

*Food and Drugs Act—Narcotic Control Act*

country. This exemption does not, however, apply to controlled drugs, and by this amendment will not apply to the new category of restricted drugs either.

A further technical amendment deals with the authority to control a substance which is not in itself a drug but which may be used in connection with the manufacture of a controlled drug or a restricted drug. To do this it is necessary to add the words "or other substance" to the definition of what may be listed in the schedule.

• (3:50 p.m.)

There is one further amendment to Part III of the Food and Drugs Act. This relates to the offence of possession for the purpose of trafficking in a controlled drug. The present section provides as an absolute defence that the individual legally acquired possession of the drug, regardless of whether that possession was for the purpose of trafficking. This bill proposes to amend that provision by making this no longer an absolute defence. A court may or may not, on the facts of the particular case, find the circumstances under which the drug was obtained sufficient to satisfy it that the possession was not for purposes of trafficking, but the manner in which the drug was obtained will no longer foreclose the court from examining the purpose for which it was obtained.

The balance of this bill deals with the creation of a new Part IV of the Food and Drugs Act entitled "Restricted Drugs". These restricted drugs are listed in Schedule J which appears as part of the bill. I would like to set out some of the background leading to this measure.

In 1962, following the thalidomide tragedy, the Food and Drugs Act was amended to create a new schedule of drugs, the sale or distribution of which was prohibited. The only drugs contained in that schedule at that time were thalidomide and the drug popularly known as l.s.d. This prohibition of sale and distribution was considered at that time to be quite sufficient as there was no evidence of an illicit manufacture or distribution of either of them. Arrangements were made to ensure that this prohibition did not affect the scientific research which was being carried out, especially with respect to l.s.d. This research is still going on but the results to the present time have not established its place in therapy.

Within the last three years, this drug has achieved a certain unfortunate popularity with a number of young people, both here in

Canada and in a number of other countries. Its unsupervised and non-medical use has resulted in many tragedies including chromosomal damage, mental breakdown and even several deaths. Notwithstanding the dangers, it has continued to enjoy some popularity among certain groups of young people, although the widespread publicity given to the results of its use have had a substantial deterrent effect.

The police, in their enforcement activities with respect to narcotics and controlled drugs, frequently encounter supplies of this drug that have been illicitly manufactured or illicitly smuggled into Canada. There is no evidence of any diversion of this drug from legal supplies for clinical and scientific use which are strictly controlled. The drug, however, is one that can be manufactured relatively easily by a competent chemist with adequate laboratory facilities.

Because unauthorized possession is not an offence under the Food and Drugs Act, the police have been helpless in dealing with this drug and frequently have been required to return it to the persons in whose possession it was found. It was therefore proposed that a special part should be added to the Food and Drugs Act to deal with what are referred to as "restricted drugs". This proposal appeared in Bill S-21 of last year which died on the order paper with dissolution. At that time the only drug listed in the proposed schedule of restricted drugs was l.s.d.

More recently, three other powerful and dangerous substances have made their appearance on the illicit market and gained a more limited but nonetheless substantial currency. Consequently, the proposed Schedule J, which is the appropriate schedule to this new part in the bill, in addition to l.s.d. also lists these substances. The substances I am directing attention to are things like s.t.p. These three substances, in the interim, had been added to the prohibited drug list in Schedule H under the Food and Drugs Act, but with the enactment of Part IV they will be transferred along with l.s.d. from Schedule H to the proposed Schedule J, the restricted drug class.

This legislation will permit additional substances to be added to Schedule J in the future if this is required. These substances would be newly emergent hallucinogenic substances of sudden currency. We can see how frequently they crop up. There are a great number of such drugs known but not widely used at present. If the need arises these can

[Mr. Munro.]