



Controlled Drugs and Substances Act (1996, c. 19)

Act current to October 15th, 2009

Attention: See coming into force provision and notes, where applicable.

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Controlled Drugs and Substances Act

1996, c. 19

[Assented to June 20th, 1996]

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

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Controlled Drugs and Substances Act*.

INTERPRETATION

Definitions

2. (1) In this Act,

“adjudicator”

« *arbitre* »

“adjudicator” means a person appointed or employed under the *Public Service Employment Act* who performs the duties and functions of an adjudicator under this Act and the regulations;

“analogue”

« *analogue* »

“analogue” means a substance that, in relation to a controlled substance, has a substantially similar chemical structure;

"analyst"
« *analyste* »

"analyst" means a person who is designated as an analyst under section 44;

"Attorney General"
« *procureur général* »

"Attorney General" means

(a) the Attorney General of Canada, and includes their lawful deputy, or

(b) with respect to proceedings commenced at the instance of the government of a province and conducted by or on behalf of that government, the Attorney General of that province, and includes their lawful deputy;

"controlled substance"
« *substance désignée* »

"controlled substance" means a substance included in Schedule I, II, III, IV or V;

"designated substance offence"
« *infraction désignée* »

"designated substance offence" means

(a) an offence under Part I, except subsection 4(1), or

(b) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in paragraph (a);

"inspector"
« *inspecteur* »

"inspector" means a person who is designated as an inspector under section 30;

"judge"
« *juge* »

"judge" means a judge as defined in section 552 of the *Criminal Code* or a judge of a superior court of criminal jurisdiction;

"justice"
« *juge de paix* »

"justice" has the same meaning as in section 2 of the *Criminal Code*;

"Minister"
« *ministre* »

"Minister" means the Minister of Health;

“offence-related property”

« *bien infractionnel* »

“offence-related property” means, with the exception of a controlled substance, any property, within or outside Canada,

(a) by means of or in respect of which a designated substance offence is committed,

(b) that is used in any manner in connection with the commission of a designated substance offence, or

(c) that is intended for use for the purpose of committing a designated substance offence;

“possession”

« *possession* »

“possession” means possession within the meaning of subsection 4(3) of the *Criminal Code*;

“practitioner”

« *praticien* »

“practitioner” means a person who is registered and entitled under the laws of a province to practise in that province the profession of medicine, dentistry or veterinary medicine, and includes any other person or class of persons prescribed as a practitioner;

“precursor”

« *précurseur* »

“precursor” means a substance included in Schedule VI;

“prescribed”

« *Version anglaise seulement* »

“prescribed” means prescribed by the regulations;

“produce”

« *production* »

“produce” means, in respect of a substance included in any of Schedules I to IV, to obtain the substance by any method or process including

(a) manufacturing, synthesizing or using any means of altering the chemical or physical properties of the substance, or

(b) cultivating, propagating or harvesting the substance or any living thing from which the substance may be extracted or otherwise obtained,

and includes offer to produce;

“provide”
« *fournir* »

“provide” means to give, transfer or otherwise make available in any manner, whether directly or indirectly and whether or not for consideration;

“sell”
« *vente* »

“sell” includes offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration;

“traffic”
« *trafic* »

“traffic” means, in respect of a substance included in any of Schedules I to IV,

- (a) to sell, administer, give, transfer, transport, send or deliver the substance,
- (b) to sell an authorization to obtain the substance, or
- (c) to offer to do anything mentioned in paragraph (a) or (b),

otherwise than under the authority of the regulations.

Interpretation

(2) For the purposes of this Act,

(a) a reference to a controlled substance includes a reference to any substance that contains a controlled substance; and

(b) a reference to a controlled substance includes a reference to

- (i) all synthetic and natural forms of the substance, and
- (ii) any thing that contains or has on it a controlled substance and that is used or intended or designed for use
 - (A) in producing the substance, or
 - (B) in introducing the substance into a human body.

Interpretation

(3) For the purposes of this Act, where a substance is expressly named in any of Schedules I to VI, it shall be deemed not to be included in any other of those Schedules.

1996, c. 8, s. 35, c. 19, s. 2; 2001, c. 32, s. 47.

Interpretation

3. (1) Every power or duty imposed under this Act that may be exercised or performed in respect of an offence under this Act may be exercised or performed in respect of a conspiracy, or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence under this Act.

Interpretation

(2) For the purposes of sections 16 and 20, a reference to a person who is or was convicted of a designated substance offence includes a reference to an offender who is discharged under section 730 of the *Criminal Code*.

1995, c. 22, s. 18; 1996, c. 19, s. 3.

PART I

OFFENCES AND PUNISHMENT

PARTICULAR OFFENCES

Possession of substance

4. (1) Except as authorized under the regulations, no person shall possess a substance included in Schedule I, II or III.

Obtaining substance

(2) No person shall seek or obtain

(a) a substance included in Schedule I, II, III or IV, or

(b) an authorization to obtain a substance included in Schedule I, II, III or IV

from a practitioner, unless the person discloses to the practitioner particulars relating to the acquisition by the person of every substance in those Schedules, and of every authorization to obtain such substances, from any other practitioner within the preceding thirty days.

Punishment

(3) Every person who contravenes subsection (1) where the subject-matter of the offence is a substance included in Schedule I

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding seven years; or

(b) is guilty of an offence punishable on summary conviction and liable

(i) for a first offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both, and

(ii) for a subsequent offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both.

Punishment

(4) Subject to subsection (5), every person who contravenes subsection (1) where the subject-matter of the offence is a substance included in Schedule II

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years less a day; or

(b) is guilty of an offence punishable on summary conviction and liable

(i) for a first offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both, and

(ii) for a subsequent offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both.

Punishment

(5) Every person who contravenes subsection (1) where the subject-matter of the offence is a substance included in Schedule II in an amount that does not exceed the amount set out for that substance in Schedule VIII is guilty of an offence punishable on summary conviction and liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both.

Punishment

(6) Every person who contravenes subsection (1) where the subject-matter of the offence is a substance included in Schedule III

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years; or

(b) is guilty of an offence punishable on summary conviction and liable

(i) for a first offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both, and

(ii) for a subsequent offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both.

Punishment

(7) Every person who contravenes subsection (2)

(a) is guilty of an indictable offence and liable

(i) to imprisonment for a term not exceeding seven years, where the subject-matter of the offence is a substance included in Schedule I,

(ii) to imprisonment for a term not exceeding five years less a day, where the subject-matter of the offence is a substance included in Schedule II,

(iii) to imprisonment for a term not exceeding three years, where the subject-matter of the offence is a substance included in Schedule III, or

(iv) to imprisonment for a term not exceeding eighteen months, where the subject-matter of the offence is a substance included in Schedule IV; or

(b) is guilty of an offence punishable on summary conviction and liable

(i) for a first offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both, and

(ii) for a subsequent offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both.

Determination of amount

(8) For the purposes of subsection (5) and Schedule VIII, the amount of the substance means the entire amount of any mixture or substance, or the whole of any plant, that contains a detectable amount of the substance.

Trafficking in substance

5. (1) No person shall traffic in a substance included in Schedule I, II, III or IV or in any substance represented or held out by that person to be such a substance.

Possession for purpose of trafficking

(2) No person shall, for the purpose of trafficking, possess a substance included in Schedule I, II, III or IV.

Punishment

(3) Every person who contravenes subsection (1) or (2)

(a) subject to subsection (4), where the subject-matter of the offence is a substance included in Schedule I or II, is guilty of an indictable offence and liable to imprisonment for life;

(b) where the subject-matter of the offence is a substance included in Schedule III,

(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or

(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months; and

(c) where the subject-matter of the offence is a substance included in Schedule IV,

(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years, or

(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Punishment in respect of specified substance

(4) Every person who contravenes subsection (1) or (2), where the subject-matter of the offence is a substance included in Schedule II in an amount that does not exceed the amount set out for that substance in Schedule VII, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years less a day.

Interpretation

(5) For the purposes of applying subsection (3) or (4) in respect of an offence under subsection (1), a reference to a substance included in Schedule I, II, III or IV includes a reference to any substance represented or held out to be a substance included in that Schedule.

Interpretation

(6) For the purposes of subsection (4) and Schedule VII, the amount of the substance means the entire amount of any mixture or substance, or the whole of any plant, that contains a detectable amount of the substance.

Importing and exporting

6. (1) Except as authorized under the regulations, no person shall import into Canada or export from Canada a substance included in Schedule I, II, III, IV, V or VI.

Possession for the purpose of exporting

(2) Except as authorized under the regulations, no person shall possess a substance included in Schedule I, II, III, IV, V or VI for the purpose of exporting it from Canada.

Punishment

(3) Every person who contravenes subsection (1) or (2)

(a) where the subject-matter of the offence is a substance included in Schedule I or II, is guilty of an indictable offence and liable to imprisonment for life;

(b) where the subject-matter of the offence is a substance included in Schedule III or VI,

(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or

(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months; and

(c) where the subject-matter of the offence is a substance included in Schedule IV or V,

(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years, or

(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Production of substance

7. (1) Except as authorized under the regulations, no person shall produce a substance included in Schedule I, II, III or IV.

Punishment

(2) Every person who contravenes subsection (1)

(a) where the subject-matter of the offence is a substance included in Schedule I or II, other than cannabis (marihuana), is guilty of an indictable offence and liable to imprisonment for life;

(b) where the subject-matter of the offence is cannabis (marihuana), is guilty of an indictable offence and liable to imprisonment for a term not exceeding seven years;

(c) where the subject-matter of the offence is a substance included in Schedule III,

(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or

(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months; and

(d) where the subject-matter of the offence is a substance included in Schedule IV,

(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years, or

(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

8. and 9. [Repealed, 2001, c. 32, s. 48]

SENTENCING

Purpose of sentencing

10. (1) Without restricting the generality of the *Criminal Code*, the fundamental purpose of any sentence for an offence under this Part is to contribute to the respect for the law and the maintenance of a just, peaceful and safe society while encouraging rehabilitation, and treatment in appropriate circumstances, of offenders and acknowledging the harm done to victims and to the community.

Circumstances to take into consideration

(2) If a person is convicted of a designated substance offence, the court imposing sentence on the person shall consider any relevant aggravating factors including that the person

(a) in relation to the commission of the offence,

(i) carried, used or threatened to use a weapon,

(ii) used or threatened to use violence,

(iii) trafficked in a substance included in Schedule I, II, III or IV or possessed such a substance for the purpose of trafficking, in or near a school, on or near school grounds or in or near any other public place usually frequented by persons under the age of eighteen years, or

(iv) trafficked in a substance included in Schedule I, II, III or IV, or possessed such a substance for the purpose of trafficking, to a person under the age of eighteen years;

(b) was previously convicted of a designated substance offence; or

(c) used the services of a person under the age of eighteen years to commit, or involved such a person in the commission of, a designated substance offence.

Reasons

(3) If, under subsection (1), the court is satisfied of the existence of one or more of the aggravating factors enumerated in paragraphs (2)(a) to (c), but decides not to sentence the person to imprisonment, the court shall give reasons for that decision.

1996, c. 19, s. 10; 1999, c. 5, s. 49.

PART II

ENFORCEMENT

SEARCH, SEIZURE AND DETENTION

Information for search warrant

11. (1) A justice who, on *ex parte* application, is satisfied by information on oath that there are reasonable grounds to believe that

(a) a controlled substance or precursor in respect of which this Act has been contravened,

(b) any thing in which a controlled substance or precursor referred to in paragraph (a) is contained or concealed,

(c) offence-related property, or

(d) any thing that will afford evidence in respect of an offence under this Act or an offence, in whole or in part in relation to a contravention of this Act, under section 354 or 462.31 of the *Criminal Code*

is in a place may, at any time, issue a warrant authorizing a peace officer, at any time, to search the place for any such controlled substance, precursor, property or thing and to seize it.

Application of section 487.1 of the *Criminal Code*

(2) For the purposes of subsection (1), an information may be submitted by telephone or other means of telecommunication in accordance with section 487.1 of the *Criminal Code*, with such modifications as the circumstances require.

Execution in another province

(3) A justice may, where a place referred to in subsection (1) is in a province other than that in which the justice has jurisdiction, issue the warrant referred to in that

subsection and the warrant may be executed in the other province after it has been endorsed by a justice having jurisdiction in that other province.

Effect of endorsement

(4) An endorsement that is made on a warrant as provided for in subsection (3) is sufficient authority to any peace officer to whom it was originally directed and to all peace officers within the jurisdiction of the justice by whom it is endorsed to execute the warrant and to deal with the things seized in accordance with the law.

