marketing Montreal	An Exploratory Study Among Canadians About the Use of Cannabis	June 2002
Diane Riley University of Toronto	Drugs and Drug Control Policy: A Brief Review and Commentary	November 1998
Barbara B. Wheelock Office of Senator Eileen Rossiter	Physiological and Psychological Effects of Cannabis: Review of the Research Findings	May 2002

APPENDIX IV

The Evolution of Canadian Drug Legislation (1908-1996): Offences, Penalties, Police Powers and Criminal Procedure*

Act	Offences	Penalties	Police Powers – Criminal Procedure
1908 – Opium Act	<i>Trafficking</i> <ul style="list-style-type: none"> • Importation for non-medical purposes and without the authorization of the Minister of Customs • <u>Manufacture, sale or possession, for the purpose of selling</u>, of raw or prepared opium • <u>Manufacture, sale or possession, for the purpose of selling</u>, opium prepared for the use of smokers 	Indictment <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 3 years; and / or • Fine of not less than \$50 and not exceeding \$1,000 	

*This chart is taken from the study prepared by François Dubois entitled *The Federal Parliament and the Evolution of Canadian Legislation on Illegal Drugs*. The study is available online at: www.parl.gc.ca/illegal-drugs.asp

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1911 – Opium and Narcotic Drug Act</p>	<p><i>Trafficking</i></p> <ul style="list-style-type: none"> • Importation, transportation within Canada, manufacture, sale or offering for sale, <u>without lawful excuse</u>, of a drug for non-therapeutic or non-scientific purposes • Exportation, <u>without lawful excuse</u>, to a country that prohibits the importing of a drug 	<p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding one year; and / or • Fine not exceeding \$500 <p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 6 months; and / or • Fine not exceeding \$500 	<p><i>Police powers</i></p> <p>Search warrants</p> <ul style="list-style-type: none"> • Search warrant authorizing, on reasonable grounds: <ul style="list-style-type: none"> ▪ the search of the following places: dwelling houses, stores, boutiques, warehouses, gardens or ships; and ▪ the seizure of any drugs found there and of the containers in which they are found
	<p><i>Possession</i></p> <ul style="list-style-type: none"> • Possession of a drug, <u>without lawful excuse</u>, for non-therapeutic or non-scientific purposes 	<p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding one year; and / or • Fine not exceeding \$500 	<p><i>Criminal procedure</i></p> <p>Destruction of seized drugs</p> <ul style="list-style-type: none"> • Order allowing the destruction of drugs and containers in which they were found after conviction of the accused • Order providing for the return of seized drugs if the accused is acquitted. If not claimed, they have to be destroyed within three months following the acquittal

Act	Offences	Penalties	Police Powers – Criminal Procedure
	<ul style="list-style-type: none">• Possession of opium prepared for smokers or its use	Summary conviction	Reverse onus
		<ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 months; and / or• Fine not exceeding \$50	<ul style="list-style-type: none">• In a prosecution for trafficking or possession of drugs, the accused has to prove:<ul style="list-style-type: none">▪ the existence of a lawful excuse; or▪ that the substances were used for therapeutic or scientific purposes
	<ul style="list-style-type: none">• Being found, without lawful <u>excuse</u>, in a place where opium is smoked	Summary conviction <ul style="list-style-type: none">• Imprisonment for a term not exceeding one month; and / or• Fine not exceeding \$100	Writ of <i>certiorari</i> <ul style="list-style-type: none">• Elimination of use of a writ of <i>certiorari</i> Reward <ul style="list-style-type: none">• Possibility to use a portion of a fine paid by an offender to reward the person who filed the complaint against him
<i>Legal trade in narcotic drugs</i>	(Physicians)	Summary conviction	
<ul style="list-style-type: none">• Prescription of drugs for non-medical purposes particularly if they are not required for the treatment of illness	<ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 months; and / or• Fine not exceeding \$200		

Act	Offences	Penalties	Police Powers – Criminal Procedure
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(Pharmacists)

- **Sale of drugs for medical purposes without prescription (in writing or by telephone) by a physician**

Summary conviction

- **Imprisonment for a term not exceeding 3 months; and / or**
- **Fine not exceeding \$200**

- **Refusal to keep a record of drug purchases and sales, the making of medications containing such substances and the renewal of prescriptions issued by a physician**

Summary conviction

- **Imprisonment for a term not exceeding 3 months; and / or**
- **Fine not exceeding \$200**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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1920 –

Amendments to Act of 1911

Trafficking

- **Exportation or importation, manufacture, transportation within Canada, sale and distribution of a drug without a license, or its importation at a port not designated by federal authorities**
- **Exportation or importation, manufacture, transporting within Canada, sale and distribution of raw or prepared opium without a license**

Possession

- **Possession of drugs, without a license, for non-medical or non-scientific purposes**

Summary conviction

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

Summary conviction

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Legal Trade in narcotic drugs

(Businesses)

- **Refusal to keep a record of activities, duly authorized by federal authorities, relating to the importing, exporting, manufacture, sale and distribution of drugs**

Summary conviction

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

(Physicians)

- **Refusal to provide information requested by federal authorities relating to the purchase, preparation or prescription of medications containing drugs**

Summary conviction

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

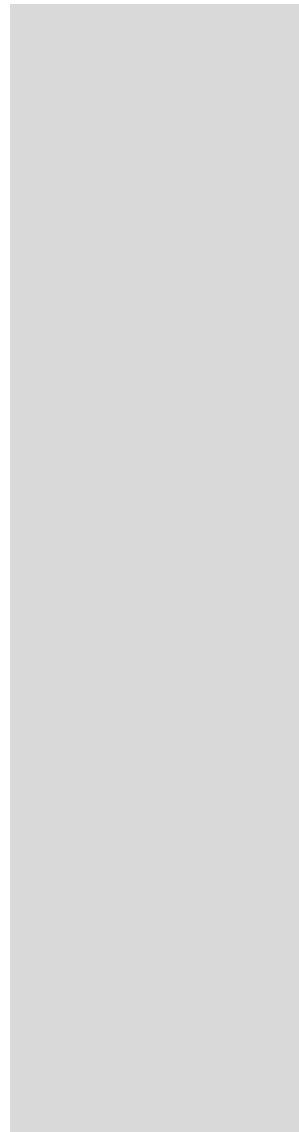
(Pharmacists)

- **Sale of drugs for medical purposes without a prescription written and signed by a physician**

Summary conviction

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine of not less than \$500 and not exceeding \$1,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **Sale or administration of a product containing quantities of drugs exceeding the limits prescribed by the Act and without appropriate labelling to a child under 2 years of age**

Summary conviction

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1921 –</p> <p>Amendments to Act of 1911</p>	<p>Trafficking</p> <ul style="list-style-type: none"> • Illegal activities as defined in the Act of 1920 • Selling, giving or distributing drugs to a minor <u>without a license</u> 	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 7 years <p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 18 months, to which may be added an additional period of 12 months for failure to pay a fine; and / or • Fine of not less than \$200 and not exceeding \$1,000 <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 7 years 	<p>Criminal procedure</p> <p>Forfeiture or return of seized drugs</p> <ul style="list-style-type: none"> • Order providing for the forfeiture to the <u>Minister of Health</u> of seized drugs and the receptacles in which they were found following conviction of the accused • Order providing for the return of seized drugs if the accused was acquitted. If not claimed, they were forfeited to the <u>Minister of Health</u>, not later than two months following the acquittal, for disposal by the minister as he saw fit <p>Reverse onus</p> <ul style="list-style-type: none"> • Every person <u>possessing or occupying a place</u> (dwelling, store, boutique, warehouse, garden or ship) where a drug is found is deemed to possess such a substance where unable to prove that he: <ul style="list-style-type: none"> ▪ was in that place without his consent; or ▪ did not know that drugs were in that place.

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Possession

- **Possession**

Indictment

- **Imprisonment for a term not exceeding 7 years**

Summary conviction

- **Imprisonment for a term not exceeding 18 months, to which may be added an additional period of 12 months for failure to pay a fine; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

Where a person is charged with exporting, importing, making, transporting, selling, giving or distributing raw or prepared opium without first having obtained a license issued by federal authorities, he shall prove that he held such authorization.

