

That is another matter. There are penalties now applicable to the organized and well established narcotic trade and trafficking which were thought not proper in this situation.

The CHAIRMAN: I gave Senator Kinley the next opportunity to ask a question.

Senator KINLEY: I think we are getting away from the provisions of this bill. I want to refer to section 45, and ask that it be clarified. Section 45 reads:

(1) The provisions of sections 36 and 37 apply in respect of this Part.

(2) For the purposes of subsection (1),

(a) there shall be substituted for the expression "controlled drug", wherever it appears in section 36 or 37, the expression "restricted drug"—

I should like an explanation of that on the record because there are many people who will read this and not know what it means.

The CHAIRMAN: This is in your field, Mr. McCarthy.

Mr. MCCARTHY: Yes, sir. The Food and Drugs Act in sections 36 and 37 now contains provisions that are useful to the enforcement officers in respect to entering premises where they think a controlled drug is present, and making seizures. They contain other machinery for the claiming of these things, or the forfeiture of them. The provisions are rather similar to the provisions contained in the Narcotic Control Act. The section that the honourable gentleman has referred to simply picks up all of those provisions as are applicable to controlled drugs, and provides that they apply *mutatis mutandis* to restricted drugs.

Senator KINLEY: Is the discipline section applicable to both types of drugs?

Mr. MCCARTHY: That is right.

Senator KINLEY: Let us go on a little further. Subsection (b) reads:

a reference in section 36 or 37

(i) to "Schedule G" shall be deemed to be a reference to Schedule J—

Schedule J contains a reference to this one drug alone. I think that thalidomide is mentioned in the other schedule, but I am not sure.

Mr. MCCARTHY: But the text of the statute is that any reference to Schedule G shall be deemed to apply to Schedule J when it is enacted.

Senator KINLEY: I refer to subclause 3 of clause 45 of the bill, which says:

In addition to the regulations provided for by subsection (1), the Governor in Council may make regulations authorizing the possession or export of restricted drugs and prescribing the circumstances and conditions under which and the persons by whom restricted drugs may be had in possession or exported.

Have you any idea of what that order in council will be and who will be authorized the possession or export?

Mr. MCCARTHY: Yes. I think that those who are legitimately to manufacture or use it in experimentation in proper institutions and in laboratories will be given the authority to do so.

Senator KINLEY: What about the doctors in the various provinces?

Mr. MCCARTHY: I am not sure as to that.

Dr. HARDMAN: It is an extension of our present regulations. The present regulations provide for a manufacturer and provide for the supply of sales to an institution approved by the minister. This particular legislation which you are discussing, as I see it in operation, will issue a permit for distribution. It will not go through the normal trade channels, but to an institution in which research is carried out, such as with Dr. Hopper of Saskatchewan Hospital; he would apply for a licence to use the drug.

Senator KINLEY: Every hospital would have to have a licence?

Dr. HARDMAN: This is correct, sir. This drug should only ever be licensed in a carefully approved medical setting, and not in the home or in the office.