

**IN THE SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE COURT OF APPEAL OF BRITISH COLUMBIA)

B E T W E E N :

**ATTORNEY GENERAL OF CANADA and MINISTER OF HEALTH FOR CANADA**

Appellants  
(Appellants / Cross - Respondents)

- and -

**PHS COMMUNITY SERVICES SOCIETY, DEAN EDWARD WILSON and SHELLY TOMIC,  
VANCOUVER AREA NETWORK OF DRUG USERS (VANDU)**

Respondents  
(Respondents / Cross-Appellants)

- and -

**ATTORNEY GENERAL OF BRITISH COLUMBIA**

Respondent  
(Respondent)

- and -

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HIV/AIDS LEGAL NETWORK, INTERNATIONAL HARM REDUCTION ASSOCIATION AND  
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ASSOCIATION, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, BRITISH  
COLUMBIA NURSES' UNION, REAL WOMEN CANADA**

Intervenors

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**FACTUM OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION (“CCLA”)**  
**(pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)**

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## **Part I – Overview of Position and Facts**

### ***Overview of Position***

1. The Vancouver Safe Injection Site (“**Insite**”) arose from *The Vancouver Agreement*, a landmark agreement, entered into among the federal, provincial and municipal governments in March 2000. Its stated goal was to create a healthy, safe and sustainable community in the Downtown East Side of Vancouver, an area known to be devastated by addiction, extreme poverty, mental health problems and other pre-existing disadvantages.
2. The position of the Federal government is that in the absence of an exemption, the users of Insite commit crimes contrary to the *Controlled Drugs and Substances Act*.<sup>1</sup> The prohibitions contained in ss. 4(1) and 5(1) of the *CDSA* require the users of Insite to make a dramatic choice: commit a crime, or risk death and/or the adverse health consequences caused by unsafe injection, including Hepatitis C, HIV/AIDS and death caused by overdose.
3. It is the position of the CCLA that the rights not to be deprived of life, liberty and security of the person except in accordance with principles of fundamental justice are violated where access to medical treatment is jeopardized by the enforcement of criminal law and, in this context, by the operation of ss. 4(1) and 5(1) of the *CDSA*. Furthermore, these violations cannot be saved under s. 1 of the Charter.

### ***The CCLA’s Interest in the Appeal***

4. The CCLA is a national organization dedicated to the furtherance of civil liberties in Canada. It offers a broad, national, civil liberties perspective. The CCLA has been involved in the litigation of many important civil liberties issues arising both prior to and under the *Charter*. In every issue on which it advocates, including the case at bar, the CCLA seeks to reconcile civil liberties with the different public interests that are involved.

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<sup>1</sup> S.C. 1996, c. 19 (“*CDSA*”)



## **Overview of Facts**

5. The Downtown East Side of Vancouver is one of the poorest neighbourhoods in Canada. It has high rates of unemployment, homelessness and extreme poverty.<sup>2</sup> Many of its residents suffer from serious health problems, with alarming rates of Hepatitis C, HIV/AIDS, serious mental illnesses and premature death.<sup>3</sup>
6. The illnesses in the Downtown East Side of Vancouver are contributed to by a combination of addiction to injection drugs and the regulatory framework surrounding the prohibition of those drugs. In particular, many of the worst health problems are caused specifically by unsafe injection rather than the drugs themselves.<sup>4</sup> It can be reasonably inferred from the evidence that unsafe injection is caused, in part, by the enforcement of the *CDSA*. This follows from the fact that injection drug users seeking to avoid detection by the police employ unsafe injection practices. These include sharing syringes, using “puddle water” as a vehicle for their drugs, injecting alone and sometimes in alleys behind dumpsters.<sup>5</sup> These practices can lead to many serious health issues, including the spread of disease, tissue infections and even death due to overdose.<sup>6</sup> At the same time, this population poses significant challenges for medical professionals and public health officials. The population is known to be “hard to house”, “hard to reach” and “hard to treat”. This follows from a variety of factors, including homelessness, unemployment, addiction, chronic illness and mental health problems.<sup>7</sup>
7. The injection drug users themselves, comprising a significant portion of the Downtown East Side of Vancouver population,<sup>8</sup> have almost uniformly tragic histories and are clinging to the very margins of society. Estimates of the rates of childhood abuse and/or neglect among injection drug users range as high as 100%.<sup>9</sup> A significant number of injection drug users are homeless or

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<sup>2</sup> Record, Vol. I, Trial decision, p. 12, ¶ 15; Record, Vol. IV, Affidavit of Elizabeth J. Evans, sworn January 18, 2008, pp. 81, 83, ¶ 4, 8; Record, Vol. V, Affidavit of Heather Hay sworn January 22, 2008 p. 125, ¶ 6

<sup>3</sup> Record, Vol. I, Trial decision, p. 12, ¶¶ 15 and 16; Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 4, ¶ 10