Search of person and seizure

(5) Where a peace officer who executes a warrant issued under subsection (1) has reasonable grounds to believe that any person found in the place set out in the warrant has on their person any controlled substance, precursor, property or thing set out in the warrant, the peace officer may search the person for the controlled substance, precursor, property or thing and seize it.

Seizure of things not specified

(6) A peace officer who executes a warrant issued under subsection (1) may seize, in addition to the things mentioned in the warrant,

(a) any controlled substance or precursor in respect of which the peace officer believes on reasonable grounds that this Act has been contravened;

(b) any thing that the peace officer believes on reasonable grounds to contain or conceal a controlled substance or precursor referred to in paragraph (a);

(c) any thing that the peace officer believes on reasonable grounds is offence-related property; or

(d) any thing that the peace officer believes on reasonable grounds will afford evidence in respect of an offence under this Act.

Where warrant not necessary

(7) A peace officer may exercise any of the powers described in subsection (1), (5) or (6) without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would be impracticable to obtain one.

Seizure of additional things

(8) A peace officer who executes a warrant issued under subsection (1) or exercises powers under subsection (5) or (7) may seize, in addition to the things mentioned in the warrant and in subsection (6), any thing that the peace officer believes on reasonable grounds has been obtained by or used in the commission of an offence or that will afford evidence in respect of an offence.

1996, c. 19, s. 11; 2005, c. 44, s. 13.

Assistance and use of force

12. For the purpose of exercising any of the powers described in section 11, a peace officer may

- (a) enlist such assistance as the officer deems necessary; and
- (b) use as much force as is necessary in the circumstances.

Sections 489.1 and 490 of the *Criminal Code* applicable

13. (1) Subject to subsections (2) and (3), sections 489.1 and 490 of the *Criminal Code* apply to any thing seized under this Act.

Sections 489.1 and 490 of the *Criminal Code* applicable

(2) Where a thing seized under this Act is offence-related property, sections 489.1 and 490 of the *Criminal Code* apply subject to sections 16 to 22 of this Act.

Provisions of this Act applicable

(3) Where a controlled substance is seized under this Act or any other Act of Parliament or pursuant to a power of seizure at common law, this Act and the regulations apply in respect of that substance.

Report to justice

(4) Subject to the regulations, every peace officer who, pursuant to section 11, seizes a controlled substance shall, as soon as is reasonable in the circumstances after the seizure,

- (a) prepare a report identifying the place searched, the controlled substance and the location where it is being detained;
- (b) cause the report to be filed with the justice who issued the warrant or another justice for the same territorial division or, where by reason of exigent circumstances a warrant was not issued, a justice who would have had jurisdiction to issue a warrant; and
- (c) cause a copy of the report to be sent to the Minister.

Report to justice

(5) A report in Form 5.2 of the *Criminal Code* may be filed as a report for the purposes of subsection (4).

Recognizance

(6) Where, pursuant to this section, an order is made under paragraph 490(9)(c) of the *Criminal Code* for the return of any offence-related property seized under this Act, the judge or justice making the order may require the applicant for the order to enter into a recognizance before the judge or justice, with or without sureties, in such amount and with such conditions, if any, as the judge or justice directs and, where the judge or justice considers it appropriate, require the applicant to deposit with the judge or justice such sum of money or other valuable security as the judge or justice directs.

RESTRAINT ORDERS

Application for restraint order

14. (1) The Attorney General may make an application in accordance with this section for a restraint order under this section in respect of any offence-related property.

Procedure

(2) An application made under subsection (1) for a restraint order in respect of any offence-related property may be made *ex parte* and shall be made in writing to a judge and be accompanied by an affidavit sworn on the information and belief of the Attorney General or any other person deposing to the following matters:

- (a) the offence against this Act to which the offence-related property relates;
- (b) the person who is believed to be in possession of the offence-related property; and
- (c) a description of the offence-related property.

Restraint order

(3) Where an application for a restraint order is made to a judge under subsection (1), the judge may, if satisfied that there are reasonable grounds to believe that the property is offence-related property, make a restraint order prohibiting any person from disposing of, or otherwise dealing with any interest in, the offence-related property specified in the order otherwise than in such manner as may be specified in the order.

Property outside Canada

(4) A restraint order may be issued under this section in respect of property situated outside Canada, with any modifications that the circumstances require.

Conditions

(5) A restraint order made by a judge under this section may be subject to such reasonable conditions as the judge thinks fit.

Order in writing

(6) A restraint order made under this section shall be made in writing.

Service of order

(7) A copy of a restraint order made under this section shall be served on the person to whom the order is addressed in such manner as the judge making the order directs or in accordance with the rules of the court.

Registration of order

(8) A copy of a restraint order made under this section shall be registered against any property in accordance with the laws of the province in which the property is situated.

Order continues in force

(9) A restraint order made under this section remains in effect until

(a) an order is made under subsection 19(3) or 19.1(3) of this Act or subsection 490(9) or (11) of the *Criminal Code* in relation to the property; or

(b) an order of forfeiture of the property is made under subsection 16(1) or 17(2) of this Act or section 490 of the *Criminal Code*.

Offence

(10) Any person on whom a restraint order made under this section is served in accordance with this section and who, while the order is in force, acts in contravention of or fails to comply with the order is guilty of an indictable offence or an offence punishable on summary conviction.

1996, c. 19, ss. 14, 93.2; 2001, c. 32, s. 49.

Management order

14.1 (1) On application of the Attorney General or of any other person with the written consent of the Attorney General, a justice in the case of offence-related property seized under section 11, or a judge in the case of offence-related property restrained under section 14, may, where he or she is of the opinion that the circumstances so require,

(a) appoint a person to take control of and to manage or otherwise deal with all or part of the property in accordance with the directions of the judge or justice; and

(b) require any person having possession of that property to give possession of the property to the person appointed under paragraph (a).

Appointment of Minister of Public Works and Government Services

(2) When the Attorney General of Canada so requests, a judge or justice appointing a person under subsection (1) shall appoint the Minister of Public Works and Government Services.

Power to manage

(3) The power to manage or otherwise deal with property under subsection (1) includes

(a) in the case of perishable or rapidly depreciating property, the power to make an interlocutory sale of that property; and

(b) in the case of property that has little or no value, the power to destroy that property.

Application for destruction order

(4) Before a person appointed to manage property destroys property that has little or no value, he or she shall apply to a court for a destruction order.

Notice

(5) Before making a destruction order in relation to any property, a court shall require notice in accordance with subsection (6) to be given to, and may hear, any person who, in the opinion of the court, appears to have a valid interest in the property.

Manner of giving notice

(6) A notice shall

(a) be given or served in the manner that the court directs or that may be specified in the rules of the court; and

(b) be of any duration that the court considers reasonable or that may be specified in the rules of the court.

Order

(7) A court may order that the property be destroyed if it is satisfied that the property has little or no value, whether financial or other.

When management order ceases to have effect

(8) A management order ceases to have effect when the property that is the subject of the management order is returned in accordance with the law to an applicant or forfeited to Her Majesty.

Application to vary conditions

(9) The Attorney General may at any time apply to the judge or justice to cancel or vary any condition to which a management order is subject but may not apply to vary an appointment made under subsection (2).

2001, c. 32, s. 50.

Sections 489.1 and 490 of the *Criminal Code* applicable

15. (1) Subject to sections 16 to 22, sections 489.1 and 490 of the *Criminal Code* apply, with such modifications as the circumstances require, to any offence-related property that is the subject-matter of a restraint order made under section 14.

Recognizance

(2) Where, pursuant to subsection (1), an order is made under paragraph 490(9)(c) of the *Criminal Code* for the return of any offence-related property that is the subject of a restraint order under section 14, the judge or justice making the order may require the applicant for the order to enter into a recognizance before the judge or justice, with or without sureties, in such amount and with such conditions, if any, as the judge or

justice directs and, where the judge or justice considers it appropriate, require the applicant to deposit with the judge or justice such sum of money or other valuable security as the judge or justice directs.

FORFEITURE OF OFFENCE-RELATED PROPERTY

Order of forfeiture of property on conviction

16. (1) Subject to sections 18 to 19.1, where a person is convicted of a designated substance offence and, on application of the Attorney General, the court is satisfied, on a balance of probabilities, that any property is offence-related property and that the offence was committed in relation to that property, the court shall

(a) in the case of a substance included in Schedule VI, order that the substance be forfeited to Her Majesty in right of Canada and disposed of by the Minister as the Minister thinks fit; and

(b) in the case of any other offence-related property,

(i) where the prosecution of the offence was commenced at the instance of the government of a province and conducted by or on behalf of that government, order that the property be forfeited to Her Majesty in right of that province and disposed of by the Attorney General or Solicitor General of that province in accordance with the law, and

(ii) in any other case, order that the property be forfeited to Her Majesty in right of Canada and disposed of by such member of the Queen's Privy Council for Canada as may be designated for the purposes of this subparagraph in accordance with the law.

Property related to other offences

(2) Subject to sections 18 to 19.1, where the evidence does not establish to the satisfaction of the court that the designated substance offence of which a person has been convicted was committed in relation to property in respect of which an order of forfeiture would otherwise be made under subsection (1) but the court is satisfied, beyond a reasonable doubt, that that property is offence-related property, the court may make an order of forfeiture under subsection (1) in relation to that property.

Property outside Canada

(2.1) An order may be issued under this section in respect of property situated outside Canada, with any modifications that the circumstances require.

Appeal

(3) A person who has been convicted of a designated substance offence or the Attorney General may appeal to the court of appeal from an order or a failure to make an order under subsection (1) as if the appeal were an appeal against the sentence imposed on the person in respect of the offence.

1996, c. 19, s. 16; 2001, c. 32, s. 51.

Application for *in rem* forfeiture

17. (1) Where an information has been laid in respect of a designated substance offence, the Attorney General may make an application to a judge for an order of forfeiture under subsection (2).

Order of forfeiture of property

(2) Subject to sections 18 to 19.1, where an application is made to a judge under subsection (1) and the judge is satisfied

(a) beyond a reasonable doubt that any property is offence-related property,

(b) that proceedings in respect of a designated substance offence in relation to the property referred to in paragraph (a) were commenced, and

(c) that the accused charged with the designated substance offence has died or absconded,

the judge shall order that the property be forfeited and disposed of in accordance with subsection (4).

Accused deemed absconded

(3) For the purposes of subsection (2), an accused shall be deemed to have absconded in connection with a designated substance offence if

(a) an information has been laid alleging the commission of the offence by the accused,

(b) a warrant for the arrest of the accused has been issued in relation to that information, and

(c) reasonable attempts to arrest the accused pursuant to the warrant have been unsuccessful during a period of six months beginning on the day on which the warrant was issued,

and the accused shall be deemed to have so absconded on the last day of that six month period.

Who may dispose of forfeited property

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

(a) in the case of a substance included in Schedule VI, the judge shall order that the substance be forfeited to Her Majesty in right of Canada and disposed of by the Minister as the Minister thinks fit; and

(b) in the case of any other offence-related property,

(i) where the proceedings referred to in paragraph (2)(b) were commenced at the instance of the government of a province, the judge shall order that the property be forfeited to Her Majesty in right of that province and disposed of by

the Attorney General or Solicitor General of that province in accordance with the law, and

(ii) in any other case, the judge shall order that the property be forfeited to Her Majesty in right of Canada and disposed of by such member of the Queen's Privy Council for Canada as may be designated for the purposes of this subparagraph in accordance with the law.

Property outside Canada

(5) An order may be issued under this section in respect of property situated outside Canada, with any modifications that the circumstances require.

1996, c. 19, s. 17; 2001, c. 32, s. 52.

Voidable transfers

18. A court may, before ordering that offence-related property be forfeited under subsection 16(1) or 17(2), set aside any conveyance or transfer of the property that occurred after the seizure of the property, or the making of a restraint order in respect of the property, unless the conveyance or transfer was for valuable consideration to a person acting in good faith.

Notice

19. (1) Before making an order under subsection 16(1) or 17(2) in relation to any property, a court shall require notice in accordance with subsection (2) to be given to, and may hear, any person who, in the opinion of the court, appears to have a valid interest in the property.

Manner of giving notice

(2) A notice given under subsection (1) shall

(a) be given or served in such manner as the court directs or as may be specified in the rules of the court;

(b) be of such duration as the court considers reasonable or as may be specified in the rules of the court; and

(c) set out the designated substance offence charged and a description of the property.

