

*Government Orders*

On the other hand the bill does not appear to provide this option to the owner if the substance is required for evidence. He or she gets it back. This could be an oversight or it could be an intent.

Other areas lacking clarity are sections 28 and 25. In section 28: "The minister may cause to be destroyed, on notification of the Attorney General, any illegally produced plant from which a substance under schedule I, II or III may be extracted". The decision is made by the minister and the plant can be disposed of by informing the Attorney General before any controlled substance is produced from it.

It is assumed that in this scenario the plant has been seen by the minister as a potential public health or a safety hazard. In section 25, if the minister has reasonable grounds to believe that the controlled substance constitutes a potential security or health and safety hazard, notice is given to the Attorney General again but at this point a justice is required to be satisfied with the minister's belief before the substance will be ordered forfeited to the crown for the minister to dispose of. In this case it appears that a justice is making the decision to have the drug disposed of.

Here it appears that the minister has the authority to dispose of the plants before the components become controlled substances. Once they become controlled substances the agreement from a justice must also be obtained. This may be the intent and if so I recommend a little more clarity or rationale to eliminate the questioning of this concept.

To leave the disposal section of the bill, I would like to look at the first few sections, specifically sections 2 and 3. These seem to allow for some substances not listed in the schedules to fall within the jurisdiction of the proposed act based on either their chemical composition or their effect on the human body or both.

This could be the beginning of potential problems in that the medical practitioner or the pharmacist or some other medical person is left with the decision as to whether the particular substance not listed in the schedules could or would not be considered a controlled substance.

Making this decision based on the chemical composition of the substance may be straightforward. Making the decision based on the effects on the human body is not. An example that comes to mind would be a substance that may on occasions in some people produce side effects that could be seen to fall within the parameters of the bill as stated now and may on the other hand not produce those side effects in other people.

I assume the intent of these sections of the bill is to provide a control mechanism for those substances created between the updating of the schedules, that those substances that may indeed end up as being classified as controlled substances when the schedules are updated. In this regard, I recommend that mechanisms be built into the bill that allow for frequent updating of the

schedules without having to review or address the entire bill or act each time.

One possible solution may be the removal of the schedules which list the substances by name, which are from the actual content of the bill and appended to the bill and yet have a detailed description of the types of substances that would be listed on the schedules. Have that within the bill.

There are a couple of other aspects that I would like to address quickly. I am running short of time. One is the monitoring of prescription records and this is presently being done by Canada's bureau of dangerous drugs. I believe the data are submitted once every 60 days. The bill tends to suggest they would be submitted every 30 days.

• (1240)

I would question or wonder about the feasibility of this as an increased workload for both those submitting the data and those receiving the data, and if indeed receiving the data more frequently would enhance the effectiveness of the monitoring of, and thus more control over, these adverse situations.

The second clarification needed is in relation to criminal charges. Apparently the bill provides for criminal charges to be laid if a person is in possession of drugs that are in schedules I and II. If they are in possession of drugs that are in schedule III the intent for trafficking would have to be proven.

In closing, I would have to oppose this bill based on lack of clarity in a number of areas.

Also at this time I would like to propose an amendment to the motion. I move:

That the motion be amended by deleting the words after the word "that" and substituting the following therefor:

"Bill C-7, an act respecting the control of certain drugs, their precursors and other substances and to amend certain other acts and repeal the Narcotic Control Act in consequence thereof, be not now read a second time but that the order be discharged, the bill withdrawn and the subject matter be referred to the Standing Committee on Justice and Legal Affairs."

**The Acting Speaker (Mr. Kilger):** The amendment is in order.

Resuming debate, the hon. member for New Westminster—Burnaby.

**Mr. Paul E. Forseth (New Westminster—Burnaby):** Mr. Speaker, I rise in the House today to respond to Bill C-7 presented by the Minister of Health.

This bill is a near duplicate of Bill C-85 from the 34th Parliament. From my counting it is 71 pages, a considerable piece of legislation. I understand that this bill, like all bills, is not the beginning of something. It is more correctly seen as the end product, the result of much deliberation, consultation and thousands of hours of work by many.