<sup>4</sup> Record, Vol. I, Trial decision, p. 24, ¶¶ 87 to 89; Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 4, ¶ 10

<sup>5</sup> Record, Vol. XIX, Affidavit of Dean Wilson sworn September 1, 2006 pp. 152 - 153, ¶¶ 16 – 21; Affidavit of Gabor Maté sworn October 16, 2007 p. 4, ¶ 11

<sup>6</sup> Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 4, ¶ 10

<sup>7</sup> Record, Vol. IV, Affidavit of Elizabeth J. Evans, sworn January 18, 2008, p. 81, ¶ 4

<sup>8</sup> Record, Vol. I, Trial decision, p. 12, ¶ 15

<sup>9</sup> Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 3, ¶ 6

under-housed.<sup>10</sup> Many are involved in the sex trade.<sup>11</sup> Most have been incarcerated for their drug addiction.<sup>12</sup> Compounding these problems, it can be reasonably inferred from the evidence that injection drug users are generally addicted to multiple substances and have been unsuccessfully fighting their addictions through various means for many years.<sup>13</sup>

8. The injection of illicit drugs is a choice. Addiction is not. Addiction is an illness.<sup>14</sup> It is considered a brain disease.<sup>15</sup> It is complex, difficult to treat and has multi-faceted causes.<sup>16</sup> Most of these causes, including early childhood trauma, parental neglect and genetic predisposition,<sup>17</sup> are the very antithesis of choice.
9. Insite was an integral part of the public policy response by all three levels of government to the appalling and worsening conditions caused by unsafe injection in the Downtown East Side of Vancouver.<sup>18</sup> This initiative was also supported by the Vancouver police.<sup>19</sup> Insite provides a wide array of safe injection health services, including the provision of safe injection equipment, supervision by healthcare professionals, referrals to other healthcare providers, addiction counselling and medical information, and referrals to an onsite detoxification centre.<sup>20</sup>
10. Insite remains one of the only contact points between many members of the Downtown East Side of Vancouver community and the healthcare system. One of the respondents, a user of Insite and long-time resident of the Downtown East Side of Vancouver, has called the treatment provided at Insite "the single most important service that has ever been made available to injection drug users in the Downtown East Side of Vancouver".<sup>21</sup> A physician who treats injection drug users in the

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<sup>10</sup> Record, Vol. I, Trial decision, p. 12, ¶ 16

<sup>11</sup> Record, Vol. I, Trial decision, p. 12, ¶ 16

<sup>12</sup> Record, Vol. I, Trial decision, p. 12, ¶ 16

<sup>13</sup> Record, Vol. I, Trial decision, p. 12, ¶ 16; Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 2, ¶ 5; Record, Vol. IV, Affidavit of Dean Wilson sworn September 25, 2007 p. 43, ¶ 6; Record, Vol. XIX, Affidavit of Dean Wilson sworn September 1, 2006 p. 150, ¶¶ 5 - 8

<sup>14</sup> Record, Vol. I, Trial decision, p. 24, ¶ 87

<sup>15</sup> Record, Vol. XIX, Affidavit of Gabor Maté sworn August 31, 2006, p. 109, ¶ 4

<sup>16</sup> Record, Vol. IX, Affidavit of David Marsh sworn January 23, 2008 pp. 80-81 and 85 - 86, ¶¶ 12 - 15 and 25

<sup>17</sup> Record, Vol. IX, Affidavit of David Marsh sworn January 23, 2008 p. 80, ¶¶ 12 - 13

<sup>18</sup> Record, Vol. I, Trial decision, pp. 14 - 17, ¶¶ 31 - 39

<sup>19</sup> Record, Vol. I, Trial decision, p. 17, ¶ 39

<sup>20</sup> Record, Vol. I, Trial decision, p. 22, ¶¶ 73 - 77

<sup>21</sup> Record, Vol. IV, Affidavit of Dean Wilson sworn September 25, 2007, p. 44, ¶ 10

Downtown East Side of Vancouver calls Insite a "life-raft, literally" and notes that he is now able to treat some patients only because of their contact with Insite.<sup>22</sup>

## **Part II – Positions on the Appellant's Questions**

11. The CCLA takes the following positions with respect to the issues raised by the Appellant:
- (a) Are ss. 4(1) and 5(1) of the *CDSA* constitutionally inapplicable to the activities of staff and users at Insite, a health care undertaking in the Province of British Columbia? **The CCLA takes no position**
  - (b) Does s. 4(1) of the *CDSA* infringe the rights guaranteed by s. 7 of the *Canadian Charter of Rights and Freedoms*? **Yes**
  - (c) If so, is the infringement a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society under s. 1 of the *Charter*? **No**
  - (d) Does s. 5(1) of the *CDSA* infringe the rights guaranteed by s. 7 of the *Charter*? **Yes**
  - (e) If so, is the infringement a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society under s. 1 of the *Charter*? **No**

## **Part III – Statement of Argument**

12. By way of introduction, the CCLA submits that it is obvious that ss. 4(1) and 5(1) of the *CDSA* deprive users of Insite of life, liberty and security of the person. It is nevertheless important for this Court to consider the way in which life, liberty and security of the person are engaged in this case.