Order of restoration of property

(3) Where a court is satisfied that any person, other than

(a) a person who was charged with a designated substance offence, or

(b) a person who acquired title to or a right of possession of the property from a person referred to in paragraph (a) under circumstances that give rise to a reasonable inference that the title or right was transferred for the purpose of avoiding the forfeiture of the property,

is the lawful owner or is lawfully entitled to possession of any property or any part of any property that would otherwise be forfeited pursuant to an order made under subsection 16(1) or 17(2) and that the person appears innocent of any complicity in an offence referred to in paragraph (a) or of any collusion in relation to such an offence, the court may order that the property or part be returned to that person.

Notice

19.1 (1) Where all or part of offence-related property that would otherwise be forfeited under subsection 16(1) or 17(2) is a dwelling-house, before making an order of forfeiture, a court shall require notice in accordance with subsection (2) to be given to, and may hear, any person who resides in the dwelling-house and is a member of the immediate family of the person charged with or convicted of the indictable offence under this Act in relation to which the property would be forfeited.

Manner of giving notice

(2) A notice shall

(a) be given or served in the manner that the court directs or that may be specified in the rules of the court;

(b) be of any duration that the court considers reasonable or that may be specified in the rules of the court; and

(c) set out the offence charged and a description of the property.

Non-forfeiture of real property

(3) Subject to an order made under subsection 19(3), if a court is satisfied that the impact of an order of forfeiture made under subsection 16(1) or 17(2) in respect of real property would be disproportionate to the nature and gravity of the offence, the circumstances surrounding the commission of the offence and the criminal record, if any, of the person charged with or convicted of the offence, as the case may be, it may decide not to order the forfeiture of the property or part of the property and may revoke any restraint order made in respect of that property or part.

Factors in relation to dwelling-house

(4) Where all or part of the property that would otherwise be forfeited under subsection 16(1) or 17(2) is a dwelling-house, when making a decision under subsection (3), the court shall also consider

(a) the impact of an order of forfeiture on any member of the immediate family of the person charged with or convicted of the offence, if the dwelling-house was the member's principal residence at the time the charge was laid and continues to be the member's principal residence; and

(b) whether the member referred to in paragraph (a) appears innocent of any complicity in the offence or of any collusion in relation to the offence.

Application

20. (1) Where any offence-related property is forfeited to Her Majesty pursuant to an order made under subsection 16(1) or 17(2), any person who claims an interest in the property, other than

(a) in the case of property forfeited pursuant to an order made under subsection 16(1), a person who was convicted of the designated substance offence in relation to which the property was forfeited,

(b) in the case of property forfeited pursuant to an order made under subsection 17(2), a person who was charged with the designated substance offence in relation to which the property was forfeited, or

(c) a person who acquired title to or a right of possession of the property from a person referred to in paragraph (a) or (b) under circumstances that give rise to a reasonable inference that the title or right was transferred from that person for the purpose of avoiding the forfeiture of the property,

may, within thirty days after the forfeiture, apply by notice in writing to a judge for an order under subsection (4).

Fixing day for hearing

(2) The judge to whom an application is made under subsection (1) shall fix a day not less than thirty days after the date of the filing of the application for the hearing of the application.

Notice

(3) An applicant shall serve a notice of the application made under subsection (1) and of the hearing of it on the Attorney General at least fifteen days before the day fixed for the hearing.

Order declaring interest not affected by forfeiture

(4) Where, on the hearing of an application made under subsection (1), the judge is satisfied that the applicant

(a) is not a person referred to in paragraph (1)(a), (b) or (c) and appears innocent of any complicity in any designated substance offence that resulted in the forfeiture of the property or of any collusion in relation to such an offence, and

(b) exercised all reasonable care to be satisfied that the property was not likely to have been used in connection with the commission of an unlawful act by the person who was permitted by the applicant to obtain possession of the property or from whom the applicant obtained possession or, where the applicant is a mortgagee or lienholder, by the mortgagor or lien-giver,

the judge may make an order declaring that the interest of the applicant is not affected by the forfeiture and declaring the nature and the extent or value of the interest.

Appeal from order made under subsection (4)

(5) An applicant or the Attorney General may appeal to the court of appeal from an order made under subsection (4), and the provisions of Part XXI of the *Criminal Code* with respect to procedure on appeals apply, with such modifications as the circumstances require, in respect of appeals under this subsection.

Return of property

(6) The Minister shall, on application made to the Minister by any person in respect of whom a judge has made an order under subsection (4), and where the periods with respect to the taking of appeals from that order have expired and any appeal from that order taken under subsection (5) has been determined, direct that

(a) the property, or the part of it to which the interest of the applicant relates, be returned to the applicant; or

(b) an amount equal to the value of the interest of the applicant, as declared in the order, be paid to the applicant.

Appeals from orders under subsection 17(2)

21. Any person who, in their opinion, is aggrieved by an order made under subsection 17(2) may appeal from the order as if the order were an appeal against conviction or against a judgment or verdict of acquittal, as the case may be, under Part XXI of the *Criminal Code*, and that Part applies, with such modifications as the circumstances require, in respect of such an appeal.

Suspension of order pending appeal

22. Notwithstanding anything in this Act, the operation of an order made in respect of property under subsection 16(1), 17(2) or 20(4) is suspended pending

(a) any application made in respect of the property under any of those provisions or any other provision of this or any other Act of Parliament that provides for restoration or forfeiture of the property, or

(b) any appeal taken from an order of forfeiture or restoration in respect of the property,

and the property shall not be disposed of or otherwise dealt with until thirty days have expired after an order is made under any of those provisions.

23. [Repealed, 2001, c. 32, s. 54]

PART III

DISPOSAL OF CONTROLLED SUBSTANCES

Application for return of substance

24. (1) Where a controlled substance has been seized, found or otherwise acquired by a peace officer or an inspector, any person may, within sixty days after the date of the seizure, finding or acquisition, on prior notification being given to the Attorney General in the prescribed manner, apply, by notice in writing to a justice in the

jurisdiction in which the substance is being detained, for an order to return that substance to the person.

Order to return substance forthwith

(2) Where, on the hearing of an application made under subsection (1), a justice is satisfied that an applicant is the lawful owner or is lawfully entitled to possession of the controlled substance and the Attorney General does not indicate that the substance or a portion of it may be required for the purposes of a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament, the justice shall, subject to subsection (5), order that the substance or the portion not required for the purposes of the proceeding be returned forthwith to the applicant.

Order to return substance at specified time

(3) Where, on the hearing of an application made under subsection (1), a justice is satisfied that an applicant is the lawful owner or is lawfully entitled to possession of the controlled substance but the Attorney General indicates that the substance or a portion of it may be required for the purposes of a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament, the justice shall, subject to subsection (5), order that the substance or the portion required for the purposes of the proceeding be returned to the applicant

(a) on the expiration of one hundred and eighty days after the application was made, if no proceeding in relation to the substance has been commenced before that time; or

(b) on the final conclusion of the proceeding or any other proceeding in relation to the substance, where the applicant is not found guilty in those proceedings of an offence committed in relation to the substance.

Order to return substance refused

(4) Where, on the hearing of an application made under subsection (1), a justice is not satisfied that an applicant is the lawful owner or is lawfully entitled to possession of the controlled substance, the justice shall order that the substance or the portion not required for the purposes of a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament be forfeited to Her Majesty to be disposed of or otherwise dealt with in accordance with the regulations or, if there are no applicable regulations, in such manner as the Minister directs.

Payment of compensation in lieu

(5) Where, on the hearing of an application made under subsection (1), a justice is satisfied that an applicant is the lawful owner or is lawfully entitled to possession of a controlled substance, but an order has been made under subsection 26(2) in respect of the substance, the justice shall make an order that an amount equal to the value of the substance be paid to the applicant.

Disposal by Minister where no application

25. Where no application for the return of a controlled substance has been made under subsection 24(1) within sixty days after the date of the seizure, finding or acquisition by a peace officer or inspector and the substance or a portion of it is not required for the purposes of any preliminary inquiry, trial or other proceeding under this Act or any other Act of Parliament, the substance or the portion not required for the purposes of the proceeding shall be delivered to the Minister to be disposed of or otherwise dealt with in accordance with the regulations or, if there are no applicable regulations, in such manner as the Minister directs.

Security, health or safety hazard

26. (1) Where the Minister has reasonable grounds to believe that a controlled substance that has been seized, found or otherwise acquired by a peace officer or inspector constitutes a potential security, public health or safety hazard, the Minister may, on prior notification being given to the Attorney General in the prescribed manner, at any time, make an application, *ex parte*, to a justice for an order that the substance or a portion of it be forfeited to Her Majesty to be disposed of or otherwise dealt with in accordance with the regulations or, if there are no applicable regulations, in such manner as the Minister directs.

Security, health or safety hazard

(2) Where, on the hearing of an application made under subsection (1), a justice is satisfied that there are reasonable grounds to believe that the controlled substance constitutes a potential security, public health or safety hazard, the justice shall order that the substance or any portion not required for the purposes of a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament be forfeited to Her Majesty to be disposed of or otherwise dealt with in accordance with the regulations or, if there are no applicable regulations, in such manner as the Minister directs.

Disposal following proceedings

27. Subject to section 24, where, pursuant to a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament, the court before which the proceedings have been brought is satisfied that any controlled substance that is the subject of proceedings before the court is no longer required by that court or any other court, the court

(a) shall

(i) where it is satisfied that the person from whom the substance was seized came into possession of the substance in accordance with the regulations and continued to deal with it in accordance with the regulations, order that the substance be returned to the person, or

(ii) where it is satisfied that possession of the substance by the person from whom it was seized is unlawful and the person who is lawfully entitled to its possession is known, order that the substance be returned to the person who is the lawful owner or is lawfully entitled to its possession; and

(b) may, where it is not satisfied that the substance should be returned pursuant to subparagraph (i) or (ii) or where possession of the substance by the person from

whom it was seized is unlawful and the person who is the lawful owner or is lawfully entitled to its possession is not known, order that the substance be forfeited to Her Majesty to be disposed of or otherwise dealt with in accordance with the regulations or, if there are no applicable regulations, in such manner as the Minister directs.

Disposal with consent

28. Where a controlled substance has been seized, found or otherwise acquired by a peace officer or inspector under this Act or the regulations and the substance or a portion of it is not required for the purposes of a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament, the person who is the lawful owner or is lawfully entitled to its possession may consent to its disposal, and on such consent being given the substance or portion is thereupon forfeited to Her Majesty and may be disposed of or otherwise dealt with in accordance with the regulations or, if there are no applicable regulations, in such manner as the Minister directs.

Destruction of plant

29. The Minister may, on prior notification being given to the Attorney General, cause to be destroyed any plant from which a substance included in Schedule I, II, III or IV may be extracted that is being produced otherwise than under the authority of and in accordance with a licence issued under the regulations.

PART IV

ADMINISTRATION AND COMPLIANCE

INSPECTORS

Designation of inspectors

30. (1) The Minister may designate, in accordance with the regulations made pursuant to paragraph 55(1)(n), any person as an inspector for the purposes of this Act and the regulations.

Certificate of designation

(2) An inspector shall be furnished with a prescribed certificate of designation, and on entering any place pursuant to subsection 31(1) shall, on request, produce the certificate to the person in charge of the place.

Powers of inspector

31. (1) Subject to subsection (2), an inspector may, to ensure compliance with the regulations, at any reasonable time enter any place the inspector believes on reasonable grounds is used for the purpose of conducting the business or professional practice of any person licensed or otherwise authorized under the regulations to deal in a controlled substance or a precursor and may for that purpose

(a) open and examine any receptacle or package found in that place in which a controlled substance or a precursor may be found;

(b) examine any thing found in that place that is used or may be capable of being used for the production, preservation, packaging or storage of a controlled substance or a precursor;

(c) examine any labels or advertising material or records, books, electronic data or other documents found in that place with respect to any controlled substance or precursor, other than the records of the medical condition of persons, and make copies thereof or take extracts therefrom;

(d) use or cause to be used any computer system at that place to examine any electronic data referred to in paragraph (c);

(e) reproduce any document from any electronic data referred to in paragraph (c) or cause it to be reproduced, in the form of a printout or other output;

(f) take the labels or advertising material or records, books or other documents referred to in paragraph (c) or the printout or other output referred to in paragraph (e) for examination or copying;

(g) use or cause to be used any copying equipment at that place to make copies of any document;

(h) examine any substance found in that place and take, for the purpose of analysis, such samples thereof as are reasonably required; and

(i) seize and detain in accordance with this Part, any controlled substance or precursor the seizure and detention of which the inspector believes on reasonable grounds is necessary.

Warrant required to enter dwelling-place

(2) Where a place referred to in subsection (1) is a dwelling-place, an inspector may not enter the dwelling-place without the consent of an occupant thereof except under the authority of a warrant issued under subsection (3).