Certificate of a federal analyst

- **Admissibility in evidence of a certificate of a federal analyst respecting one or more drugs seized by police officers**

Act	Offences	Penalties	Police Powers – Criminal Procedure
1922 – Amendments to Act of 1911	<i>Trafficking</i> <ul style="list-style-type: none">• <u>Illegal activities as defined in the Act of 1920, with the exception of most offences involving raw or prepared opium without a license</u>• <u>Continuation of the offence regarding the exportation of raw or prepared opium</u> • Selling, giving or distributing narcotic drugs to a minor, without a license	Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 7 years Summary conviction <ul style="list-style-type: none">• Imprisonment for a term of not less than 6 months and not exceeding 18 months; and• Fine of not less than \$200 and not exceeding \$1,000 (Deportation of immigrants upon completion of sentence) Indictment <ul style="list-style-type: none">• Imprisonment for a term of not less than 6 months and not exceeding 7 years (Whipping at court's discretion) (Deportation of immigrants upon completion of sentence)	<i>Police powers</i> Search warrants <ul style="list-style-type: none">• Authorization to conduct a search and seizure of drugs, <u>without a warrant</u>, in the following places: stores, boutiques, warehouses, gardens and ships• Authorization to to search a dwelling house, with a warrant, , where the police officer requesting such warrant has reasonable grounds to believe that such substances will be found there <i>Criminal procedure</i> Reverse onus <ul style="list-style-type: none">• Repealed in the case of offences involving raw or prepared opium• Added for the offence of selling, giving or distributing a drug to a minor without a license

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Possession

- **Possession**

Indictment

- **Imprisonment for a term not exceeding 7 years**

Summary conviction

- **Imprisonment for a term of not less than 6 months and not exceeding 18 months; and**
- **Fine of not less than \$200 and not exceeding \$1,000**

(Deportation of immigrants upon completion of sentence)

- **Possession of pipes, lamps or any other equipment used to prepare or use opium, except where authorized by federal authorities**

Summary conviction

- **Imprisonment for a term not exceeding one month; and / or**
- **Fine not exceeding \$100**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Legal trade in narcotic drugs

(Physicians)

- **Refusal to provide information requested by federal authorities relating to the purchase, preparation or prescription of medications containing drugs**

Summary conviction

- **Imprisonment for a term not exceeding 18 months; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

- **Prescription of drugs for non-medical purposes particularly if they are not required for treatment of a disease**

Summary conviction

- **Imprisonment for a term not exceeding 18 months; and / or**
- **Fine not exceeding \$1,000**

(Pharmacists)

Sale of drugs for medical purposes without a prescription written and signed by a physician

Summary conviction

- **Imprisonment for a term not exceeding 18 months; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1923 –</p> <p>Legislative Consolidation of the Act of 1911 and other amendments</p>	<p>Trafficking</p> <ul style="list-style-type: none">• Exportation or importation, transportation within Canada, manufacture, sale, gift or distribution of drugs without a license, or its importation at a port not designated by federal authorities • Selling, giving or distributing narcotic drugs to a minor, without a license	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term of not less than 6 months and not exceeding 7 years; and• Fine of not less than \$200 and not exceeding \$1,000 <p>Summary conviction</p> <ul style="list-style-type: none">• No amendment <p>(The court may not impose a lesser sentence than that prescribed by the Act)</p> <p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term of not less than 6 months and not exceeding 7 years; and• Fine of not less than \$200 and not exceeding \$1,000 <p>(The court may not impose a lesser sentence than that prescribed by the Act)</p>	<p>Police powers</p> <p>Powers granted to police officers in 1911 and 1922 maintained</p> <p>Criminal procedure</p> <p>Criminal procedures adopted between 1911 and 1922 maintained, with the exception of:</p> <ul style="list-style-type: none">• Possibility to use a portion of a fine paid by an offender to reward the person who filed the complaint against him <p>New criminal procedures</p> <p>Right of appeal</p> <ul style="list-style-type: none">• Right of appeal from a guilty verdict and/or from a sentence in the case of a conviction <u>by way of summary conviction</u> eliminated for the following offences:<ul style="list-style-type: none">▪ trafficking in or possession of drugs without a license▪ selling, giving or distributing drugs to a minor without a license

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Possession

- **Possession**

Indictment

- **Imprisonment for a term of not less than 6 months and not exceeding 7 years; and**
- **Fine of not less than \$200 and not exceeding \$1,000**

Summary conviction

- **No amendment**

(The court may not impose a lesser sentence than that prescribed by the Act)

- **Possession of pipes, lamps or any other equipment used to prepare or use opium, except where authorized by federal authorities**

Summary conviction

- **Imprisonment for a term not exceeding 3 months; and / or**
- **Fine not exceeding \$100**

Reverse onus

- **Procedure maintained for possession or trafficking without a license**
- **Added in the case of offences of exporting or importing a drug without a license**
- **Every physician charged with prescribing or administering a drug for non-therapeutic purposes is required to prove that the substance was used for medical purposes**

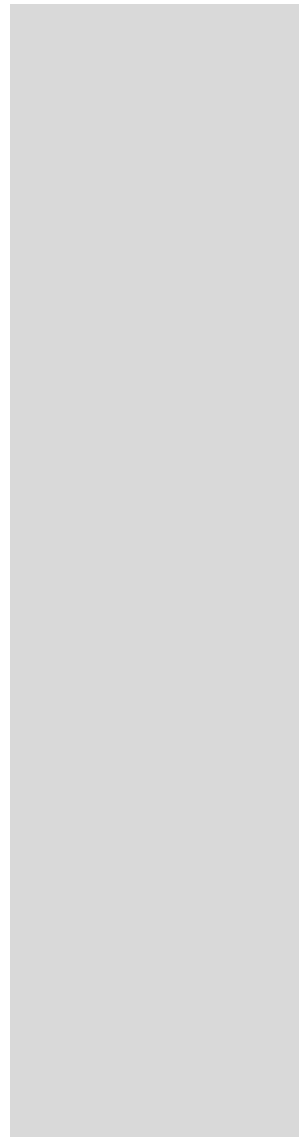
Fingerprints and criminal record

- **Provisions of the *Identification of Criminals Act* apply to persons convicted by way of summary conviction**

Certificate of the federal analyst

- **Authorization to file in evidence a certificate prepared by a provincial analyst**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **Possession of opium prepared for smokers or its use**

Summary conviction

- **Imprisonment for a term not exceeding 3 months; and / or**
- **Fine not exceeding \$100**

- **Being found, without lawful excuse, in a place where opium is smoked**

Summary conviction

- **Imprisonment for a term not exceeding 3 months; and / or**
- **Fine not exceeding \$100**

Legal trade in narcotic drugs

(Businesses)

- **Refusal to keep a record of activities, duly authorized by federal authorities, relating to the importing, exporting, manufacture, sale and distribution of narcotic drugs**

Summary conviction

- **No amendment**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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(Physicians)

- **Prescription of drugs for non-medical purposes particularly if they are not required for treatment of a disease**

Summary conviction

- **No amendment**

(Pharmacists)

- **Sale of a drug for medical purposes without a prescription written and signed by a physician or the multiple renewal of such prescription**

Summary conviction

- **No amendment**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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1925 –

Amendments to Act of 1923

Trafficking

- **Exportation or importation, transportation within Canada, manufacture, giving, selling and distributing a drug without a license, or its importation at a port not designated by a federal authority**

Indictment

- **No amendment**

Summary conviction

- **No amendment**

Possession

- **Possession**

Indictment

- **No amendment**

Summary conviction

- **In addition to the other penalties provided for by the Act of 1923, the court may, at its discretion, impose a sentence of hard labour**

Police powers

Searches

- **Authorization to seize, without a warrant, a motor vehicle, boat, rowboat or any means of transportation in which a drug was found**
- **Addition of the power to search any person found on the premises of the search**

Criminal procedure

Forfeiture of seized drugs

- **Order providing for the forfeiture to the Minister of Health of a motor vehicle, boat, rowboat or any other means of transportation in which a drug was found**