### ***The Deprivation of Liberty***

13. The right to liberty is much broader than the right to be free from physical restraint or imprisonment. Liberty reflects the principles and values under the *Charter* as a whole.<sup>23</sup> For

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<sup>22</sup> Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 5 and 6, ¶¶ 13 and 14

<sup>23</sup> *B. (R.) v. Children's Aid Society of Metropolitan Toronto*, [1995] 1 S.C.R. 315 ("**B(R)**") at ¶¶ 76-77 and 80; *R. v. Blencoe*, [2000] 2 S.C.R. 307 ("**Blencoe**") at ¶ 49

example, this Court has held that liberty extends to a woman's right to terminate her pregnancy<sup>24</sup> and a parent's right to choose medical treatment for her child.<sup>25</sup> Another appellate court has held that liberty extends to a person's rights to access otherwise illegal drugs for medical treatment; the very matter at issue here.<sup>26</sup>

14. Liberty must embody and protect fundamental personal decisions from state interference. As Wilson J. stated over 20 years ago in *Morgentaler*, liberty "guarantees to every individual a degree of personal autonomy over important decisions intimately affecting their private lives".<sup>27</sup> This has since been affirmed by this Court.<sup>28</sup>
15. The liberty interests of users of Insite are triggered in at least two ways. The *CDSA* prevents these persons from accessing medical treatment by threat of imprisonment. Imprisonment is sufficient to trigger the right to liberty.<sup>29</sup> The *CDSA* therefore violates these persons' right to liberty.
16. Further, users of safe injection health services have no realistic alternative for medical treatment. Normal standards of human self-control cannot be applied to those suffering from addiction.<sup>30</sup> The question is not *whether* those suffering from addiction will inject controlled substances but *how* and *where* this will occur. The *CDSA* marginalizes users of Insite. It denies these victims of addiction access to health care.
17. Users of Insite suffer from pre-existing disadvantages, stereotyping, prejudices and vulnerabilities. Addiction, poverty, mental health problems, physical disabilities and homelessness are among them. However, these problems and issues, including the significant problem of addiction, do not mean that these individuals cannot make fundamental personal choices regarding their need for health care and support. Further, their addiction does not deprive them of their right to human dignity and respect. Human dignity and respect must

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<sup>24</sup> *R. v. Morgentaler*, [1988] 1 S.C.R. 30 ("*Morgentaler*")

<sup>25</sup> *B(R)*

<sup>26</sup> *R. v. Parker*, [2000] O.J. No. 2787 ("*Parker*").

<sup>27</sup> *Morgentaler*, at ¶ 245

<sup>28</sup> *Supra*, note 22

<sup>29</sup> *Parker* at ¶ 101

<sup>30</sup> Record, Vol. IX, Affidavit of Gabor Maté sworn October 16, 2007 p. 3, ¶ 8

include the right to make those fundamental personal choices to obtain access to healthcare. Therefore, the CCLA submits that the liberty rights of the users of Insite have been breached.

### ***The Deprivation of Life and Security of the Person***

18. This Court has held that an increased risk of death is a violation of both the right to life and security of the person.<sup>31</sup>
19. Further, this Court has long held that the right to security of the person grants individuals control over their physical and psychological integrity and relief from serious state-imposed psychological stress.<sup>32</sup>
20. Security of the person includes the right of timely access to medical treatment for a condition representing a danger to life or health without fear of criminal sanction.<sup>33</sup> As Beetz J. noted in *Morgentaler*:

If an act of Parliament forces a person whose life or health is in danger to choose between, on the one hand, the commission of a crime to obtain effective and timely medical treatment and, on the other hand, inadequate treatment or no treatment at all, the right to security of the person has been violated.

#### ***Morgentaler at p. 90***

21. Addiction is an illness that represents a danger to the life and health of users of Insite. The CDSA causes these persons to be in the “catch-22” described by Beetz J. These persons are compelled to make the dramatic choice between the commission of a crime to access safe injection health services or suffer the risk of death and the adverse health consequences caused by unsafe injection. These risks include the risk of Hepatitis C, HIV/AIDS and death caused by overdose.
22. This state-imposed “catch-22” therefore deprives these persons from having essential and timely access to medical treatment for their addiction, interferes with their physical and psychological integrity and causes them to suffer serious state-imposed psychological stress.<sup>34</sup>

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<sup>31</sup> *Chaoulli v. Quebec (A.G.)*, [2005] 1 S.C.R. 791 (“*Chaoulli*”)

<sup>32</sup> *Rodriguez v. British Columbia (Attorney General)*, [1993] 3 S.C.R. 519 (“*Rodriguez*”) at ¶ 137; *New Brunswick v. G.(J.)* [1999] 3 S.C.R. 46 at ¶ 61; *Blencoe* at ¶ 56.