Authority to issue warrant

(3) Where, on *ex parte* application, a justice is satisfied by information on oath that

(a) a place referred to in subsection (1) is a dwelling-place but otherwise meets the conditions for entry described in that subsection,

(b) entry to the dwelling-place is necessary for the purpose of ensuring compliance with the regulations, and

(c) entry to the dwelling-place has been refused or there are reasonable grounds to believe that entry will be refused,

the justice may issue a warrant authorizing the inspector named in it to enter that dwelling-place and exercise any of the powers mentioned in paragraphs (1)(a) to (i), subject to such conditions as may be specified in the warrant.

Use of force

(4) In executing a warrant issued under subsection (3), an inspector shall not use force unless the inspector is accompanied by a peace officer and the use of force is specifically authorized in the warrant.

Assistance to inspector

(5) The owner or other person in charge of a place entered by an inspector under subsection (1) and every person found there shall give the inspector all reasonable assistance in the power of that person and furnish the inspector with such information as the inspector may reasonably require.

Storage of substances seized

(6) Where an inspector seizes and detains a controlled substance or a precursor, the substance or precursor may, at the discretion of the inspector, be kept or stored at the place where it was seized or, at the direction of the inspector, be removed to any other proper place.

Notice

(7) An inspector who seizes a controlled substance or a precursor shall take such measures as are reasonable in the circumstances to give to the owner or other person in charge of the place where the seizure occurred notice of the seizure and of the location where the controlled substance or precursor is being kept or stored.

Return by inspector

(8) Where an inspector determines that to ensure compliance with the regulations it is no longer necessary to detain a controlled substance or a precursor seized by the inspector under paragraph (1)(i), the inspector shall notify in writing the owner or other person in charge of the place where the seizure occurred of that determination and, on being issued a receipt for it, shall return the controlled substance or precursor to that person.

Return or disposal by Minister

(9) Notwithstanding sections 24, 25 and 27, where a period of one hundred and twenty days has elapsed after the date of a seizure under paragraph (1)(i) and the controlled substance or precursor has not been returned in accordance with subsection (8), the controlled substance or precursor shall be returned, disposed of or otherwise dealt with in such manner as the Minister directs, in accordance with any applicable regulations.

Obstructing inspector

32. (1) No person shall, by act or omission, obstruct an inspector who is engaged in the performance of duties under this Act or the regulations.

False statements

(2) No person shall knowingly make any false or misleading statement verbally or in writing to an inspector who is engaged in the performance of duties under this Act or the regulations.

Interference

(3) No person shall, without the authority of an inspector, remove, alter or interfere in any way with anything seized, detained or taken under section 31.

PART V

ADMINISTRATIVE ORDERS FOR CONTRAVENTIONS OF DESIGNATED REGULATIONS

Designation of regulations

33. The Governor in Council may, by regulation, designate any regulation made under this Act (in this Part referred to as a "designated regulation") as a regulation the contravention of which shall be dealt with under this Part.

Contravention of designated regulation

34. Where the Minister has reasonable grounds to believe that a person has contravened a designated regulation, the Minister shall

- (a) in the prescribed manner, serve a notice to appear on the person; and
- (b) send a copy of the notice to appear to an adjudicator and direct the adjudicator to conduct a hearing to determine whether the contravention has occurred and to notify the Minister of the adjudicator's determination.

Interim order

35. (1) Where the Minister has reasonable grounds to believe that a person has contravened a designated regulation and the Minister is of the opinion that, as a result of that contravention, there is a substantial risk of immediate danger to the health or safety of any person, the Minister may, without giving prior notice to the person believed to have contravened the designated regulation, make an interim order in respect of the person

- (a) prohibiting the person from doing anything that the person would otherwise be permitted to do under their licence, permit or authorization, or
- (b) subjecting the doing of anything under the designated regulation by the person to the terms and conditions specified in the interim order,

and may, for that purpose, suspend, cancel or amend the licence, permit or authorization issued or granted to the person or take any other measures set out in the regulations.

Interim order

(2) Where the Minister makes an interim order under subsection (1), the Minister shall forthwith

- (a) in the prescribed manner, serve the interim order on the person;
- (b) in the prescribed manner, serve a notice to appear on the person; and
- (c) send a copy of the interim order and the notice to appear to an adjudicator and direct the adjudicator to conduct a hearing to determine whether the contravention has occurred and to notify the Minister of the adjudicator's determination.

Hearing by adjudicator

36. (1) Where an adjudicator receives from the Minister a copy of a notice to appear under paragraph 34(b) or 35(2)(c), the adjudicator shall conduct a hearing on a date to be fixed by the adjudicator at the request of the person on whom the notice was served, on two days notice being given to the adjudicator, which hearing date may not

- (a) in the case of a notice served under paragraph 34(a), be less than thirty days, or more than forty-five days, after the day of service of the notice; or
- (b) in the case of a notice served under paragraph 35(2)(b), be less than three days, or more than forty-five days, after the day of service of the notice.

Change of hearing date

(2) Where the adjudicator is unable to conduct a hearing on the date referred to in subsection (1), the adjudicator shall forthwith notify the person and fix, for the purpose of holding the hearing, the earliest possible date to which the adjudicator and the person agree.

Proceedings on default

(3) Where an adjudicator has received a copy of a notice to appear referred to in subsection (1) and where the person on whom the notice is served has not requested a date for a hearing within forty-five days after the notice was served on that person, or where the person, having requested a hearing, fails to appear for the hearing, the adjudicator shall proceed to make a determination in the absence of the person.

Time and place

(4) An adjudicator may, subject to the regulations, determine the time and place of any hearing or other proceeding under this Part.

Notice to appear

37. A notice to appear served on a person under paragraph 34(a) or 35(2)(b) shall

- (a) specify the designated regulation that the Minister believes the person has contravened;
- (b) state the grounds on which the Minister believes the contravention has occurred;

(c) state that the matter has been referred to an adjudicator for a hearing to be conducted on a date within the applicable period described in paragraph 36(1)(a) or (b); and

(d) set out such other information as is prescribed.

Proof of service

38. Proof of service of any notice, order or interim order under this Part shall be given in the prescribed manner.

Powers of adjudicator

39. For the purposes of this Act, an adjudicator has and may exercise the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Hearing procedure

40. An adjudicator shall deal with all matters as informally and expeditiously as the circumstances and considerations of fairness and natural justice permit.

Determination by adjudicator

41. (1) An adjudicator shall, after the conclusion of a hearing referred to in subsection 36(1) or a proceeding referred to in subsection 36(3), within the prescribed time, make a determination that the person who is the subject of the hearing or proceeding contravened or did not contravene the designated regulation.

Notice of determination

(2) Where an adjudicator has made a determination under subsection (1), the adjudicator shall

(a) forthwith notify the person and the Minister of the adjudicator's determination and the reasons; and

(b) where the adjudicator has determined that the person has contravened the designated regulation, notify the person of the opportunity to make representations to the Minister in writing in accordance with the regulations and within the prescribed time.

Ministerial orders

(3) Where an adjudicator has made a determination referred to in paragraph (2)(b) and the Minister has considered the determination and any representations referred to in that paragraph, the Minister shall forthwith make an order

(a) prohibiting the person from doing anything that they would, if they were in compliance with the designated regulation, be permitted to do, or

(b) subjecting the doing of anything under the designated regulation by the person to the terms and conditions specified in the order,

and may, for that purpose, suspend, cancel or amend any licence, permit or authorization issued or granted to the person under the regulations or take any other measures set out in the regulations.

Ministerial orders

(4) An order made under subsection (3) shall be served on the person to whom it is directed in the prescribed manner.

Effect of order

42. (1) An interim order made under subsection 35(1) and an order made under subsection 41(3) have effect from the time that they are served on the person to whom they are directed.

Cessation of effect

(2) An interim order that was made in respect of a person believed to have contravened a designated regulation ceases to have effect

(a) where the Minister makes an order under subsection 41(3), at the time the order is served on the person; and

(b) where an adjudicator has determined that the person did not contravene the designated regulation, at the time the adjudicator makes the determination.

Application to revoke order

(3) A person in respect of whom an order was made under subsection 41(3) may make an application in writing to the Minister in accordance with the regulations to revoke the order.

Revocation of order

(4) The Minister may, in the prescribed circumstances, revoke, in whole or in part, any order made under subsection 41(3).

Offence for contravention of order

43. Every person commits an offence who contravenes an order or an interim order made under this Part.

PART VI

GENERAL

ANALYSIS

Designation of analysts

44. The Minister may designate, in accordance with the regulations made pursuant to paragraph 55(1)(o), any person as an analyst for the purposes of this Act and the regulations.

Analysis

45. (1) An inspector or peace officer may submit to an analyst for analysis or examination any substance or sample thereof taken by the inspector or peace officer.

Report

(2) An analyst who has made an analysis or examination under subsection (1) may prepare a certificate or report stating that the analyst has analysed or examined a substance or a sample thereof and setting out the results of the analysis or examination.

OFFENCE AND PUNISHMENT

Penalty

46. Every person who contravenes a provision of this Act for which punishment is not otherwise provided or a regulation, other than a designated regulation within the meaning of Part V,

(a) is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years, or to both; or

(b) is guilty of an offence punishable on summary conviction and liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both.

EVIDENCE AND PROCEDURE

Limitation

47. (1) No summary conviction proceedings in respect of an offence under subsection 4(2) or 32(2), section 43 or the regulations shall be commenced after the expiration of one year after the time when the subject-matter of the proceedings arose.

Venue

(2) Proceedings in respect of a contravention of any provision of this Act or the regulations may be held in the place where the offence was committed or where the subject-matter of the proceedings arose or in any place where the accused is apprehended or happens to be located.

Burden of proving exception, etc.

48. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information or indictment for an offence under this Act or the regulations or under section 463, 464 or 465 of the *Criminal Code* in respect of such an offence.

Burden of proving exception, etc.

(2) In any prosecution under this Act, the prosecutor is not required, except by way of rebuttal, to prove that a certificate, licence, permit or other qualification does not operate in favour of the accused, whether or not the qualification is set out in the information or indictment.

Copies of documents

49. (1) A copy of any document filed with a department, ministry, agency, municipality or other body established by or pursuant to a law of a province, or of any statement containing information from the records kept by any such department, ministry, agency, municipality or body, purporting to be certified by any official having custody of that document or those records, is admissible in evidence in any prosecution for an offence referred to in subsection 48(1) and, in the absence of evidence to the contrary, is proof of the facts contained in that document or statement, without proof of the signature or official character of the person purporting to have certified it.

Authentication

(2) For the purposes of subsection (1), an engraved, lithographed, photocopied, photographed, printed or otherwise electronically or mechanically reproduced facsimile signature of an official referred to in that subsection is sufficient authentication of any copy referred to in that subsection.

Evidence inadmissible under this section

(3) Nothing in subsection (1) renders admissible in evidence in any legal proceeding such part of any record as is proved to be a record made in the course of an investigation or inquiry.

Certificate issued pursuant to regulations

50. (1) Subject to subsection (2), any certificate or other document issued pursuant to regulations made under paragraph 55(2)(c) is admissible in evidence in a preliminary inquiry, trial or other proceeding under this or any other Act of Parliament and, in the absence of evidence to the contrary, is proof that the certificate or other document was validly issued and of the facts contained in it, without proof of the signature or official character of the person purporting to have certified it.

Certificate issued pursuant to regulations

(2) The defence may, with leave of the court, require that the person who issued the certificate or other document

(a) produce an affidavit or solemn declaration attesting to any of the matters deemed to be proved under subsection (1); or

(b) appear before the court for examination or cross-examination in respect of the issuance of the certificate or other document.

Certificate of analyst

51. (1) Subject to this section, a certificate or report prepared by an analyst under subsection 45(2) is admissible in evidence in any prosecution for an offence under this Act or the regulations or any other Act of Parliament and, in the absence of evidence to the contrary, is proof of the statements set out in the certificate or report, without proof of the signature or official character of the person appearing to have signed it.

Attendance of analyst

(2) The party against whom a certificate or report of an analyst is produced under subsection (1) may, with leave of the court, require the attendance of the analyst for the purpose of cross-examination.

Notice

(3) Unless the court otherwise orders, no certificate or report shall be received in evidence under subsection (1) unless the party intending to produce it has, before its production at trial, given to the party against whom it is intended to be produced reasonable notice of that intention, together with a copy of the certificate or report.

Proof of notice

52. (1) For the purposes of this Act and the regulations, the giving of any notice, whether orally or in writing, or the service of any document may be proved by the oral evidence of, or by the affidavit or solemn declaration of, the person claiming to have given that notice or served that document.