Defence arguments of physicians

- **Elimination of the defence allowing a physician to prescribe a drug to a sick person or drug addict so that he could administer it to himself**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Legal trade in narcotic drugs

(Physicians)

- Prescription of drugs for non-medical purposes, particularly if they are not required for the treatment of a disease, or which **is designed to treat a drug addict who has developed a dependency on such a substance as a result of abusing it**

(Pharmacists)

Sale of a drug for medical purposes without a prescription written and signed by a physician and without authenticating the signature, or renewal of such a prescription on a number of occasions

Indictment

- Imprisonment for a term of not less than 3 months and not exceeding 5 years

Summary conviction

- Imprisonment for a term not exceeding 18 months; and / or
- Fine of not less than \$200 and not exceeding \$1,000
- The court may, at its discretion, impose a sentence of hard labour

Summary conviction

- No amendment

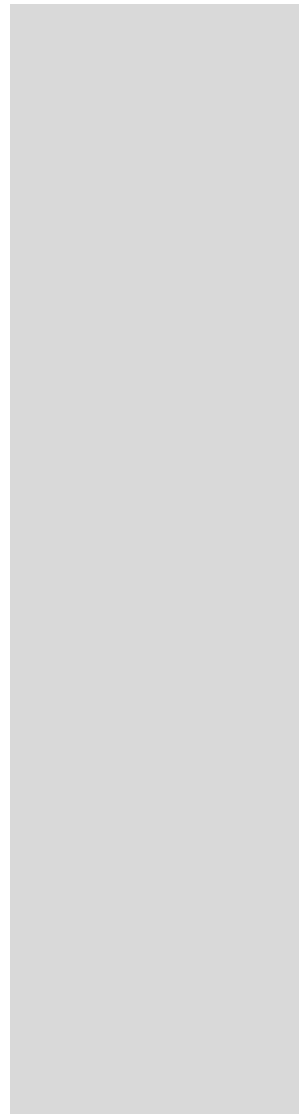
A physician may thus no longer use the defence that a patient who administers medication to himself is administering a therapeutic treatment authorized under the *Opium and Narcotic Drug Act*

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1929 –</p> <p>Legislative Consolidation of Act of 1923 and other amendments</p>	<p>Trafficking</p> <ul style="list-style-type: none">Exporting or importing, transporting within Canada, preparing, giving, selling and distributing without a license, importation at a port not designated by federal authorities, <u>a drug or substance the owner of which falsely claims is a drug</u>Drug trafficking by mail	<p>Indictment</p> <ul style="list-style-type: none">No amendment <p>Summary conviction</p> <ul style="list-style-type: none">No amendment <p>(In addition to the other penalties provided for by the Act of 1923, the court may, at its discretion, impose a sentence of whipping)</p> <p>Indictment</p> <ul style="list-style-type: none">Imprisonment for a term of not less than 6 months and not exceeding 7 years; andFine of not less than \$200 and not exceeding \$1,000 <p>Summary conviction</p> <ul style="list-style-type: none">Imprisonment for a term of not less than 6 months and not exceeding 18 months; and / orFine of not less than \$200 and not exceeding \$1,000	<p>Police powers</p> <p>Writ of assistance</p> <ul style="list-style-type: none">Possibility of obtaining a writ of assistance in the context of a police operation conducted under the <i>Opium and Narcotic Drug Act</i> <p>This new provision made it possible to circumvent the obligation to obtain a warrant to search a dwelling house</p> <p>Seizure and forfeiture</p> <ul style="list-style-type: none">Expanded powers of seizure and forfeiture previously provided in the Act with respect to pipes, lamps and any other equipment or <u>the various parts thereof</u> used to prepare or use opiumExtended powers of seizure and forfeiture previously provided for in the Act with respect to money used to purchase drugsAuthorization to resort to force, if necessary, to conduct a search. Police officers can also be assisted by other persons

Act	Offences	Penalties	Police Powers – Criminal Procedure
	<p><i>Possession</i></p> <ul style="list-style-type: none">• Possession of drugs (or of a substance the owner of which falsely claims is a drug), without a license, for non-therapeutic purposes• Possession of pipes, lamps, any other equipment or <u>the various parts thereof</u> used to prepare or use opium, except where authorized by federal authorities• Possession of opium prepared for	<p>(In addition to the other penalties provided for by the Acts of 1923 and 1925, the court may, at its discretion, impose a sentence of whipping)</p> <p>Indictment</p> <ul style="list-style-type: none">• No amendment <p>Summary conviction</p> <ul style="list-style-type: none">• No amendment <p>(In addition to the other penalties provided for by the Acts of 1923 and 1925, the court may, at its discretion, impose a sentence of whipping)</p> <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 months; and / or• Fine not exceeding <u>\$50</u>	<ul style="list-style-type: none">• Expansion of the power to seize and confiscate a motor vehicle, boat, rowboat or any other means of transportation <u>used by a trafficker convicted of an offence under the Act, regardless of whether it contained drugs</u> <p><i>Criminal procedure</i></p> <p>Reverse onus</p> <ul style="list-style-type: none">• In any case involving trafficking in, or unlawful possession of, a drug or substance in which the owner falsely claims is a drug, Crown prosecutor is not required to establish that the accused did not have authorization duly issued by federal authorities to commit one of the offences with which he was charged• If the accused alleged that he had such authorization, the burden of proof was on him

Act	Offences	Penalties	Police Powers – Criminal Procedure
	smokers or its use	Summary conviction <ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 months; and / or• Fine not exceeding \$50	Certificate of the federal analyst <ul style="list-style-type: none">• Amendments to the procedure for admissibility in evidence of the certificate of the federal or provincial analyst, stipulating that, henceforth, that document would constitute <i>prima facie</i> and peremptory evidence of the status of the person giving or issuing it• In the circumstances, proof of the appointment of that analyst or authentication of his signature was not necessary
	Obtaining drugs from two physicians	Summary conviction <ul style="list-style-type: none">• Fine not exceeding \$500 to which may be added a term of imprisonment not exceeding 12 months for failure to pay	Writ of certiorari <ul style="list-style-type: none">• Repeal of the provision eliminating recourse to a writ of <i>certiorari</i>
	Legal trade in narcotic drugs (Physicians) Prescription of drugs for non-medical purposes, particularly if they are not required for the treatment of a disease, or which is designed to <u>treat a drug addict who has developed a dependency on such a substance as a result of abusing it</u>	Summary conviction (No amendment) (The court may not impose a lesser sentence than that prescribed by the Act)	Right of appeal <ul style="list-style-type: none">• Expanded the prohibition against appealing from a guilty verdict and/or sentence in the case of a <u>summary conviction</u> for the following offence:<ul style="list-style-type: none">▪ <u>possession of, or trafficking in, a substance the owner of which falsely claims is a drug</u>
	(Pharmacists)		

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **Selling or administering a product containing quantities of drugs exceeding the limits prescribed by the Act and without appropriate labelling to a child less than 2 years of age**

Summary conviction

(First offence)

- **Fine not exceeding \$100**

(Subsequent offences)

- **Imprisonment for a term not exceeding 3 months; and / or**
- **Fine not exceeding \$100**

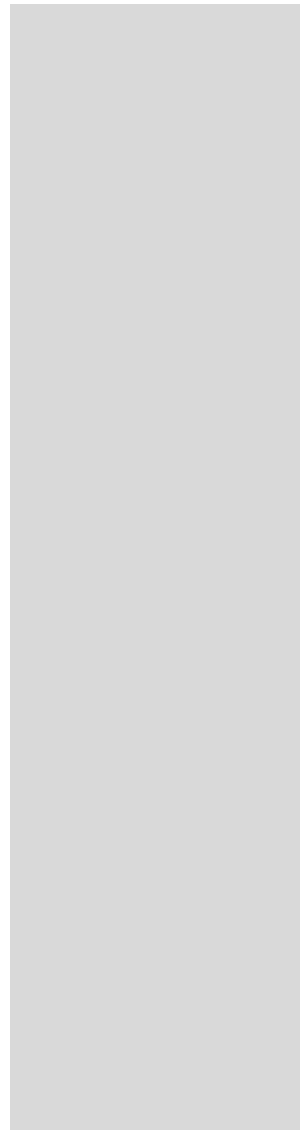
- **Refusal to keep a record of drug purchases and sales, the making of medications containing such substances and the renewal of prescriptions issued by a physician**