<sup>33</sup> *Morgentaler* at p. 90

<sup>34</sup> Record, Vol. IV, Affidavit of Dean Wilson sworn September 25, 2007 p. 45, ¶ 14

23. It is not, as the Appellants argue, “the substances the individuals want to use [that] are at the root of their health problems”.<sup>35</sup> This is akin to arguing that a woman who requires access to a safe abortion has no one but herself to blame for having had sex in the first place. In addition, it is the illness itself that causes users of Insite to suffer the health dangers and problems associated with unsafe injection. It can be reasonably inferred from the evidence that the criminal prohibition under the *CDSA* contributes to these health dangers and problems.<sup>36</sup> Therefore, the deprivation of security of the person by the state is even more egregious. The *CDSA* not only prevents access to a health service but contributes to the aforesaid health risks at first instance.
24. Accordingly, the life and security of the person interests of users of Insite are violated by the *CDSA*.

### ***Violation of the Principles of Fundamental Justice***

25. The deprivation of life, liberty and security of the person requires an analysis of the principles of fundamental justice. Principles of fundamental justice in this case have been violated. Sections 4(1) and 5(1) of the *CDSA* are unconstitutionally arbitrary, overbroad and grossly disproportionate, amongst other things.
26. This Court has recognized that the delineation of the principles of fundamental justice must inevitably take into account the societal nature of our collective existence.<sup>37</sup> Accordingly, societal values must be considered in determining the content of fundamental justice.
27. Further, when analyzing fundamental justice and considering the concepts of arbitrariness, overbreadth and gross disproportionality, it is submitted that this Court must consider the value that Canadians place on universal access to health care and the respect for the human dignity of all individuals, including the most marginalized in society.
28. Further, it is submitted that the more serious the deprivation of life, liberty and security of the person, the less onerous the burden ought to be to prove a violation of fundamental justice. Charter deprivations with vastly different effects on the claimant should not be treated equally.

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<sup>35</sup> Factum of the Appellants, ¶ 91

<sup>36</sup> *Supra*, note 5

<sup>37</sup> *R. v Marmo-Levine*, [2003] 3 S.C.R. 571 at ¶ 99

For example, the risk of serving a short prison sentence is less severe than the risk of losing one's life. This approach was characterized by the Chief Justice in *Chaoulli* in the context of the principle of arbitrariness:

The question in every case is whether the measure is arbitrary in the sense of bearing no real relation to the goal and hence being manifestly unfair. *The more serious the impingement on the person's liberty and security, the more clear must be the connection, in theory and in fact, between the measure that puts life at risk and the legislative goals.*

***Chaoulli* at ¶ 131 [emphasis added]**

29. The CCLA submits the Chief Justice's characterization should not be restricted to arbitrariness but extended to all principles of fundamental justice.
30. The CCLA further submits that the s. 7 deprivations imposed on users of Insite is extremely severe because of the pre-existing disadvantages from which those persons suffer. Addiction, poverty, mental and physical disabilities and homelessness are but a few of these pre-existing disadvantages. These persons are among the most poor in Canada. Therefore, the burden on these persons to demonstrate a violation of fundamental justice should be lowered proportionately with the severity of the Charter deprivation.
31. Insite, with the support of the Government of British Columbia, is seeking to provide safe injection health services to users of Insite who are suffering from addiction. It is undeniable that addiction is an illness and that the users of Insite are amongst the most vulnerable in Canadian society. Criminal liability should not be imposed upon those who cannot, by reason of their addiction or disability, adhere to a criminal law without risking death or severe health consequences. The criminal law has historically recognized the injustice of punishing persons who have committed "wrongful acts" under circumstances where they had no viable or reasonable choice available to them.<sup>38</sup> For the users of Insite, the *CDSA* imposes criminal liability where no such reasonable choice exists.
32. It is submitted that the principles of fundamental justice are violated where there is a blanket deprivation of a right that does little or nothing to advance the state's interest.<sup>39</sup> It is submitted that the federal government's current position in the litigation does little or nothing to advance

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<sup>38</sup> *Perka v. The Queen*, [1984] 2 S.C.R. 232 at 250 - 251; see also *Parker* at ¶¶ 136-137

<sup>39</sup> *R. v. Heywood*, [1994] 3 S.C.R. 761 pp. 792-93; *Rodriguez*, *supra* note 29 at p. 594; see also *Parker* at ¶¶ 113 and 117.

the state's interest in this case and severely undermines the health and safety of the users of Insite. In the circumstances, ss. 4(1) and 5(1) of the *CDSA* are arbitrary, overbroad and grossly disproportionate.

***No justification under s. 1***

33. If this Court agrees that there are violations of s. 7 in this case, it is submitted that the government bears the burden of providing evidence-based justifications for those violations under s. 1 of the Charter. It is further submitted that the government has not met this burden.