Proof of notice

(2) Notwithstanding subsection (1), the court may require the affiant or declarant to appear before it for examination or cross-examination in respect of the giving of notice or proof of service.

Continuity of possession

53. (1) In any proceeding under this Act or the regulations, continuity of possession of any exhibit tendered as evidence in that proceeding may be proved by the testimony of, or the affidavit or solemn declaration of, the person claiming to have had it in their possession.

Alternative method of proof

(2) Where an affidavit or solemn declaration is offered in proof of continuity of possession under subsection (1), the court may require the affiant or declarant to appear before it for examination or cross-examination in respect of the issue of continuity of possession.

Copies of records, books or documents

54. Where any record, book, electronic data or other document is examined or seized under this Act or the regulations, the Minister, or the officer by whom the record, book, electronic data or other document is examined or seized, may make or cause to

be made one or more copies thereof, and a copy of any such record, book, electronic data or other document purporting to be certified by the Minister or a person authorized by the Minister is admissible in evidence and, in the absence of evidence to the contrary, has the same probative force as the original record, book, electronic data or other document would have had if it had been proved in the ordinary way.

REGULATIONS, EXEMPTIONS AND DISQUALIFICATIONS

Regulations

55. (1) The Governor in Council may make regulations for carrying out the purposes and provisions of this Act, including the regulation of the medical, scientific and industrial applications and distribution of controlled substances and precursors and the enforcement of this Act and, without restricting the generality of the foregoing, may make regulations

(a) governing, controlling, limiting, authorizing the importation into Canada, exportation from Canada, production, packaging, sending, transportation, delivery, sale, provision, administration, possession or obtaining of or other dealing in any controlled substances or precursor or any class thereof;

(b) respecting the circumstances in which, the conditions subject to which and the persons or classes of persons by whom any controlled substances or precursor or any class thereof may be imported into Canada, exported from Canada, produced, packaged, sent, transported, delivered, sold, provided, administered, possessed, obtained or otherwise dealt in, as well as the means by which and the persons or classes of persons by whom such activities may be authorized;

(c) respecting the issuance, suspension, cancellation, duration and terms and conditions of any class of licence for the importation into Canada, exportation from Canada, production, packaging, sale, provision or administration of any substance included in Schedule I, II, III, IV, V or VI or any class thereof;

(d) respecting the issuance, suspension, cancellation, duration and terms and conditions of any permit for the importation into Canada, exportation from Canada or production of a specified quantity of a substance included in Schedule I, II, III, IV, V or VI or any class thereof;

(e) prescribing the fees payable on application for any of the licences or permits provided for in paragraphs (c) and (d);

(f) respecting the method of production, preservation, testing, packaging or storage of any controlled substance or precursor or any class thereof;

(g) respecting the premises, processes or conditions for the production or sale of any controlled substance or any class thereof, and deeming such premises, processes or conditions to be or not to be suitable for the purposes of the regulations;

(h) respecting the qualifications of persons who are engaged in the production, preservation, testing, packaging, storage, selling, providing or otherwise dealing in any controlled substance or precursor or any class thereof and who do so under the supervision of a person licensed under the regulations to do any such thing;

(i) prescribing standards of composition, strength, concentration, potency, purity or quality or any other property of any controlled substance or precursor;

(j) respecting the labelling, packaging, size, dimensions, fill and other specifications of packages used for the importation into Canada, exportation from Canada, sending, transportation, delivery, sale or provision of or other dealing in any substance included in Schedule I, II, III, IV, V or VI or any class thereof;

(k) respecting the distribution of samples of any substance included in Schedule I, II, III, IV, V or VI or any class thereof;

(l) controlling and limiting the advertising for sale of any controlled substance or precursor or any class thereof;

(m) respecting the records, books, electronic data or other documents in respect of controlled substances and precursors that are required to be kept and provided by any person or class of persons who imports into Canada, exports from Canada, produces, packages, sends, transports, delivers, sells, provides, administers, possesses, obtains or otherwise deals in any controlled substance or precursor or any class thereof;

(n) respecting the qualifications for inspectors and their powers and duties in relation to the enforcement of, and compliance with, the regulations;

(o) respecting the qualifications for analysts and their powers and duties;

(p) respecting the detention and disposal of or otherwise dealing with any controlled substance;

(q) respecting the disposal of or otherwise dealing with any precursor;

(r) respecting the taking of samples of substances under paragraph 31(1)(h);

(s) respecting the communication of any information obtained under this Act or the regulations from or relating to any person or class of persons who is or may be authorized to import into Canada, export from Canada, produce, package, send, transport, deliver, sell, provide, administer, possess, obtain or otherwise deal in any controlled substance or precursor or any class thereof

(i) to any provincial professional licensing authority, or

(ii) to any person or class of persons where, in the opinion of the Governor in Council, it is necessary to communicate that information for the proper administration or enforcement of this Act or the regulations;

(t) respecting the making, serving, filing and manner of proving service of any notice, order, report or other document required or authorized under this Act or the regulations;

(u) prescribing the circumstances in which an order made under subsection 41(3) may be revoked by the Minister pursuant to subsection 42(4);

(v) prescribing forms for the purposes of this Act or the regulations;

(w) establishing classes or groups of controlled substances or precursors;

(x) conferring powers or imposing duties and functions on adjudicators in relation to hearings conducted and determinations made by them under Part V;

(y) governing the practice and procedure of hearings conducted and determinations made by adjudicators under Part V;

(z) exempting, on such terms and conditions as may be specified in the regulations, any person or class of persons or any controlled substance or precursor or any class thereof from the application of this Act or the regulations; and

(z.1) prescribing anything that, by this Act, is to be or may be prescribed.

Regulations pertaining to law enforcement

(2) The Governor in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, may make regulations that pertain to investigations and other law enforcement activities conducted under this Act by a member of a police force and other persons acting under the direction and control of a member and, without restricting the generality of the foregoing, may make regulations

(a) authorizing the Minister of Public Safety and Emergency Preparedness or the provincial minister responsible for policing in a province, as the case may be, to designate a police force within their jurisdiction for the purposes of this subsection;

(b) exempting, on such terms and conditions as may be specified in the regulations, a member of a police force that has been designated pursuant to paragraph (a) and other persons acting under the direction and control of the member from the application of any provision of Part I or the regulations;

(c) respecting the issuance, suspension, cancellation, duration and terms and conditions of a certificate, other document or, in exigent circumstances, an approval to obtain a certificate or other document, that is issued to a member of a police force that has been designated pursuant to paragraph (a) for the purpose of exempting the member from the application of this Act or the regulations;

(d) respecting the detention, storage, disposal or otherwise dealing with any controlled substance or precursor;

(e) respecting records, reports, electronic data or other documents in respect of a controlled substance or precursor that are required to be kept and provided by any person or class of persons; and

(f) prescribing forms for the purposes of the regulations.

Regulations pertaining to law enforcement under other Acts of Parliament

(2.1) The Governor in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, may, for the purpose of an investigation or other law enforcement activity conducted under another Act of Parliament, make regulations authorizing a member of a police force or other person under the direction and control of such a member to commit an act or omission — or authorizing a member of a police force to direct the commission of an act or omission — that would otherwise constitute

an offence under Part I or the regulations and, without restricting the generality of the foregoing, may make regulations

(a) authorizing the Minister of Public Safety and Emergency Preparedness or the provincial minister responsible for policing in a province, as the case may be, to designate a police force within their jurisdiction for the purposes of this subsection;

(b) exempting, on such terms and conditions as may be specified in the regulations, a member of a police force that has been designated pursuant to paragraph (a) and other persons acting under the direction and control of the member from the application of any provision of Part I or the regulations;

(c) respecting the issuance, suspension, cancellation, duration and terms and conditions of a certificate, other document or, in exigent circumstances, an approval to obtain a certificate or other document, that is issued to a member of a police force that has been designated pursuant to paragraph (a) for the purpose of exempting the member from the application of Part I or the regulations;

(d) respecting the detention, storage, disposal or other dealing with any controlled substance or precursor;

(e) respecting records, reports, electronic data or other documents in respect of a controlled substance or precursor that are required to be kept and provided by any person or class of persons; and

(f) prescribing forms for the purposes of the regulations.

Incorporation by reference

(3) Any regulations made under this Act incorporating by reference a classification, standard, procedure or other specification may incorporate the classification, standard, procedure or specification as amended from time to time, and, in such a case, the reference shall be read accordingly.

1996, c. 19, s. 55; 2001, c. 32, s. 55; 2005, c. 10, s. 15.

Exemption by Minister

56. The Minister may, on such terms and conditions as the Minister deems necessary, exempt any person or class of persons or any controlled substance or precursor or any class thereof from the application of all or any of the provisions of this Act or the regulations if, in the opinion of the Minister, the exemption is necessary for a medical or scientific purpose or is otherwise in the public interest.

Powers, duties and functions of Minister or Minister of Public Safety and Emergency Preparedness

57. The Minister's powers, duties or functions under this Act or the regulations — and those of the Minister of Public Safety and Emergency Preparedness under the regulations — may be exercised or performed by any person designated, or any person occupying a position designated, for that purpose by the relevant Minister.

1996, c. 19, s. 57; 2005, c. 10, s. 16.

Paramountcy of this Act and the regulations

58. In the case of any inconsistency or conflict between this Act or the regulations made under it, and the *Food and Drugs Act* or the regulations made under that Act, this Act and the regulations made under it prevail to the extent of the inconsistency or conflict.

Offence of making false or deceptive statements

59. No person shall knowingly make, or participate in, assent to or acquiesce in the making of, a false or misleading statement in any book, record, return or other document however recorded, required to be maintained, made or furnished pursuant to this Act or the regulations.

AMENDMENTS TO SCHEDULES

Schedules

60. The Governor in Council may, by order, amend any of Schedules I to VIII by adding to them or deleting from them any item or portion of an item, where the Governor in Council deems the amendment to be necessary in the public interest.

PART VII

TRANSITIONAL PROVISIONS, CONSEQUENTIAL AND CONDITIONAL AMENDMENTS, REPEAL AND COMING INTO FORCE

TRANSITIONAL PROVISIONS

References to prior enactments

61. Any reference in a designation by the Minister of Public Safety and Emergency Preparedness under Part VI of the *Criminal Code* to an offence contrary to the *Narcotic Control Act* or Part III or IV of the *Food and Drugs Act* or any conspiracy or attempt to commit or being an accessory after the fact or any counselling in relation to such an offence shall be deemed to be a reference to an offence contrary to section 5 (trafficking), 6 (importing and exporting) or 7 (production) of this Act, as the case may be, or a conspiracy or attempt to commit or being an accessory after the fact or any counselling in relation to such an offence.

1996, c. 19, s. 61; 2001, c. 32, s. 56; 2005, c. 10, s. 34.

Sentences for prior offences

62. (1) Subject to subsection (2), where, before the coming into force of this Act, a person has committed an offence under the *Narcotic Control Act* or Part III or IV of the *Food and Drugs Act* but a sentence has not been imposed on the person for that offence, a sentence shall be imposed on the person in accordance with this Act.

Application of increased punishment

(2) Where any penalty, forfeiture or punishment provided by the *Narcotic Control Act* or section 31 or Part III or IV of the *Food and Drugs Act*, as those Acts read

immediately before the coming into force of sections 4 to 9 of this Act, is varied by this Act, the lesser penalty, forfeiture or punishment applies in respect of any offence that was committed before the coming into force of those sections.

Validation

63. Every authorization issued by the Minister under subsection G.06.001(1) or J.01.033(1) of the *Food and Drug Regulations* or subsection 68(1) of the *Narcotic Control Regulations* before the coming into force of sections 81 and 94 of this Act is hereby declared to have been validly issued and every such authorization that is in force on the coming into force of sections 81 and 94 of this Act shall continue in force under this Act until it is revoked, as if it were an exemption made under section 56 of this Act.

CONSEQUENTIAL AMENDMENTS

64. to 93.1 [Amendments]

CONDITIONAL AMENDMENTS

93.2 and 93.3 [Amendments]

REPEAL

94. [Repeal]

COMING INTO FORCE

Coming into force

***95.** This Act or any of its provisions comes into force on a day or days to be fixed by order of the Governor in Council.

* [Note: Act in force May 14, 1997, see SI/97-47.]