Summary conviction

- **Imprisonment for a term not exceeding 18 months; and / or**
- **Fine of not less than \$200 and not exceeding \$1,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
1932 – Amendments to Act of 1929	<i>No amendment</i>	<i>No amendment</i>	<i>Criminal procedure</i> Right of appeal <ul style="list-style-type: none">• Significant expansion of the prohibition from appealing of a guilty verdict and/or a sentence in the case of a <u>summary conviction</u> for the following offences:<ul style="list-style-type: none">▪ Prescribing of a drug for non-medical purposes, particularly if they are not required for the treatment of a disease, or which is intended to treat a drug addict who has developed a dependency to such a substance as a result of abusing it (physicians);▪ refusal to provide information required by federal authorities relating to the purpose, preparation of prescription of medications containing drugs (physicians);▪ obtaining drugs from two physicians;

Act	Offences	Penalties	Police Powers – Criminal Procedure
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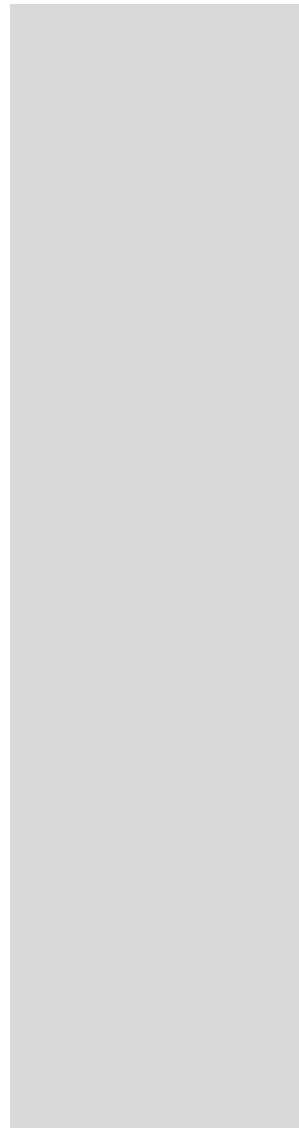
- **selling or administering a product containing quantities of drugs exceeding the limits prescribed by the Act and without appropriate labelling to a child under 2 years of age (pharmacists);**
- **refusal to keep a record of drug purchases and sales, the preparation of medications containing such substances and the renewals of prescriptions issued by a physician (pharmacists);**
- **unlawful possession of pipes, lamps and any other equipment or the various parts thereof used to prepare or use opium; and**
- **drug trafficking by mail**

Act	Offences	Penalties	Police Powers – Criminal Procedure
1938 – Amendments to Act of 1929	<p><i>Trafficking</i></p> <ul style="list-style-type: none">• Cultivation of the opium poppy or cannabis sativa without a licence <p><i>Possession</i></p> <p>No amendment</p> <p><i>Legal trade in narcotic drugs</i></p> <p>No amendment</p>	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term of not less than 6 months and not exceeding 7 years• Fine of not less than \$200 and not exceeding \$1,000 <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term of not less than 6 months and not exceeding 18 months• Fine of not less than \$200 and not exceeding \$1,000 <p>(Deportation of immigrants – whipping)</p>	<p><i>Criminal procedure</i></p> <p>Right of appeal</p> <ul style="list-style-type: none">▪ Repeal the prohibition against appealing from a guilty verdict and/or sentence in the case of a <u>summary conviction</u> for the following offence:<ul style="list-style-type: none">▪ obtaining drugs from two physicians

Act	Offences	Penalties	Police Powers – Criminal Procedure
1946 – Amendments to Act of 1929	<i>Trafficking</i> <ul style="list-style-type: none">• Selling, giving, <u>illegally administering</u> or distributing drugs to a minor (1921)	No amendment	<i>Criminal procedure</i> Reverse onus <ul style="list-style-type: none">• Applicable to the offence of cultivation of cannabis sativa or the opium poppy without a licence

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1954 – Amendments to Act of 1929</p>	<p>Trafficking</p> <ul style="list-style-type: none"> • Importation, exportation, manufacture, sale, administering, transportation, delivery and distribution of a drug or substance the owner of which claims is a narcotic drug • Possession for the purpose of trafficking 	<p><i>(Repealed sentence of forced labour)</i></p> <p><i>(Repealed provisions respecting the deportation of immigrants . They were transferred to the Immigration Act in 1952, but still applied to drug offences)</i></p> <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 14 years • Whipping (at court's discretion) <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 14 years • Whipping (at court's discretion) 	<p>Police powers</p> <p>Seizure and forfeiture</p> <ul style="list-style-type: none"> • Amended powers of seizure and forfeiture to exclude the equipment used to prepare or smoke opium (offences repealed) <p>Criminal procedure</p> <p>Reverse onus</p> <ul style="list-style-type: none"> • Possession for the purpose of trafficking <ul style="list-style-type: none"> ▪ In every criminal prosecution involving possession for the purpose of trafficking, Crown prosecutor was required to prove that the accused had been illegally in possession of the drug. Otherwise, he was acquitted ▪ In the contrary case, the respondent had to prove that he did not possess the substance for the purpose of trafficking. If he did so, he was convicted of possession, otherwise of trafficking

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **Cultivation of the opium poppy or cannabis sativa without a license**

(Repeal of the offence of selling, giving or administering a drug to a minor)

(Repeal of the offence of drug trafficking by mail)

Possession

Possession

No amendment

Indictment

- **Imprisonment for a term of not less than 6 months and not exceeding 7 years**

Summary conviction

- **Imprisonment for a term of not less than 6 months and not exceeding 18 months**

(Whipping (at court's discretion))

(The court may not impose a lesser sentence than the minimum prescribed by the Act)

Act

Offences

Penalties

Police Powers – Criminal
Procedure

*(Repeal of the offence of possessing
opium prepared for smokers or use
of such a substance)*

*(Repeal of the offence of being found
in a place where opium is smoked)*

*(Repeal of the offence of possession
of pipes, lamps or any other
equipment and the various parts
thereof used to prepare or use
opium)*

Legal trade in narcotic drugs

- **No amendment**

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1961 – Narcotic Control Act</p>	<p>Trafficking</p> <ul style="list-style-type: none"> • Illegal activities defined in the Act of 1954, with the exception of the offences of importing and exporting • As was the case in the former acts, this offence was extended to include substances falsely presented by a trafficker as being scheduled drugs • Exporting and importing • Possession for the purpose of trafficking 	<p>(Repeal of sentence of whipping)</p> <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 25 years (life) <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term of not less than 7 years and not exceeding 25 years (life) <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 25 years (life) 	<p>Police powers</p> <p>Writ of assistance</p> <ul style="list-style-type: none"> • Provision maintained without amendment <p>Searches</p> <ul style="list-style-type: none"> • Continuation of provisions authorizing searches <u>without a warrant</u> of any place and of persons found there (with the exception of a dwelling house) where police officers have reasonable grounds to believe there are drugs or equipment used to make or use them • Continuation of provisions authorizing the use of force, if necessary, to conduct a search, stipulating that a police officer may force entry, break in a wall or ceiling or break objects that might contain drugs

Act	Offences	Penalties	Police Powers – Criminal Procedure
	<ul style="list-style-type: none"> • Cultivation the opium poppy or cannabis sativa without a licence 	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 7 years 	<ul style="list-style-type: none"> • Continuation of the procedure providing that a police officer may obtain the assistance of a person whom he designates to carry a search
	<p><i>Possession</i></p> <p>Possession</p>	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 7 years 	<p><i>Criminal procedure</i></p> <p>Reverse onus</p>
	<p><i>Legal trade in narcotic drugs</i></p> <ul style="list-style-type: none"> • Transfer to the regulations of the statutory provisions enacted between 1911 and 1946 respecting the legal trade in drugs • Regulations made by the Governor in Council respecting the legitimate activities of businesses, physicians and pharmacists involving sale, production, distribution, administration, prescription, record keeping and offences 	<p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 6 months; and / or • Fine not exceeding \$500 	<ul style="list-style-type: none"> • Continuation of the procedure adopted in 1954 in the case of the offence of possession for the purpose of trafficking, with a few amendments to clarify the procedure and guarantee greater compliance with the principle of the presumption of innocence • Continuation of the procedure providing that an accused must prove that he acted lawfully, for therapeutic or scientific reasons <u>under a government authorization</u> <p>Certificate of a federal or provincial analyst</p> <ul style="list-style-type: none"> • Continuation of this provision, with the stipulation that the analyst would be appointed under the <i>Food and Drugs Act</i>.