**Part IV – Submissions on Costs**

34. The CCLA does not seek costs and asks that costs not be awarded against it.

**Part V – Position on Legal Issues and Oral Argument**

35. The CCLA requests leave from this Court to present oral argument at the hearing of this appeal. Any such oral argument would be confined to the issues raised in this factum. The CCLA submits that an oral argument would be of assistance to this court in its hearing of the issues described herein by presenting a unique viewpoint on those issues.
36. With respect to the legal issues which form the basis of this intervention, the CCLA submits the following: ss. 4(1) and 5(1) of the *CDSA* infringe s. 7 of the *Charter* by depriving users of Insite of the rights to life, liberty and security of the person in a manner that is not in accordance with the principles of fundamental justice.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Date: April 13, 2011

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## **Part VI – Table of Authorities**

<b>Authority</b>	<b>Part III Paragraphs</b>
<i>B. (R.) v. Children's Aid Society of Metropolitan Toronto</i> , [1995] 1 S.C.R. 315	13
<i>Chaoulli v. Quebec (A.G.)</i> , [2005] 1 S.C.R. 791	18, 28
<i>New Brunswick v. G.(J.)</i> [1999] 3 S.C.R. 46	19
<i>Perka v. The Queen</i> , [1984] 2 S.C.R. 232	31
<i>R. v. Blencoe</i> , [2000] 2 S.C.R. 307	19, 13
<i>R. v. Heywood</i> , [1994] 3 S.C.R. 761	32
<i>R. v Malmö-Levine</i> , [2003] 3 S.C.R. 571	26
<i>R. v. Morgentaler</i> , [1988] 1 S.C.R. 30	13, 14, 20
<i>R. v. Parker</i> , [2000] O.J. No. 2787	13, 15, 31
<i>Rodriguez v. British Columbia (Attorney General)</i> , [1993] 3 S.C.R. 519	19

## **Part VII – Statutes and Regulations**

Tab	Statute
1	<i>Controlled Drugs and Substances Act</i> , S.C. 1996, c. 19



CANADA

CONSOLIDATION

CODIFICATION

## Controlled Drugs and Substances Act

## Loi réglementant certaines drogues et autres substances

S.C. 1996, c. 19

L.C. 1996, ch. 19

Current to December 31, 2010

À jour au 31 décembre 2010

Published by the Minister of Justice at the following address:  
<http://laws-lois.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :  
<http://lois-laws.justice.gc.ca>

OFFICIAL STATUS  
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL  
DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1<sup>er</sup> juin 2009, prévoient ce qui suit:

Published  
consolidation is  
evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications  
comme élément  
de preuve

Inconsistencies  
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité  
— lois



1996, c. 19

1996, ch. 19

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

Loi portant réglementation de certaines drogues et de leurs précurseurs ainsi que d'autres substances, modifiant certaines lois et abrogeant la Loi sur les stupéfiants en conséquence

[Assented to 20th June 1996]

[Sanctionnée le 20 juin 1996]

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

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

#### SHORT TITLE

#### TITRE ABRÉGÉ

Short title

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

1. *Loi réglementant certaines drogues et autres substances*.

Titre abrégé

#### INTERPRETATION

#### DÉFINITIONS ET INTERPRÉTATION

Definitions

2. (1) In this Act,

2. (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions

"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» Qualifie toute substance dont la structure chimique est essentiellement la même que celle d'une substance désignée.

«analogue»  
"analogue"

"analogue"  
« analogue »

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

«analyste» Personne désignée à ce titre en application de l'article 44.

«analyste»  
"analyst"

"analyst"  
« analyste »

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

«arbitre» Personne nommée ou employée sous le régime de la *Loi sur l'emploi dans la fonction publique* et exerçant à ce titre les attributions prévues par la présente loi et ses règlements.

«arbitre»  
"adjudicator"

"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;

« bien infractionnel » Bien situé au Canada ou à l'extérieur du Canada, à l'exception des substances désignées, qui sert ou donne lieu à la perpétration d'une infraction désignée ou qui est utilisé de quelque manière dans la perpétration d'une telle infraction, ou encore qui est destiné à servir à une telle fin.