SCHEDULE I

(Sections 2 to 7, 29, 55 and 60)

1. Opium Poppy (*Papaver somniferum*), its preparations, derivatives, alkaloids and salts, including:
 - (1) Opium
 - (2) Codeine (methyldmorphine)
 - (3) Morphine (7,8-didehydro-4,5-epoxy-17-methylmorphinan-3,6-diol)
 - (4) Thebaine (paramorphine)

and the salts, derivatives and salts of derivatives of the substances set out in subitems (1) to (4), including:

- (5) Acetorphine (acetyletorphine)
- (6) Acetyldihydrocodeine (4,5-epoxy-3-methoxy-17-methylmorphinan-6-ol acetate)
- (7) Benzylmorphine (7,8-didehydro-4,5-epoxy-17-methyl-3-(phenylmethoxy) morphinan-6-ol)
- (8) Codoxime (dihydrocodeinone O-(carboxymethyl) oxime)
- (9) Desomorphine (dihydrodeoxymorphine)
- (10) Diacetylmorphine (heroin)
- (11) Dihydrocodeine (4,5-epoxy-3-methoxy-17-methylmorphinan-6-ol)
- (12) Dihydromorphine (4,5-epoxy-17-methylmorphinan-3,6-diol)
- (13) Ethylmorphine (7,8-didehydro-4,5-epoxy-3-ethoxy-17-methylmorphinan-6-ol)
- (14) Etorphine (tetrahydro-7 α -(1-hydroxy-1-methyl-butyl)-6,14-endo-ethenooripavine)
- (15) Hydrocodone (dihydrocodeinone)
- (16) Hydromorphenol (dihydro-14-hydroxymorphine)
- (17) Hydromorphone (dihydromorphinone)
- (18) Methyldesorphine (Δ^6 -deoxy-6-methylmorphine)
- (19) Methyldihydromorphine (dihydro-6-methylmorphine)
- (20) Metopon (dihydromethylmorphinone)
- (21) Morphine-N-oxide (morphine oxide)
- (22) Myrophine (benzylmorphine myristate)
- (23) Nalorphine (N-allylnormorphine)
- (24) Nicocodine (6-nicotinylcodeine)
- (25)

- (26) Nicomorphine (dinicotinylmorphine)
- (27) Norcodeine (N-desmethylocodeine)
- (28) Normorphine (N-desmethylmorphine)
- (29) Oxycodone (dihydrohydroxycodeinone)
- (30) Oxymorphone (dihydrohydroxymorphinone)
- (31) Pholcodine (3-[2-(4-morpholinyl)ethyl]morphine)

but not including

- (32) Apomorphine (5,6,6a,7-tetrahydro-6-methyl-4H-dibenzo[de,g]quinoline-10,11-diol)
- (33) Cyprenorphine (N-(cyclopropylmethyl)-6,7,8,14-tetrahydro-7a-(1-hydroxy-1-methylethyl)-6,14-endo-ethenonoripavine)
- (34) Nalmefene (17-(cyclopropylmethyl)-4,5a-epoxy-6-methylenemorphinan-3,14-diol)
- (34.1) Naloxone (4,5a-epoxy-3,14-dihydroxy-17-(2-propenyl)morphinan-6-one)
- (34.2) Naltrexone (17-(cyclopropylmethyl)-4,5a-epoxy-3,14-dihydroxymorphinan-6-one)
- (35) Narcotine (6,7-dimethoxy-3-(5,6,7,8-tetrahydro-4-methoxy-6-methyl-1,3-dioxolos [4,5-g]isoquinolin-5-yl)-1(3H)-isobenzofuranone)
- (36) Papaverine (1-[(3,4-dimethoxyphenyl)methyl]-6,7-dimethoxyisoquinoline)
- (37) Poppy seed

2.

Coca (Erythroxyton), its preparations, derivatives, alkaloids and salts, including:

- (1) Coca leaves
- (2) Cocaine (benzoylecgonine)
- (3) Ecgonine (3-hydroxy-2-tropane carboxylic acid)

3.

Phenylpiperidines, their intermediates, salts, derivatives and analogues and salts of intermediates, derivatives and analogues, including:

- (1) Allyprodine (3-allyl-1-methyl-4-phenyl-4-piperidinol propionate)
- (2) Alphameprodine (α -3-ethyl-1-methyl-4-phenyl-4-piperidinol propionate)
- (3) Alphaprodine (α -1,3-dimethyl-4-phenyl-4-piperidinol propionate)
- (4) Anileridine (ethyl 1-[2-(p-aminophenyl)ethyl]-4-phenylpiperidine-4-carboxylate)
- (5) Betameprodine (β -3-ethyl-1-methyl-4-phenyl-4-piperidinol propionate)
- (6) Betaprodine (β -1,3-dimethyl-4-phenyl-4-piperidinol propionate)
- (7) Benzethidine (ethyl 1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylate)
- (8) Diphenoxylate (ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate)
- (9) Difenoxyin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate)
- (10) Etoxidine (ethyl 1-[2-(2-hydroxyethoxy) ethyl]-4-phenylpiperidine-4-carboxylate)
- (11) Furethidine (ethyl 1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylate)
- (12) Hydroxypethidine (ethyl 4-(m-hydroxyphenyl)-1-methylpiperidine-4-carboxylate)
- (13) Ketobemidone (1-[4-(m-hydroxyphenyl)-1-methyl-4-piperidyl]-1-propanone)
- (14) Methylphenylisonipeconitrile (4-cyano-1-methyl-4-phenylpiperidine)
- (15) Morpheridine (ethyl 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylate)
- (16) Norpethidine (ethyl 4-phenylpiperidine-4-carboxylate)
- (17) Pethidine (ethyl 1-methyl-4-phenylpiperidine-4-carboxylate)
- (18) Phenoperidine (ethyl 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylate)
- (19)

- Piminodine (ethyl 1-[3-(phenylamino)propyl]-4-phenylpiperidine-4-carboxylate)
- (20) Properidine (isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate)
- (21) Trimeperidine (1,2,5-trimethyl-4-phenyl-4-piperidinol propionate)
- (22) Pethidine Intermediate C (1-methyl-4-phenylpiperidine-4-carboxylate)

but not including

- (23) Carbamethidine (ethyl 1-(2-carbamylethyl)-4-phenylpiperidine-4-carboxylate)
- (24) Oxpheneridine (ethyl 1-(2-hydroxy-2-phenylethyl)-4-phenylpiperidine-4-carboxylate)

4.

Phenazepines, their salts, derivatives and salts of derivatives including:

- (1) Proheptazine (hexahydro-1,3-dimethyl-4-phenyl-1H-azepin-4-ol propionate)

but not including

- (2) Ethoheptazine (ethyl hexahydro-1-methyl-4-phenyl-azepine-4-carboxylate)
- (3) Metethoheptazine (ethyl hexahydro-1,3-dimethyl-4-phenylazepine-4-carboxylate)
- (4) Metheptazine (ethyl hexahydro-1,2-dimethyl-4-phenylazepine-4-carboxylate)

5.

Amidones, their intermediates, salts, derivatives and salts of intermediates and derivatives including:

- (1) Dimethylaminodiphenylbutanonitrile (4-cyano-2-dimethylamino-4,4-diphenylbutane)
- (2) Dipipanone (4,4-diphenyl-6-piperidino-3-heptanone)
- (3) Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
- (4) Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
- (5) Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
- (6) Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
- (7)

Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)

6.

Methadols, their salts, derivatives and salts of derivatives including:

- (1) Acetylmethadol (6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
- (2) Alphacetylmethadol (α -6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
- (3) Alphamethadol (α -6-dimethylamino-4,4-diphenyl-3-heptanol)
- (4) Betacetylmethadol (β -6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
- (5) Betamethadol (β -6-dimethylamino-4,4-diphenyl-3-heptanol)
- (6) Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
- (7) Noracymethadol (α -6-methylamino-4,4-diphenyl-3-heptanol acetate)

7.

Phenalkoxams, their salts, derivatives and salts of derivatives including:

- (1) Dimenoxadol (dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate)
- (2) Dioxaphetyl butyrate (ethyl 2,2-diphenyl-4-morpholinobutyrate)
- (3) Dextropropoxyphene ($[S-(R^*,S^*)]$ - α -[2-(dimethylamino)-1-methylethyl]- α -phenylbenzeneethanol, propanoate ester)

8.

Thiambutenes, their salts, derivatives and salts of derivatives including:

- (1) Diethylthiambutene (N,N-diethyl-1-methyl-3,3-di-2-thienylallylamine)
- (2) Dimethylthiambutene (N,N,1-trimethyl-3,3-di-2-thienylallylamine)
- (3) Ethylmethylthiambutene (N-ethyl-N,1-dimethyl-3,3-di-2-thienylallylamine)

9.

Moramides, their intermediates, salts, derivatives and salts of intermediates and derivatives including:

- (1) Dextromoramide (d-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl)pyrrolidine)
- (2) Diphenylmorpholinoisovaleric acid (2-methyl-3-morpholino-1,1-diphenylpropionic acid)
- (3)

- Levomoramide (*l*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl)pyrrolidine)
- (4) Racemoramide (*d,l*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl)pyrrolidine)
10. Morphinans, their salts, derivatives and salts of derivatives including:
- (1) Buprenorphine (17-(cyclopropylmethyl)- α -(1,1-dimethylethyl)-4,5-epoxy-18,19-dihydro-3-hydroxy-6-methoxy- α -methyl-6,14-ethenomorphinan-7-methanol)
- (2) Drotebanol (6 β ,14-dihydroxy-3,4-dimethoxy-17-methylmorphinan)
- (3) Levomethorphan (*l*-3-methoxy-17-methylmorphinan)
- (4) Levorphanol (*l*-3-hydroxy-17-methylmorphinan)
- (5) Levophenacymorphan (*l*-3-hydroxy-17-phenacymorphinan)
- (6) Norlevorphanol (*l*-3-hydroxymorphinan)
- (7) Phenomorphan (3-hydroxy-17-(2-phenylethyl)morphinan)
- (8) Racemethorphan (*d,l*-3-methoxy-17-methylmorphinan)
- (9) Racemorphan (*d,l*-3-hydroxy-N-methylmorphinan)
- but not including
- (10) Dextromethorphan (*d*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethano-phenanthren)
- (11) Dextrorphan (*d*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol)
- (12) Levallorphan (*l*-11-allyl-1,2,3,9,10,10a-hexahydro-4H-10,4a-iminoethanophenanthren-6-ol)
- (13) Levargorphan (*l*-11-propargyl-1,2,3,9,10,10a-hexahydro-4H-10,4a-iminoethanophenanthren-6-ol)
- (14) Butorphanol (17-(cyclobutylmethyl)morphinan-3,14-diol)
- (15) Nalbuphine (17-(cyclobutylmethyl)-4,5 α -epoxymorphinan-3,6 α , 14-triol)

11. Benzazocines, their salts, derivatives and salts of derivatives including:
- (1)

- Phenazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-phenethyl-2,6-methano-3-benzazocin-8-ol)
- (2) Metazocine (1,2,3,4,5,6-hexahydro-3,6,11-trimethyl-2,6-methano-3-benzazocin-8-ol)
- (3) Pentazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol)
- but not including
- (4) Cyclazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(cyclopropylmethyl)-2,6-methano-3-benzazocin-8-ol)
12. Ampromides, their salts, derivatives and salts of derivatives including:
- (1) Diampromide (N-[2-(methylphenethylamino)propyl] propionanilide)
- (2) Phenampromide (N-(1-methyl-2-piperidino) ethyl) propionanilide)
- (3) Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)
13. Benzimidazoles, their salts, derivatives and salts of derivatives including:
- (1) Clonitazene (2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
- (2) Etonitazene (2-(p-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
- (3) Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazoliny)-piperidine)
14. Phencyclidine (1-(1-phenylcyclohexyl)piperidine), its salts, derivatives and analogues and salts of derivatives and analogues, including:
- (1) Ketamine (2-(2-chlorophenyl)-2-(methylamino)cyclohexanone)
15. Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide), its salts, derivatives and salts of derivatives
16. Fentanyl, their salts, derivatives, and analogues and salts of derivatives and analogues, including:
- (1) Acetyl- α -methylfentanyl (N-[1-(α -methylphenethyl)-4-piperidyl] acetanilide)
- (2)

- Alfentanil (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidyl]propionanilide)
- (3) Carfentanil (methyl 4-[(1-oxopropyl)phenylamino]-1-(2-phenethyl)-4-piperidinecarboxylate)
- (4) p-Fluorofentanyl (4'fluoro-N-(1-phenethyl-4-piperidyl) propionanilide)
- (5) Fentanyl (N-(1-phenethyl-4-piperidyl) propionanilide)
- (6) β -Hydroxyfentanyl (N-[1-(β -hydroxyphenethyl)-4-piperidyl] propionanilide)
- (7) β -Hydroxy-3-methylfentanyl (N-[1-(β -hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide)
- (8) α -Methylfentanyl (N-[1-(α -methylphenethyl)-4-piperidyl] propionanilide)
- (9) α -Methylthiofentanyl (N-[1-[1-methyl-2-(2-thienyl) ethyl]-4-piperidyl] propionanilide)
- (10) 3-Methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide)
- (11) 3-Methylthiofentanyl (N-[3-methyl-1-[2-(2-thienyl) ethyl]-4-piperidyl] propionanilide)
- (11.1) Remifentanyl (dimethyl 4-carboxy-4-(N-phenylpropionamido)-1-piperidinepropionate)
- (12) Sufentanil (N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
- (13) Thiofentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
17. Tilidine (ethyl-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate), its salts, derivatives and salts of derivatives
18. Methamphetamine (N, α -dimethylbenzeneethanamine), its salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues
- 1996, c. 19, Sch. I; SOR/97-230, ss. 1 to 6; SOR/99-371, ss. 1, 2; SOR/99-421, s. 1(E); SOR/2005-235, s. 1; SOR/2005-271, 337.