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Preventive detention

- **For offences of trafficking, possession for the purpose of trafficking, exporting or importing drugs, the court may order the accused placed in preventive detention for an indeterminate period of time, in lieu of any other sentence that might be imposed**

(This provision was never proclaimed in force)

Treatment

- **In the case of the offences regarding possession, trafficking, possession for the purpose of trafficking and importing or exporting drugs, the court, may, upon application by the Crown prosecutor, remand the accused to custody for examination to determine whether he is eligible for an addiction treatment program**
- **If such is the case, the accused shall be sentenced to custody for treatment for an indeterminate period of time in lieu of any other sentence provided for by the Act**

Forfeiture

- **Continuation of the forfeiture to the Minister of Health and Welfare of drugs, syringes, needles, equipment and money used to use, make or purchase such substance following an offence of possession, trafficking, possession for the purpose of trafficking or import/export (*The minister may dispose of the substances in the manner provided for by regulation*)**
- **Continuation of the procedure allowing forfeiture of any motor vehicle, aircraft, ship or other means of transportation used for the purpose of trafficking, exporting or importing drugs**

Restitution

- **Continuation of the system providing for an order to restore drugs or objects related to the making or use of drugs prior to their forfeiture to the Minister of Health and Welfare**

But, certain criteria apply before a court orders restitution:

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **In the case of a first offence, preventive detention may not exceed 10 years**
- **The accused has a right of appeal, is subject to the *Parole Act* and, at any time, may be referred to preventive detention if he uses drugs during his probation period**
- **Where a province adopts a preventive detention policy and an addiction treatment program (in cases not involving an offence under the Act), the federal government may enter into an agreement with the competent provincial authorities to transfer addicts to specialized federal institutions.**

(These provisions were never proclaimed in force)

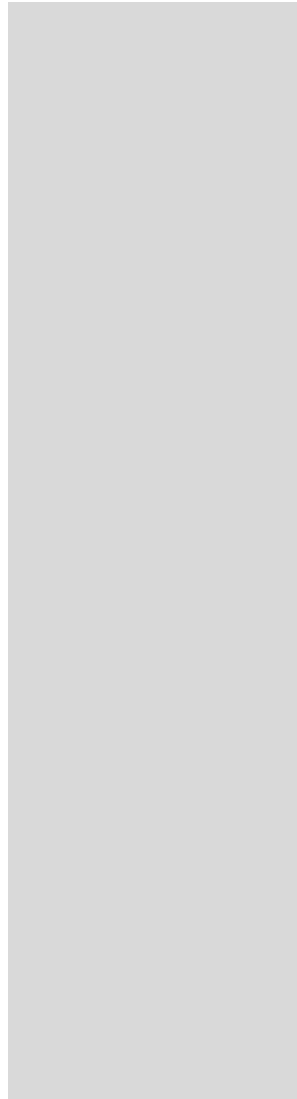
- **Application must be made to the court not later than two months after the seizure;**
- **If it is satisfied that the applicant is not involved in the offence and if it is satisfied that they will not be necessary to the prosecution of an investigation or criminal case, the court shall immediately return the drugs or objects seized,**
- **However, where the court decides otherwise, they will not be restored until the end of the trial or upon expiry of a period of four months if no prosecution is commenced against the accused**

The applicant has a right of appeal

Application by third parties

- **Creation of a system authorizing a third party (a person who have not been involved in the offence) to apply to the court for an order to restore an aircraft, motor vehicle, ship or any other means of transportation.**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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The procedures that applied for the issuing of such an order were similar to those described above for the return of seized objects.

The third party had a right of appeal

Right of appeal

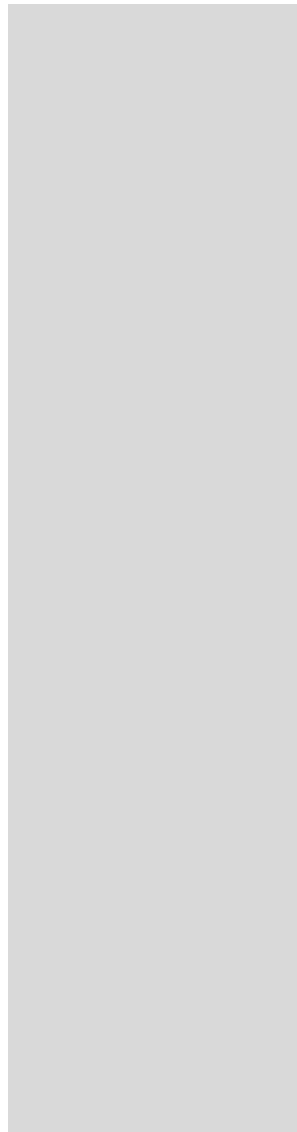
- **Repeal of the prohibition to appeal from a guilty verdict or a sentence for certain offences**

Fingerprints and criminal record

- **Repeal of the provision making the *Identification of Criminals Act* applicable to persons convicted by summary conviction (1923)**

Act	Offences	Penalties	Police Powers – Criminal Procedure
1961 – Food and Drugs Act	<p><i>Addition of Part III to the Food and Drugs Act – Barbiturates and amphetamines</i></p> <p>(Controlled drugs – Schedule G)</p> <p><i>Trafficking</i></p> <ul style="list-style-type: none">• Manufacture, sale, transportation, exportation, importation or delivery of a controlled drug without the authorization of federal authorities <p><i>(Exclusion of the administration or distribution of such substances)</i></p> <p><i>Possession for the purpose of trafficking</i></p> <ul style="list-style-type: none">• Possession for the purpose of trafficking	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months <p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months	<p>Police powers</p> <ul style="list-style-type: none">• Police powers similar to those provided for by the <i>Narcotic Control Act of 1961</i>, which, however, <u>do not apply to possession of controlled drugs</u> <p>Criminal procedure</p> <ul style="list-style-type: none">• Criminal procedures similar to those provided for by the <i>Narcotic Control Act of 1961</i>, which, however, <u>do not apply to the possession of controlled drugs</u>

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Possession

- **Possession is not an offence**

Legal trade in controlled drugs

- **Regulations made by the Governor in Council**

Summary conviction

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$500**

Act	Offences	Penalties	Police Powers – Criminal Procedure
1969 – Food and Drugs Act	<p><i>Addition of Part IV to the Food and Drugs Act – Hallucinogenics</i></p> <p>(Restricted drugs – Schedule J)</p> <p><i>Trafficking</i></p> <ul style="list-style-type: none">• Manufacture, sale, transportation, exportation, importation or delivery of a restricted drug without the authorization of federal authorities <p><i>(Exclusion of administration or distribution of such substances)</i></p> <p><i>Possession for the purpose of trafficking</i></p> <ul style="list-style-type: none">• Possession for the purpose of trafficking	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months <p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months	<p><i>Police powers</i></p> <ul style="list-style-type: none">• Police powers similar to those provided for in Part III. <u>Unlike those provided for in that part, they also apply to possession of restricted drugs</u> <p><i>Criminal procedure</i></p> <ul style="list-style-type: none">• Criminal procedures similar to those provided for by Part III. <u>Unlike those provided for in that part, they also apply to possession of restricted drugs</u> <p>Certificate of the federal or provincial analyst</p> <ul style="list-style-type: none">• Amendment to the procedure for admissibility of the certificate of a federal or provincial analyst at trial <p>Under the Act of 1961, a court could admit into evidence the certificate of the analyst appointed under the <i>Food and Drugs Act</i>. That document constituted <i>prima facie</i> and peremptory evidence of the status of the person who gave or issued it.</p>