« bien infractionnel »  
"offence-related property"

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"controlled substance" « substance désignée »	"controlled substance" means a substance included in Schedule I, II, III, IV or V;	« fournir » Procurer, même indirectement et notamment par don ou transfert, en échange ou non d'une contrepartie.	« fournir » "provide"
"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);	« infraction désignée » Soit toute infraction prévue par la partie I, à l'exception du paragraphe 4(1), soit le complot ou la tentative de commettre une telle infraction, la complicité après le fait à son égard ou le fait de conseiller de la commettre.	« infraction désignée » "designated substance offence"
"inspector" « inspecteur »	"inspector" means a person who is designated as an inspector under section 30;	« inspecteur » Personne désignée à ce titre en application de l'article 30.	« inspecteur » "inspector"
"judge" « juge »	"judge" means a judge as defined in section 552 of the <i>Criminal Code</i> or a judge of a superior court of criminal jurisdiction;	« juge » Juge au sens de l'article 552 du <i>Code criminel</i> ou tout juge d'une cour supérieure de compétence criminelle.	« juge » "judge"
"justice" « juge de paix »	"justice" has the same meaning as in section 2 of the <i>Criminal Code</i> ;	« juge de paix » S'entend au sens de l'article 2 du <i>Code criminel</i> .	« juge de paix » "justice"
"Minister" « ministre »	"Minister" means the Minister of Health;	« ministre » Le ministre de la Santé.	« ministre » "Minister"
"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 » S'entend au sens du paragraphe 4(3) du <i>Code criminel</i> .  « praticien » Personne qui, en vertu des lois d'une province, est agréée et est autorisée à exercer dans cette province la profession de médecin, de dentiste ou de vétérinaire. Y sont assimilées toute autre personne ou catégorie de personnes désignées par règlement.  « précurseur » Substance inscrite à l'annexe VI.	« possession » "possession"
"possession" « possession »	"possession" means possession within the meaning of subsection 4(3) of the <i>Criminal Code</i> ;	« procureur général » a) Le procureur général du Canada et son substitut légitime; b) à l'égard des poursuites intentées à la demande du gouvernement d'une province et menées par ce dernier ou en son nom, le procureur général de cette province et son substitut légitime.	« procureur général » "Attorney General"
"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;	« production » Relativement à une substance inscrite à l'une ou l'autre des annexes I à IV, le fait de l'obtenir par quelque méthode que ce soit, et notamment par: a) la fabrication, la synthèse ou tout autre moyen altérant ses propriétés physiques ou chimiques; b) la culture, la multiplication ou la récolte de la substance ou d'un organisme vivant dont il peut être extrait ou provenir de toute autre façon.	« production » "produce"
"precursor" « précurseur »	"precursor" means a substance included in Schedule VI;		
"prescribed" « prescrit »	"prescribed" means prescribed by the regulations;		
"produce" « produire »	"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		

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	<p>(a) manufacturing, synthesizing or using any means of altering the chemical or physical properties of the substance, or</p> <p>(b) cultivating, propagating or harvesting the substance or any living thing from which the substance may be extracted or otherwise obtained,</p> <p>and includes offer to produce;</p>	<p>Y est assimilée l'offre de produire.</p> <p>« substance désignée » Substance inscrite à l'une ou l'autre des annexes I, II, III, IV ou V.</p> <p>« trafic » Relativement à une substance inscrite à l'une ou l'autre des annexes I à IV, toute opération de vente — y compris la vente d'une autorisation visant son obtention —, d'administration, de don, de cession, de transport, d'expédition ou de livraison portant sur une telle substance — ou toute offre d'effectuer l'une de ces opérations — qui sort du cadre réglementaire.</p> <p>« vente » Y est assimilé le fait de mettre en vente, d'exposer ou d'avoir en sa possession pour la vente ou de distribuer, que la distribution soit faite ou non à titre onéreux.</p>	<p>« substance désignée » « controlled substance »</p> <p>« trafic » « traffic »</p> <p>« vente » « sell »</p>
« provide » « fournir »	<p>“provide” means to give, transfer or otherwise make available in any manner, whether directly or indirectly and whether or not for consideration;</p>		
« sell » « vendre »	<p>“sell” includes offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration;</p>		
« traffic » « trafiquer »	<p>“traffic” means, in respect of a substance included in any of Schedules I to IV,</p> <p>(a) to sell, administer, give, transfer, transport, send or deliver the substance,</p> <p>(b) to sell an authorization to obtain the substance, or</p> <p>(c) to offer to do anything mentioned in paragraph (a) or (b),</p> <p>otherwise than under the authority of the regulations.</p>		
Interpretation	<p>(2) For the purposes of this Act,</p> <p>(a) a reference to a controlled substance includes a reference to any substance that contains a controlled substance; and</p> <p>(b) a reference to a controlled substance includes a reference to</p> <p>(i) all synthetic and natural forms of the substance, and</p> <p>(ii) any thing that contains or has on it a controlled substance and that is used or intended or designed for use</p> <p>(A) in producing the substance, or</p> <p>(B) in introducing the substance into a human body.</p>	<p>(2) Pour l'application de la présente loi :</p> <p>a) la mention d'une substance désignée vaut également mention de toute substance en contenant;</p> <p>b) la mention d'une substance désignée vaut mention :</p> <p>(i) de la substance dans ses formes synthétiques et naturelles,</p> <p>(ii) de toute chose contenant, y compris superficiellement, une telle substance et servant — ou destinée à servir ou conçue pour servir — à la produire ou à l'introduire dans le corps humain.</p>	Interpretation
Interpretation	<p>(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.</p> <p>1996, c. 8, s. 35, c. 19, s. 2; 2001, c. 32, s. 47.</p>	<p>(3) Pour l'application de la présente loi, les substances figurant expressément dans l'une ou l'autre des annexes I à VI sont réputées exclues</p>	Interpretation