SCHEDULE II

(Sections 2, 3, 4 to 7, 10, 29, 55 and 60)

1.

Cannabis, its preparations, derivatives and similar synthetic preparations, including

- (1) Cannabis resin
- (2) Cannabis (marihuana)
- (3) Cannabidiol (2-[3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)
- (4) Cannabinol (3-n-amyyl-6,6,9-trimethyl-6-dibenzopyran-1-ol)
- (5) Nabilone ((±)-trans-3-(1,1-dimethylheptyl)-6,6a, 7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one)
- (6) Pyrahexyl (3-n-hexyl-6,6,9-trimethyl-7,8,9, 10-tetrahydro-6-dibenzopyran-1-ol)
- (7) Tetrahydrocannabinol (tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol)
- (7.1) 3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol (DMHP)

but not including

- (8) Non-viable Cannabis seed, with the exception of its derivatives
- (9) Mature Cannabis stalks that do not include leaves, flowers, seeds or branches; and fiber derived from such stalks

1996, c. 19, Sch. II; SOR/98-157; SOR/2003-32, s. 1.

SCHEDULE III

(Sections 2 to 7, 29, 55 and 60)

1.

Amphetamines, their salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues including:

- (1) amphetamine (α-methylbenzeneethanamine)
- (2) [Repealed, SOR/2005-235, s. 2]
- (3) N-ethylamphetamine (N-ethyl-α-methylbenzeneethanamine)
- (4) 4-methyl-2,5-dimethoxyamphetamine (STP) (2,5-dimethoxy-4,α-dimethylbenzeneethanamine)

- (5) 3,4-methylenedioxyamphetamine (MDA) (α -methyl-1,3-benzodioxole-5-ethanamine)
- (6) 2,5-dimethoxyamphetamine (2,5-dimethoxy- α -methylbenzeneethanamine)
- (7) 4-methoxyamphetamine (4-methoxy- α -methylbenzeneethanamine)
- (8) 2,4,5-trimethoxyamphetamine (2,4,5-trimethoxy- α -methylbenzeneethanamine)
- (9) N-methyl-3,4-methylenedioxyamphetamine (N, α -dimethyl-1,3-benzodioxole-5-ethanamine)
- (10) 4-ethoxy-2,5-dimethoxyamphetamine (4-ethoxy-2,5-dimethoxy- α -methylbenzeneethanamine)
- (11) 5-methoxy-3,4-methylenedioxyamphetamine (7-methoxy- α -methyl-1,3-benzodioxole-5-ethanamine)
- (12) N,N-dimethyl-3,4-methylenedioxyamphetamine (N,N, α -trimethyl-1,3-benzodioxole-5-ethanamine)
- (13) N-ethyl-3,4-methylenedioxyamphetamine (N-ethyl- α -methyl-1,3-benzodioxole-5-ethanamine)
- (14) 4-ethyl-2,5-dimethoxyamphetamine (DOET) (4-ethyl-2,5-dimethoxy- α -methylbenzeneethanamine)
- (15) 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy- α -methylbenzeneethanamine)
- (16) 4-chloro-2,5-dimethoxyamphetamine (4-chloro-2,5-dimethoxy- α -methylbenzeneethanamine)
- (17) 4-ethoxyamphetamine (4-ethoxy- α -methylbenzeneethanamine)
- (18) Benzphetamine (N-benzyl-N, α -dimethylbenzeneethanamine)
- (19) N-Propyl-3,4-methylenedioxyamphetamine (α -methyl-N-propyl-1,3-benzodioxole-5-ethanamine)
- (20) N-(2-Hydroxyethyl)- α -methylbenzeneethanamine
- (21) N-hydroxy-3,4-methylenedioxyamphetamine (N-[α -methyl-3,4-(methylenedioxy)phenethyl]hydroxylamine)
- (22)

3,4,5-trimethoxyamphetamine (3,4,5-trimethoxy- α -methylbenzeneethanamine)

but not including
(23)

Methamphetamine (N, α -dimethylbenzeneethanamine)

2. Methylphenidate (α -phenyl-2-piperidineacetic acid methyl ester) and any salt thereof
3. Methaqualone (2-methyl-3-(2-methylphenyl)-4(3H)-quinazolinone) and any salt thereof
4. Mecloqualone (2-methyl-3-(2-chlorophenyl)-4(3H)-quinazolinone) and any salt thereof
5. Lysergic acid diethylamide (LSD) (N,N-diethyllysergamide) and any salt thereof
6. N,N-Diethyltryptamine (DET) (3-[(2-diethylamino) ethyl]indole) and any salt thereof
7. N,N-Dimethyltryptamine (DMT) (3-[(2-dimethylamino) ethyl]indole) and any salt thereof
8. N-Methyl-3-piperidyl benzilate (LBJ) (3-[(hydroxydiphenylacetyl)oxy]-1-methylpiperidine) and any salt thereof
9. Harmaline (4,9-dihydro-7-methoxy-1-methyl-3H-pyrido(3,4-b)indole) and any salt thereof
10. Harmalol (4,9-dihydro-1-methyl-3H-pyrido(3,4-b)indol-7-ol) and any salt thereof
11. Psilocin (3-[2-(dimethylamino)ethyl]-4-hydroxyindole) and any salt thereof
12. Psilocybin (3-[2-(dimethylamino)ethyl]-4-phosphoryloxyindole) and any salt thereof
13. N-(1-phenylcyclohexyl)ethylamine (PCE) and any salt thereof
14. 1-[1-(2-Thienyl) cyclohexyl]piperidine (TCP) and any salt thereof
15. 1-Phenyl-N-propylcyclohexanamine and any salt thereof
16. Rolicyclidine (1-(1-phenylcyclohexyl) pyrrolidine) and any salt thereof
17. Mescaline (3,4,5-trimethoxybenzeneethanamine) and any salt thereof, but not peyote (lophophora)

18. 4-Methylaminorex (4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) and any salt thereof
19. Cathinone ((-)- α -aminopropiophenone) and any salt thereof
20. Fenetylline (d,l-3,7-dihydro-1,3-dimethyl-7-(2-[(1-methyl-2-phenethyl)amino]ethyl)-1H-purine-2, 6-dione) and any salt thereof
21. 2-Methylamino-1-phenyl-1-propanone and any salt thereof
22. 1-[1-(Phenylmethyl)cyclohexyl]piperidine and any salt thereof
23. 1-[1-(4-Methylphenyl)cyclohexyl]piperidine and any salt thereof
24. 4-bromo-2,5-dimethoxybenzeneethanamine and any salt, isomer or salt of isomer thereof
25. Flunitrazepam (5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one) and any salts or derivatives thereof
26. 4-hydroxybutanoic acid (GHB) and any salt thereof
27. Aminorex (4,5-dihydro-5-phenyl-2-oxazolamine) and any salt thereof
28. Etryptamine (3-(2-aminobutyl)indole) and any salt thereof
29. Lefetamine ((-)-N,N-dimethyl- α -phenylbenzeneethanamine) and any salt thereof
30. Mesocarb (3-(α -methylphenethyl)-N-(phenylcarbamoylethyl)sydnone imine) and any salt thereof
31. Zipeprol (4-(2-methoxy-2-phenylethyl)- α -(methoxyphenylmethyl)-1-piperazineethanol) and any salt thereof
32. Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid) and any salt thereof

1996, c. 19, Sch. III; SOR/97-230, ss. 7 to 10; SOR/98-173, s. 1; SOR/2000-220, s. 1; SOR/2003-32, ss. 2, 3, 4(F), 5; SOR/2003-412; SOR/2005-235, s. 2.

SCHEDULE IV

(Sections 2 to 4, 5 to 7, 29, 55 and 60)

1. Barbiturates, their salts and derivatives including
 - (1) Allobarbital (5,5-diallylbarbituric acid)

- (2) Alphenal (5-allyl-5-phenylbarbituric acid)
- (3) Amobarbital (5-ethyl-5-(3-methylbutyl)barbituric acid)
- (4) Aprobarbital (5-allyl-5-isopropylbarbituric acid)
- (5) Barbital (5,5-diethylbarbituric acid)
- (6) Barbituric Acid (2,4,6(1H,3H,5H)-pyrimidinetrione)
- (7) Butabarbital (5-sec-butyl-5-ethylbarbituric acid)
- (8) Butalbital (5-allyl-5-isobutylbarbituric acid)
- (9) Butallylonal (5-(2-bromoallyl)-5-sec-butylbarbituric acid)
- (10) Butethal (5-butyl-5-ethylbarbituric acid)
- (11) Cyclobarbital (5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid)
- (12) Cyclopal (5-allyl-5-(2-cyclopenten-1-yl)barbituric acid)
- (13) Heptabarbital (5-(1-cyclohepten-1-yl)-5-ethylbarbituric acid)
- (14) Hexethal (5-ethyl-5-hexylbarbituric acid)
- (15) Hexobarbital (5-(1-cyclohexen-1-yl)-1,5-dimethylbarbituric acid)
- (16) Mephobarbital (5-ethyl-1-methyl-5-phenylbarbituric acid)
- (17) Methabarbital (5,5-diethyl-1-methylbarbituric acid)
- (18) Methylphenobarbital (5-ethyl-1-methyl-5-phenylbarbituric acid)
- (19) Propallylonal (5-(2-bromoallyl)-5-isopropylbarbituric acid)
- (20) Pentobarbital (5-ethyl-5-(1-methylbutyl)barbituric acid)
- (21) Phenobarbital (5-ethyl-5-phenylbarbituric acid)
- (22) Probarbital (5-ethyl-5-isopropylbarbituric acid)
- (23) Phenylmethylbarbituric Acid (5-methyl-5-phenylbarbituric acid)
- (24) Secobarbital (5-allyl-5-(1-methylbutyl)barbituric acid)
- (25)

- (26) Sigmodal (5-(2-bromoallyl)-5-(1-methylbutyl) barbituric acid)
 - (27) Talbutal (5-allyl-5-sec-butylbarbituric acid)
 - (28) Vinbarbital (5-ethyl-5-(1-methyl-1-butenyl)barbituric acid)
 - (28) Vinylbital (5-(1-methylbutyl)-5-vinylbarbituric acid)
2. Thiobarbiturates, their salts and derivatives including:
- (1) Thialbarbital (5-allyl-5-(2-cyclohexen-1-yl)-2-thiobarbituric acid)
 - (2) Thiamylal (5-allyl-5-(1-methylbutyl)-2-thiobarbituric acid)
 - (3) Thiobarbituric Acid (2-thiobarbituric acid)
 - (4) Thiopental (5-ethyl-5-(1-methylbutyl)-2-thiobarbituric acid)
3. Chlorphentermine (1-(p-chlorophenyl)-2-methyl-2-aminopropane) and any salt thereof
4. Diethylpropion (2-(diethylamino)propiofenone) and any salt thereof
5. Phendimetrazine (d-3,4-dimethyl-2-phenylmorpholine) and any salt thereof
6. Phenmetrazine (3-methyl-2-phenylmorpholine) and any salt thereof
7. Pipradol (α,α -diphenyl-2-piperidinemethanol) and any salt thereof
8. Phentermine (α,α -dimethylbenzeneethanamine) and any salt thereof
9. Butorphanol (1-N-cyclobutylmethyl-3,14-dihydroxymorphinan) and any salt thereof
10. Nalbuphine (N-cyclobutylmethyl-4,5-epoxy-morphinan-3,6,14-triol) and any salt thereof
11. Glutethimide (2-ethyl-2-phenylglutarimide)
12. Clotiazepam (5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one) and any salt thereof
13. Ethchlorvynol (ethyl-2-chlorovinyl ethynyl carbinol)
14. Ethinamate (1-ethynylcyclohexanol carbamate)
15. Mazindol (5-(p-chlorophenyl)-2,5-dihydro-3H-imidazo[2,1-a]isoindol-5-ol)