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Possession

- **Possession**

Indictment

- **Imprisonment for a term not exceeding 3 years; or**
- **Fine of \$5,000**

Summary conviction

First offence

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$1,000**

Subsequent offences

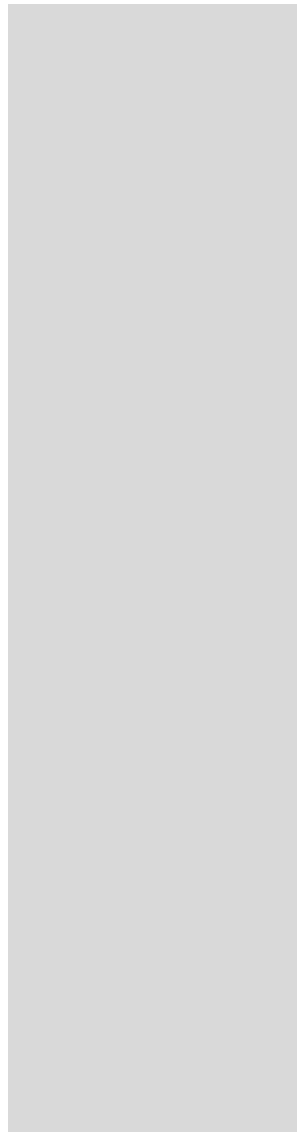
- **Imprisonment for a term not exceeding one year; and / or**
- **Fine not exceeding \$2,000**

In the circumstances, it was neither necessary to prove the appointment of that person or to authenticate his signature.

In 1969, this procedure was amended to enable Crown prosecutor to prove that status orally under oath, by affidavit or by solemn declaration of the person who signed the certificate. That person did not have to appear in court

However, a judge could require the analyst to appear before him to be examined or cross-examined so as to better assess the information contained in the affidavit or solemn declaration

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Legal trade in restricted drugs

- **Regulations made by the Governor in Council**

Summary conviction

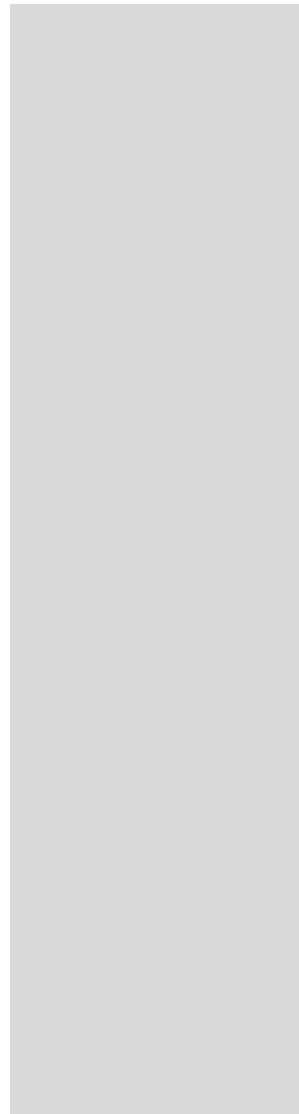
- **Imprisonment for a term not exceeding 18 months; and / or**
- **Fine of \$500**

Act	Offences	Penalties	Police Powers – Criminal Procedure
1969 – Amendments to Narcotic Control Act	<i>Possession</i>	Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 7 years Summary conviction <i>First offence</i> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 6 months; and / or• Fine not exceeding \$1,000 <i>Subsequent offences</i> <ul style="list-style-type: none">• Imprisonment for a term not exceeding one year; and / or• Fine not exceeding \$2,000	<i>Criminal procedure</i> Certificate of the analyst <ul style="list-style-type: none">• Amendments identical to those made to the <i>Food and Drugs Act</i>

Act	Offences	Penalties	Police Powers – Criminal Procedure
Act of 1985 – Amendments to Act of 1961	<p>Possession</p> <ul style="list-style-type: none">• Disclosure of previous prescriptions to a physician <p><i>(This new offence was designed to prevent a person from consulting two physicians at the same time to obtain drugs. It is similar to the provision introduced in the Opium and Narcotic Drug Act in 1929 prohibiting anyone from obtaining drugs from two physicians)</i></p>	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 7 years <p>Summary conviction</p> <p>(First offence)</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 6 months; or• Fine not exceeding \$1,000 <p>(Second offence)</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding one year; or• Fine not exceeding \$2,000	<p>Police powers</p> <p>Searches</p> <ul style="list-style-type: none">• Abolition of the writ of assistance <p>Criminal procedure</p> <ul style="list-style-type: none">• Repeal of the reverse onus provision for the offence of possession of drugs for the purpose of trafficking

Act	Offences	Penalties	Police Powers – Criminal Procedure
Act of 1988 – Amendments to Act of 1961	<i>Trafficking</i> Exporting and importing <ul style="list-style-type: none">• Possessions of property obtained through drug trafficking <i>(This new offence applies to the illegal activities of cultivating, trafficking in, exporting and importing drugs in Canada or in a foreign country where those offences are committed by Canadian citizens)</i>	Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 25 years (life) <i>(In 1987, the Supreme Court of Canada ruled in R. v. Smith that it was unconstitutional to impose a sentence of imprisonment for a term of not less than 7 years)</i> (Value of more than \$1,000) Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years• (Value of less of than \$1,000) Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 2 years	<i>Police powers</i> The <i>Criminal Code</i> provisions concerning search, seizure and detention powers relating to the offences of possession of property obtained through drug trafficking and laundering the proceeds of crime also apply to the <i>Narcotic Control Act</i> <i>Criminal procedure</i> The <i>Criminal Code</i> provisions concerning forfeiture and restoration, third party applications and the management of property seized in relation to the offences of possession of property obtained through drug trafficking and laundering the proceeds of crime also apply to the <i>Narcotic Control Act</i>

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **Laundering the proceeds of crime**
(This new offence applies to the illegal activities of cultivating, trafficking in, exporting and importing drugs in Canada or in a foreign country where those offences are committed by Canadian citizens)

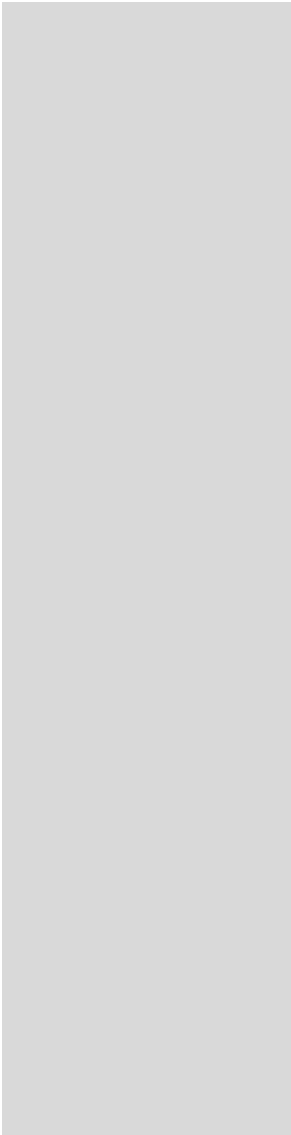
- Summary conviction**
- **Imprisonment for a term not exceeding 6 months; and / or**
 - **Fine not exceeding \$2,000**
- Indictment**
- **Imprisonment for a term not exceeding 10 years**
- Summary conviction**
- **Imprisonment for a term not exceeding 6 months; and / or**
 - **Fine not exceeding \$2,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
<p>1996 –</p> <p>Controlled Drugs and Substances Act</p>	<p>Schedule I: Opiates (opium, morphine, heroin, codeine, cocaine, morphinans, etc.)</p> <p>Schedule II: Cannabis (marijuana), hashish, cannabinal, etc.</p> <p>Schedule III: Amphetamines and hallucinogenics (mescaline, LSD, DET, PCP)</p> <p>Schedule IV: Barbiturates, benzodiazepines (Seconal, Luminal, Valium and Librium) and anabolic steroids</p> <p>Schedule V: Other substances giving rise to abuse</p> <p>Schedule VI: Precursors (simili-drugs and designer drugs)</p> <p>Schedule VII: Cannabis trafficking</p> <ul style="list-style-type: none"> • Under 3 kg of cannabis (marijuana) or hashish <p>Schedule VIII: Cannabis possession</p> <p>Under:</p> <ul style="list-style-type: none"> • 1 gram of hashish; or • 30 grams of cannabis 		<p><i>Police powers</i></p> <p>Search and seizure</p> <ul style="list-style-type: none"> • Repeal of the right to conduct searches and seizures without a warrant • Search or seizure <u>without a warrant</u> allowed in exigent circumstances • Continuation of procedures for the seizure of a means of transportation, an object or a designated substance with the use of force, if necessary, or assistance of persons other than police officers <p>However, following a search or seizure with or without a warrant, police officers are required to send a report to the justice of the peace and to the Minister of Health stating:</p> <ul style="list-style-type: none"> ▪ the place of the search; ▪ the designated substance; and ▪ the place where that substance was stored