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		de celles de ces annexes dans lesquelles elles ne figurent pas expressément. 1996, ch. 8, art. 35, ch. 19, art. 2; 2001, ch. 32, art. 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.	3. (1) Les pouvoirs et fonctions prévus par la présente loi relativement à toute infraction à celle-ci s'appliquent tout autant à l'égard du complot ou de la tentative de commettre une telle infraction, de la complicité après le fait à son égard ou du fait de conseiller de la commettre.	Interprétation
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 <i>Criminal Code</i> . 1995, c. 22, s. 18; 1996, c. 19, s. 3.	(2) Pour l'application des articles 16 et 20, la mention d'une personne reconnue coupable d'une infraction désignée vaut également mention d'un contrevenant absous aux termes de l'article 730 du <i>Code criminel</i> . 1995, ch. 22, art. 18; 1996, ch. 19, art. 3.	Interprétation
PART I OFFENCES AND PUNISHMENT PARTICULAR OFFENCES		PARTIE I INFRACTIONS ET PEINES INFRACTIONS PARTICULIÈRES	
Possession of substance	4. (1) Except as authorized under the regulations, no person shall possess a substance included in Schedule I, II or III.	4. (1) Sauf dans les cas autorisés aux termes des règlements, la possession de toute substance inscrite aux annexes I, II ou III est interdite.	Possession de substances
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.	(2) Il est interdit d'obtenir ou de chercher à obtenir d'un praticien une substance inscrite aux annexes I, II, III ou IV ou une autorisation pour obtenir une telle substance, à moins que la personne en cause ne dévoile à ce dernier toute substance inscrite à l'une de ces annexes et toute autorisation pour obtenir une telle substance qui lui ont été délivrées par un autre praticien au cours des trente jours précédents.	Obtention de substances
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	(3) Quiconque contrevient au paragraphe (1) commet, dans le cas de substances inscrites à l'annexe I: a) soit un acte criminel passible d'un emprisonnement maximal de sept ans; b) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible: (i) s'il s'agit d'une première infraction, d'une amende maximale de mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines,	Peine



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Punishment	<p>(7) Every person who contravenes subsection (2)</p> <p>(a) is guilty of an indictable offence and liable</p> <p>(i) to imprisonment for a term not exceeding seven years, where the subject-matter of the offence is a substance included in Schedule I,</p> <p>(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,</p> <p>(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</p> <p>(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</p> <p>(b) is guilty of an offence punishable on summary conviction and liable</p> <p>(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</p> <p>(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.</p>	<p>(7) Quiconque contrevient au paragraphe (2) commet:</p> <p>a) soit un acte criminel passible:</p> <p>(i) dans le cas de substances inscrites à l'annexe I, d'un emprisonnement maximal de sept ans,</p> <p>(ii) dans le cas de substances inscrites à l'annexe II, d'un emprisonnement maximal de cinq ans moins un jour,</p> <p>(iii) dans le cas de substances inscrites à l'annexe III, d'un emprisonnement maximal de trois ans,</p> <p>(iv) dans le cas de substances inscrites à l'annexe IV, d'un emprisonnement maximal de dix-huit mois;</p> <p>b) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible:</p> <p>(i) s'il s'agit d'une première infraction, d'une amende maximale de mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines,</p> <p>(ii) en cas de récidive, d'une amende maximale de deux mille dollars et d'un emprisonnement maximal d'un an, ou de l'une de ces peines.</p>	Peine
Determination of amount	<p>(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.</p>	<p>(8) Pour l'application du paragraphe (5) et de l'annexe VIII, « quantité » s'entend du poids total de tout mélange, substance ou plante dans lequel on peut déceler la présence de la substance en cause.</p>	Interprétation
Trafficking in substance	<p>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.</p>	<p>5. (1) Il est interdit de faire le trafic de toute substance inscrite aux annexes I, II, III ou IV ou de toute substance présentée ou tenue pour telle par le trafiquant.</p>	Trafic de substances
Possession for purpose of trafficking	<p>(2) No person shall, for the purpose of trafficking, possess a substance included in Schedule I, II, III or IV.</p>	<p>(2) Il est interdit d'avoir en sa possession, en vue d'en faire le trafic, toute substance inscrite aux annexes I, II, III ou IV.</p>	Possession en vue du trafic
Punishment	<p>(3) Every person who contravenes subsection (1) or (2)</p> <p>(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 in-</p>	<p>(3) Quiconque contrevient aux paragraphes (1) ou (2) commet:</p> <p>a) dans le cas de substances inscrites aux annexes I ou II, mais sous réserve du para-</p>	Peine