16. Meprobamate (2-methyl-2-propyl-1,3-propanediol dicarbamate)
17. Methyprylon (3,3-diethyl-5-methyl-2,4-piperidinedione)
18. Benzodiazepines, their salts and derivatives, including:
 - (1) Alprazolam (8-chloro-1-methyl-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine)
 - (2) Bromazepam (7-bromo-1,3-dihydro-5-(2-pyridyl)-2H-1,4-benzodiazepin-2-one)
 - (2.1) Brotizolam (2-bromo-4-(o-chlorophenyl)-9-methyl-6H-thieno[3,2-f]-s-triazolo[4,3-a][1,4]diazepine)
 - (3) Camazepam (7-chloro-1,3-dihydro-3-(N,N-dimethylcarbamoyl)-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one)
 - (4) Chlordiazepoxide (7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepine-4-oxide)
 - (5) Clobazam (7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepine-2,4(3H,5H)-dione)
 - (6) Clonazepam (5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one)
 - (7) Clorazepate (7-chloro-2,3-dihydro-2,2-dihydroxy-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid)
 - (8) Cloxazolam (10-chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydrooxazolo[3,2-d][1,4]benzodiazepin-6-(5H)-one)
 - (9) Delorazepam (7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one)
 - (10) Diazepam (7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one)
 - (11) Estazolam (8-chloro-6-phenyl-4H-s-triazolo [4,3-a][1,4]benzodiazepine)
 - (12) Ethyl Loflazepate (ethyl 7-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzodiazepine-3-carboxylate)
 - (13) Fludiazepam (7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one)
 - (14)

[Repealed, SOR/98-173, s. 2]

- (15) Flurazepam (7-chloro-1-[2-(diethylamino) ethyl]-5-(o-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one)
- (16) Halazepam (7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one)
- (17) Haloxazolam (10-bromo-11b-(o-fluorophenyl)-2,3,7,11b-tetrahydrooxazolo[3,2-d][1,4]benzodiazepin-6(5H)-one)
- (18) Ketazolam (11-chloro-8,12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[1,3]-oxazino-[3,2-d][1,4] benzodiazepine-4,7(6H)-dione)
- (19) Loprazolam (6-(o-chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl)methylene]-8-nitro-1H-imidazo[1,2-a][1,4]benzodiazepin-1-one)
- (20) Lorazepam (7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one)
- (21) Lormetazepam (7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one)
- (22) Medazepam (7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine)
- (22.1) Midazolam (8-chloro-6-(o-fluorophenyl)-1-methyl-4H-imidazo[1,5-a][1,4]benzodiazepine)
- (23) Nimetazepam (1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one)
- (24) Nitrazepam (1,3-dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one)
- (25) Nordazepam (7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one)
- (26) Oxazepam (7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one)
- (27) Oxazolam (10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d] [1,4]benzodiazepin-6(5H)-one)
- (28) Pinazepam (7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzodiazepin-2-one)
- (29)

- Prazepam (7-chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one)
- (29.1) Quazepam (7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepine-2-thione)
- (30) Temazepam (7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one)
- (31) Tetrazepam (7-chloro-5-(cyclohexen-1-yl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one)
- (32) Triazolam (8-chloro-6-(o-chlorophenyl)-1-methyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine)
- but not including:
- (32.1) Clozapine (8-chloro-11-(4-methyl-1-piperazinyl)-5H-dibenzo[b,e][1,4]diazepine) and any salt thereof
- (33) Flunitrazepam (5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one) and any salts or derivatives thereof
- (34) Olanzapine (2-methyl-4-(4-methyl-1-piperazinyl)-10H-thieno[2,3-b][1,5]benzodiazepine) and its salts
19. Catha edulis Forsk., its preparations, derivatives, alkaloids and salts, including:
- (1) Cathine (d-threo-2-amino-1-hydroxy-1-phenylpropane)
20. Fencamfamin (d,l-N-ethyl-3-phenylbicyclo[2,2,1]heptan-2-amine) and any salt thereof
21. Fenproporex (d,l-3-[(α -methylphenethyl)amino]propionitrile) and any salt thereof
22. Mefenorex (d,l-N-(3-chloropropyl)- α -methylbenzeneethanamine) and any salt thereof
23. Anabolic steroids and their derivatives including:
- (1) Androisoxazole (17 β -hydroxy-17 α -methylandrostando [3,2-c]isoxazole)
- (2) Androstanolone (17 β -hydroxy-5 α -androstan-3-one)
- (3) Androstenediol (androst-5-ene-3 β ,17 β -diol)
- (4) Bolandiol (estr-4-ene-3 β ,17 β -diol)

- (5) Bolasterone (17 β -hydroxy-7 α ,17-dimethylandrosta-4-en-3-one)
- (6) Bolazine (17 β -hydroxy-2 α -methyl-5 α -androsta-3-one azine)
- (7) Boldenone (17 β -hydroxyandrosta-1,4-dien-3-one)
- (8) Bolenol (19-nor-17 α -pregn-5-en-17-ol)
- (9) Calusterone (17 β -hydroxy-7 β ,17-dimethylandrosta-4-en-3-one)
- (10) Clostebol (4-chloro-17 β -hydroxyandrosta-4-en-3-one)
- (11) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androsta-3-one)
- (12) Enestebol (4, 17 β -dihydroxy-17-methylandrosta-1,4-dien-3-one)
- (13) Epitiostanol (2 α , 3 α -epithio-5 α -androsta-17 β -ol)
- (14) Ethylestrenol (19-nor-17 α -pregn-4-en-17-ol)
- (15) 4-Hydroxy-19-nor testosterone
- (16) Fluoxymesterone (9-fluoro-11 β ,17 β -dihydroxy-17-methylandrosta-4-en-3-one)
- (17) Formebolone (11 α , 17 β -dihydroxy-17-methyl-3-oxoandrosta-1,4 di-en-2-carboxaldehyde)
- (18) Furazabol (17-methyl-5 α -androsta[2,3-c] furazan-17 β -ol)
- (19) Mebolazine (17 β -hydroxy-2 α ,17-dimethyl-5 α -androsta-3-one azine)
- (20) Mesabolone (17 β -[(1-methoxycyclohexyl)oxy]-5 α -androsta-1-en-3-one)
- (21) Mesterolone (17 β -hydroxy-1 α -methyl-5 α -androsta-3-one)
- (22) Metandienone (17 β -hydroxy-17-methylandrosta-1,4-dien-3-one)
- (23) Metenolone (17 β -hydroxy-1-methyl-5 α -androsta-1-en-3-one)
- (24) Methandriol (17 α -methylandrosta-5-ene-3 β ,17 β -diol)
- (25) Methyltestosterone (17 β -hydroxy-17-methylandrosta-4-en-3-one)
- (26) Metribolone (17 β -hydroxy-17-methylestra-4, 9,11-trien-3-one)
- (27)

- (28) Mibolerone (17 β -hydroxy-7 α ,17-dimethylestr-4-en-3-one)
- (29) Nandrolone (17 β -hydroxyestr-4-en-3-one)
- (30) Norboletone (13-ethyl-17 β -hydroxy-18, 19-dinorpregn-4-en-3-one)
- (31) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one)
- (32) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one)
- (33) Oxabolone (4,17 β -dihydroxyestr-4-en-3-one)
- (34) Oxandrolone (17 β -hydroxy-17-methyl-2-oxa-5 α -androstan-3-one)
- (35) Oxymesterone (4,17 β -dihydroxy-17-methyl-5 α -androstan-3-one)
- (36) Oxymetholone (17 β -hydroxy-2-(hydroxymethylene)-17-methyl-5 α -androstan-3-one)
- (37) Prasterone (3 β -hydroxyandrost-5-en-17-one)
- (38) Quinbolone (17 β -(1-cyclopenten-1-yloxy) androsta-1,4-dien-3-one)
- (39) Stanozolol (17 β -hydroxy-17-methyl-5 α -androstan-3-one [3,2-c]pyrazole)
- (40) Stenbolone (17 β -hydroxy-2-methyl-5 α -androst-1-en-3-one)
- (41) Testosterone (17 β -hydroxyandrost-4-en-3-one)
- (42) Tibolone ((7 α ,17 α)-17-hydroxy-7-methyl-19-norpregn-5(10) en-20-yn-3-one)
- (43) Tiomesterone (1 α ,7 α -bis(acetylthio)-17 β -hydroxy-17-methyl-5 α -androst-4-en-3-one)
- (43) Trenbolone (17 β -hydroxyestra-4,9,11-trien-3-one)
24. Zeranol (3,4,5,6,7,8,9,10,11,12-decahydro-7,14,16- trihydroxy-3-methyl-1H-2-benzoxacyclotetradecin-1-one)
25. Zolpidem (N,N,6-trimethyl-2-(4-methylphenyl)imidazo[1,2-a]pyridine-3-acetamide) and any salt thereof
- 25.1 Pemoline (2-amino-5-phenyl-oxazolin-4-one) and any salt thereof
26. Pyrovalerone (4'-methyl-2-(1-pyrrolidinyl)valerophenone) and any salt thereof

1996, c. 19, Sch. IV; SOR/97-230, ss. 11 to 15; SOR/98-173, s. 2; SOR/99-371, s. 3; SOR/99-421, s. 2(E); SOR/2000-220, s. 2; SOR/2003-32, s. 6; SOR/2003-37.

SCHEDULE V

(Sections 2, 4, 6, 55 and 60)

1. [Repealed, SOR/2002-361, s. 1]
2. Propylhexedrine (1-cyclohexyl-2-methylaminopropane) and any salt thereof
3. [Repealed, SOR/2003-32, s. 7]

1996, c. 19, Sch. V; SOR/2002-361, s. 1; SOR/2003-32, s. 7.

SCHEDULE VI

(Sections 2, 6, 55 and 60)

PART 1

CLASS A PRECURSORS¹

1. Acetic anhydride
2. N-Acetylanthranilic acid (2-acetamidobenzoic acid) and its salts
3. Anthranilic acid (2-aminobenzoic acid) and its salts
4. Ephedrine (erythro-2-(methylamino)-1-phenylpropan-1-ol), its salts and any plant containing ephedrine or any of its salts
5. Ergometrine (9,10-didehydro-N-(2-hydroxy-1-methylethyl)-6-methylergoline-8-carboxamide) and its salts
6. Ergotamine (12'-hydroxy-2'-methyl-5'-(phenylmethyl)ergotaman-3',6',18-trione) and its salts
7. Isosafrole (5-(1-propenyl)-1,3-benzodioxole)
8. Lysergic acid (9,10-didehydro-6-methylergoline-8-carboxylic acid) and its salts
9. 3,4-Methylenedioxyphenyl-2-propanone (1-(1,3-benzodioxole)-2-propanone)
10. Norephedrine (Phenylpropanolamine) and its salts
11. 1-Phenyl-2-propanone
- 12.

13. Phenylacetic acid and its salts
14. Piperidine and its salts
15. Piperonal (1,3-benzodioxole-5-carboxaldehyde)
16. Potassium permanganate
17. Pseudoephedrine (threo-2-(methylamino)-1-phenylpropan-1-ol), its salts and any plant containing pseudoephedrine or any of its salts
18. Safrole (5-(2-propenyl)-1,3-benzodioxole) and any essential oil containing more than 4% safrole
19. Gamma-butyrolactone (dihydro-2(3H)-furanone)
20. 1,4-butanediol
21. Red Phosphorus
22. White Phosphorus
23. Hypophosphorous acid, its salts and derivatives
24. Hydriodic acid

PART 2

CLASS B PRECURSORS¹

1. Acetone
2. Ethyl ether
3. Hydrochloric acid
4. Methyl ethyl ketone
5. Sulphuric acid
6. Toluene

PART 3

PREPARATIONS AND MIXTURES

1. Any preparation or mixture that contains a precursor set out in Part 1, except items 20 to 23, or in Part 2.

1996, c. 19, Sch. VI; SOR/2002-361, s. 2; 2005-364, ss. 1, 2, 3(F), 4.

¹ Each Class A precursor includes synthetic and natural forms.

1 Each Class B precursor includes synthetic forms.

SCHEDULE VII

(Sections 5 and 60)

Substance	Amount
1. Cannabis resin	3 kg
2. Cannabis (marihuana)	3 kg

SCHEDULE VIII

(Sections 4 and 60)

Substance	Amount
1. Cannabis resin	1 g
2. Cannabis (marihuana)	30 g

1996, c. 19, Sch. VIII; SOR/97-230, s. 16.

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