Act	Offences	Penalties	Police Powers – Criminal Procedure
	<p><i>Trafficking or possession for the purpose of trafficking</i></p> <ul style="list-style-type: none">• Administration, gift, transportation, dispatch, and delivery of a designated substance, or any other activity outside the regulatory framework <p><i>(Designated substance includes: natural and synthetic drugs, any other substance the owner of which falsely claims is a drug and objects used to use, make or store a drug)</i></p> <p>Schedules I and II</p> <p>Schedule III</p>	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 25 years (life) <p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months	<ul style="list-style-type: none">• Extension of powers of search already provided for by the <i>Narcotic Control Act</i> to:<ul style="list-style-type: none">▪ real property and those modified for criminal purposes (premises of criminal organizations); and▪ where police officers have reasonable grounds, to any other object which might establish evidence of an offence• Validity of a search warrant in a province other than the one where it was given <p>Policy immunity</p> <ul style="list-style-type: none">• In 1996, the <i>Controlled Drugs and Substances Act</i> allowed the Governor in Council to authorize by regulations police officers to possess and traffic in designated substances sting operations <p><i>(Currently, sections 4, 5, 6, 7, 8 and 9 of the CDSA prohibit possession, possession for the purpose of trafficking, importing, exporting, producing narcotics, possession of</i></p>

Act	Offences	Penalties	Police Powers – Criminal Procedure
	<p>Schedule IV</p>	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 3 years <p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding one year 	<p><i>property obtained by criminal activity and laundering of proceeds of crime.</i></p> <p><i>However, section 3 of the Narcotic Control Regulations authorizes inspectors and police officers to possess drugs for the purposes of or in relation to their duties. This provision existed in the regulations relating to the Narcotic Control Act to prevent a police officer from being charged with possession following a search)</i></p>
	<p>Schedule VII</p> <ul style="list-style-type: none"> • Cultivation or production 	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 5 years less a day 	<p><i>In addition, the police enforcement regulations made under the Controlled Drugs and Substances Act provides for an exemption for peace officers from the application of sections 4, 5, 6, 7 8 and 9 of the Act. In that case, the persons concerned by that provision must at all times be active members of a police force and must be found in the performance of their duties during the investigation in question)</i></p>
	<p>Schedules I and II (except cannabis)</p>	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 25 years (life) 	<p><i>In addition, the police enforcement regulations made under the Controlled Drugs and Substances Act provides for an exemption for peace officers from the application of sections 4, 5, 6, 7 8 and 9 of the Act. In that case, the persons concerned by that provision must at all times be active members of a police force and must be found in the performance of their duties during the investigation in question)</i></p>
	<p>Cannabis</p>	<p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 7 years 	<ul style="list-style-type: none"> • In December 2001, the <i>Criminal Code</i> was amended (Bill C-24) to grant police officers, on certain conditions, legal immunity when required to commit an indictable

Act	Offences	Penalties	Police Powers – Criminal Procedure
	Schedule III	Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years Summary conviction <ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months	offence in the course of an investigation or operation to infiltrate a criminal or terrorist organization. However, they are granted no legal immunity if they commit the following offences: murder, manslaughter, bodily harm, obstructing the administration of justice and sexual assault.
	Schedule IV	Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 years Summary conviction <ul style="list-style-type: none">• Imprisonment for a term not exceeding one year	<i>Criminal procedure</i> Sentencing <ul style="list-style-type: none">• Definition of guiding principles for sentencing (compliance with the Act, maintaining a just and peaceful society, social reintegration, treatment and reparation of harm caused to victims)
	▪ Exporting and importing		
	Schedules I and II	Indictment <ul style="list-style-type: none">• Imprisonment for life (25 years)	<ul style="list-style-type: none">• Definition of aggravating circumstances:
Schedules III and VI	Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 10 years Summary conviction	<ul style="list-style-type: none">▪ use of a weapon;▪ resorting to violence;▪ trafficking in a substance designated under Schedules I, II, III and IV with a minor or on a school ground	

Act	Offences	Penalties	Police Powers – Criminal Procedure
	Schedules IV or V	<ul style="list-style-type: none">• Imprisonment for a term not exceeding 18 months	<ul style="list-style-type: none">▪ prior convictions under the Act;▪ and use of a minor to commit an offence
		Indictment <ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 years	<ul style="list-style-type: none">• Any court that decides not to impose a sentence of imprisonment in cases involving aggravating circumstances must give reasons for that decision
		Summary conviction <ul style="list-style-type: none">• Imprisonment for a term not exceeding one year	Forfeiture <ul style="list-style-type: none">• Continuation of the provision allowing forfeiture of:<ul style="list-style-type: none">▪ designated substances;▪ means of transportation and property acquired by drug trafficking (expands powers to include ordinary real property or real property modified for criminal purposes); and▪ proceeds of crime• Continuation of the procedure regarding applications by third parties, stipulating, however, that the application must be made by Crown prosecutor. He must prove that the property is necessary to

Act	Offences	Penalties	Police Powers – Criminal Procedure
	<ul style="list-style-type: none"> • Possession of property obtained through trafficking in designated substances <p><i>(This offence applies to the illegal activities of cultivating, trafficking in, exporting and importing drugs in Canada or in a foreign country where those offences are committed by Canadian citizens)</i></p> <ul style="list-style-type: none"> • Laundering of the proceeds of crime <p><i>(This offence applies to the illegal activities of cultivating, trafficking in, exporting and importing drugs in Canada or in a foreign country where those offences are committed by Canadian citizens and is more particularly aimed at money laundering)</i></p>	<p>(Value of more than \$1,000)</p> <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 10 years <p>(Value of less than \$1,000)</p> <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 2 years <p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 6 months; and / or • Fine not exceeding \$2,000 <p>Indictment</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 10 years <p>Summary conviction</p> <ul style="list-style-type: none"> • Imprisonment for a term not exceeding 6 months; and / or • Fine not exceeding \$2,000 	<p>that the property is necessary to the investigation and prosecution. Otherwise, property is automatically returned to the owner</p> <ul style="list-style-type: none"> • Creation of a restraint order in respect of offence-related property, real property and proceeds of crime • Creation of a separate procedure for restoring or disposing of designated substances in order to clarify the provisions of the <i>Narcotic Control Act</i> in this respect • Possibility that property or proceeds of crime may be forfeited to the Minister of Public Works and Government Services Canada or the <u>Solicitor General of a province</u>. <p>Federal inspectors</p> <ul style="list-style-type: none"> • Definition of the powers of inspectors appointed by the federal government to enforce regulations governing legal trade of designated substances. <p>Inspectors may:</p>

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Possession

- Possession

Schedule I

Indictment

- Imprisonment for a term not exceeding 7 years

Summary conviction

- Imprisonment for a term not exceeding 6 months; and / or
- Fine not exceeding \$1,000

Schedule II

Indictment

- Imprisonment for a term not exceeding 5 years less a day

Summary conviction

(First offence)

- Imprisonment for a term not exceeding 6 months; and / or
- Fine not exceeding \$1,000

- enter (with the consent of one of the occupants), examine and search, without a warrant any place, equipment or receptacle used to produce or store a designated substance or precursor;

- search any dwelling house, with a warrant used to produce or store a designated substance or precursor;

- take away any computer hardware used to store information on designated substances or precursors;

- seize such substances if necessary and return them in accordance with the regulations; and

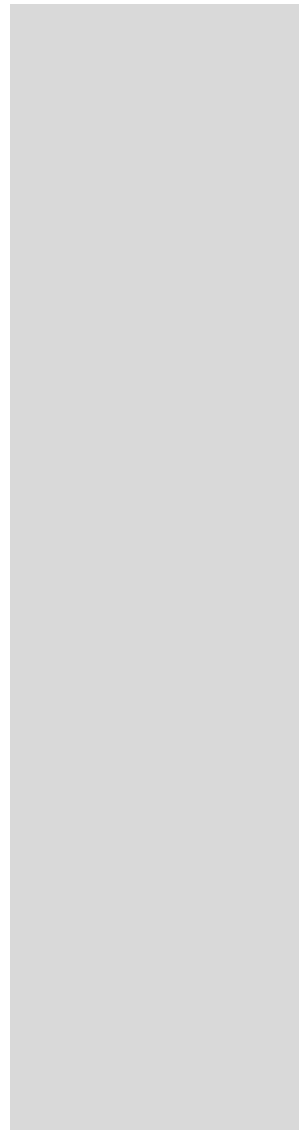
- use force or be accompanied by a police officer to execute their warrant

Arbitration and designated regulations

- Creation of a special procedure - the Governor in Council may designate regulations – known as “designated regulations” – the

Act	Offences	Penalties	Police Powers – Criminal Procedure
	Schedule VIII	<p>(Subsequent offences)</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding one year; and / or• Fine not exceeding \$2,000 <p>Summary conviction</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 6 months; and / or• Fine not exceeding \$1,000	<p>contravention of which is dealt with under special administrative orders</p> <ul style="list-style-type: none">• Creates an arbitration mechanism enabling pharmacists, physicians and businesses to dispute orders made under designated regulations by the Department of Health and following an investigation by an investigator into offences under the designated regulations
	Schedule III	<p>Indictment</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 3 years <p>Summary conviction</p> <p>(First offence)</p> <ul style="list-style-type: none">• Imprisonment for a term not exceeding 6 months; and / or• Fine not exceeding \$1,000	

Act	Offences	Penalties	Police Powers – Criminal Procedure
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- **Disclosure of previous prescriptions to a physician (1985)**

Schedule I

(Subsequent offences)

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine not exceeding of \$2,000**

Indictment

- **Imprisonment for a term not exceeding 7 years**

Summary conviction

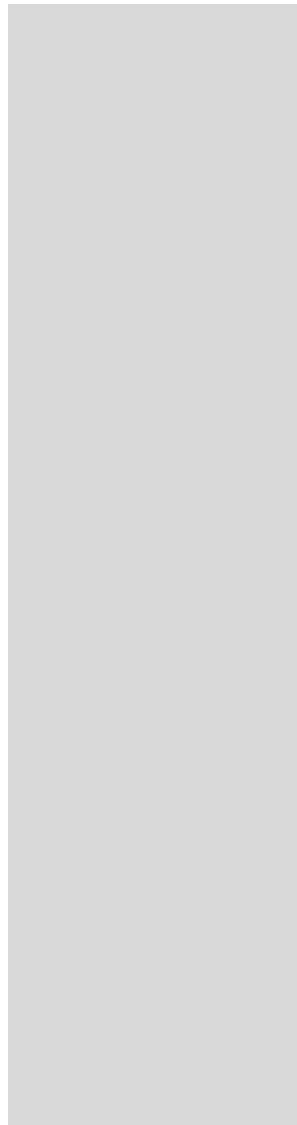
(First offence)

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$1,000**

(Subsequent offences)

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine not exceeding \$2,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Schedule II

Indictment

- **Imprisonment for a term not exceeding 5 years less a day**

Summary conviction

(First offence)

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$1,000**

(Subsequent offences)

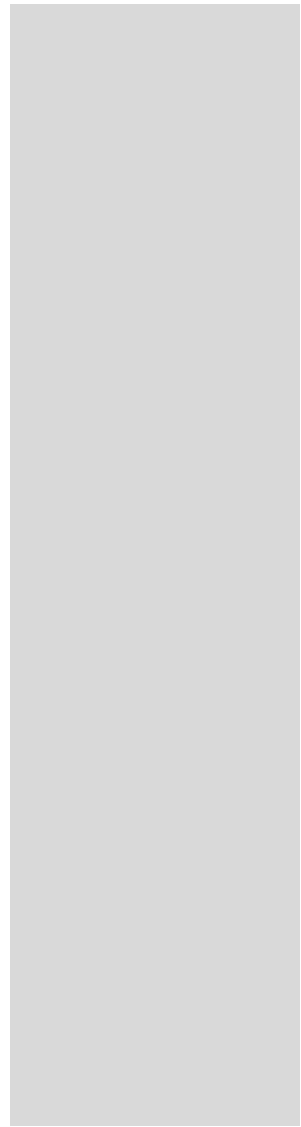
- **Imprisonment for a term not exceeding one year; and / or**
- **Fine not exceeding \$2,000**

Schedule III

Indictment

- **Imprisonment for a term not exceeding 3 years**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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Schedule IV

Summary conviction

(First offence)

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$1,000**

(Subsequent offences)

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine not exceeding \$2,000**

Indictment

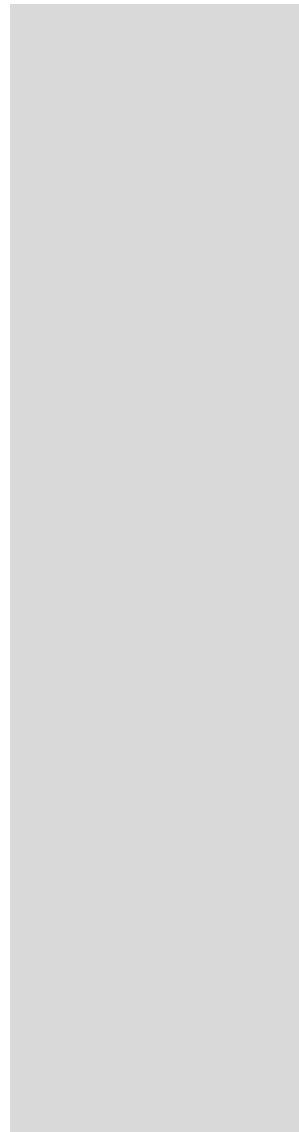
- **Imprisonment for a term not exceeding 18 months**

Summary conviction

(First offence)

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$1,000**

Act	Offences	Penalties	Police Powers – Criminal Procedure
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(Subsequent offences)

- **Imprisonment for a term not exceeding one year; and / or**
- **Fine not exceeding \$2,000**

Legal trade in narcotic drugs

- **Regulations made by the Governor in Council**

Indictment

- **Imprisonment for a term not exceeding 3 years; and / or**
- **Fine not exceeding \$5,000**

Summary conviction

- **Imprisonment for a term not exceeding 6 months; and / or**
- **Fine not exceeding \$1,000**

Therapeutic use of cannabis

- **Authorization to use this designated substance for therapeutic or scientific purposes**

Under section 56 of the Act, the Minister of Health may on such terms and conditions as he may

set, exempt from the application of all or any part of the Act any person or class of persons or any designated substance referred to in a schedule to the Act

In July 2000, this procedure was ruled unconstitutional by the Ontario Court of Appeal in *R. v. Parker*. At the time, the court held that the minister's power to grant an exemption to allow the use of marijuana or other drugs for therapeutic purposes was too broad and contrary to section 7 of the *Canadian Charter of Rights and Freedoms* (liberty and security of the person, fundamental justice)

To correct the situation, the federal government made regulations in July 2001 allowing the therapeutic use of cannabis

Preventive detention (1961)

- **Provision repealed**

Detention for treatment (1961)

- **Provision repealed**