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	dictable offence and liable to imprisonment for life;	graphe (4), un acte criminel passible de l'emprisonnement à perpétuité;	
	(b) where the subject-matter of the offence is a substance included in Schedule III,	b) dans le cas de substances inscrites à l'annexe III:	
	(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or	(i) soit un acte criminel passible d'un emprisonnement maximal de dix ans,	
	(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months; and	(ii) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'un emprisonnement maximal de dix-huit mois;	
	(c) where the subject-matter of the offence is a substance included in Schedule IV,	c) dans le cas de substances inscrites à l'annexe IV:	
	(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years, or	(i) soit un acte criminel passible d'un emprisonnement maximal de trois ans,	
	(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.	(ii) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'un emprisonnement maximal d'un an.	
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.	(4) Quiconque contrevient aux paragraphes (1) ou (2) commet, dans le cas de substances inscrites à la fois à l'annexe II et à l'annexe VII, et ce pourvu que la quantité en cause n'excède pas celle mentionnée à cette dernière annexe, un acte criminel passible d'un emprisonnement maximal de cinq ans moins un jour.	Peine — cas particuliers
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.	(5) Dans le cadre de l'application des paragraphes (3) ou (4) à l'égard d'une infraction prévue au paragraphe (1), la mention d'une substance inscrite aux annexes I, II, III ou IV vaut également mention de toute substance présentée ou tenue pour telle.	Interprétation
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.	(6) Pour l'application du paragraphe (4) et de l'annexe VII, « quantité » s'entend du poids total de tout mélange, substance ou plante dans lequel on peut déceler la présence de la substance en cause.	Interprétation
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.	6. (1) Sauf dans les cas autorisés aux termes des règlements, l'importation et l'exportation de toute substance inscrite à l'une ou l'autre des annexes I à VI sont interdites.	Importation et exportation
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.	(2) Sauf dans les cas autorisés aux termes des règlements, il est interdit d'avoir en sa possession, en vue de son exportation, toute substance inscrite à l'une ou l'autre des annexes I à VI.	Possession en vue de l'exportation

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Punishment	<p>(3) Every person who contravenes subsection (1) or (2)</p> <p>(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;</p> <p>(b) where the subject-matter of the offence is a substance included in Schedule III or VI,</p> <p>(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or</p> <p>(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months; and</p> <p>(c) where the subject-matter of the offence is a substance included in Schedule IV or V,</p> <p>(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years, or</p> <p>(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.</p>	<p>(3) Quiconque contrevient aux paragraphes (1) ou (2) commet:</p> <p>a) dans le cas de substances inscrites aux annexes I ou II, un acte criminel passible de l'emprisonnement à perpétuité;</p> <p>b) dans le cas de substances inscrites aux annexes III ou VI:</p> <p>(i) soit un acte criminel passible d'un emprisonnement maximal de dix ans,</p> <p>(ii) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'un emprisonnement maximal de dix-huit mois;</p> <p>c) dans le cas de substances inscrites aux annexes IV ou V:</p> <p>(i) soit un acte criminel passible d'un emprisonnement maximal de trois ans,</p> <p>(ii) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'un emprisonnement maximal d'un an.</p>	Peine
Production of substance	<p>7. (1) Except as authorized under the regulations, no person shall produce a substance included in Schedule I, II, III or IV.</p>	<p>7. (1) Sauf dans les cas autorisés aux termes des règlements, la production de toute substance inscrite aux annexes I, II, III ou IV est interdite.</p>	Production
Punishment	<p>(2) Every person who contravenes subsection (1)</p> <p>(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;</p> <p>(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;</p> <p>(c) where the subject-matter of the offence is a substance included in Schedule III,</p> <p>(i) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or</p> <p>(ii) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months; and</p>	<p>(2) Quiconque contrevient au paragraphe (1) commet:</p> <p>a) dans le cas de substances inscrites aux annexes I ou II, à l'exception du cannabis (marihuana), un acte criminel passible de l'emprisonnement à perpétuité;</p> <p>b) dans le cas du cannabis (marihuana), un acte criminel passible d'un emprisonnement maximal de sept ans;</p> <p>c) dans le cas de substances inscrites à l'annexe III:</p> <p>(i) soit un acte criminel passible d'un emprisonnement maximal de dix ans,</p> <p>(ii) soit une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d'un emprisonnement maximal de dix-huit mois;</p> <p>d) dans le cas de substances inscrites à l'annexe IV:</p>	Peine

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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

— ou à en ordonner la commission — qui constituerait par ailleurs une infraction à la partie I ou aux règlements, et notamment :

a) autoriser ce ministre ou le ministre responsable de la sécurité publique dans une province à désigner, pour l'application du présent paragraphe, un ou plusieurs corps policiers relevant de sa compétence;

b) soustraire, aux conditions précisées, tout membre d'un corps policier désigné aux termes de l'alinéa a) ou toute autre personne agissant sous son autorité et sa supervision à l'application de tout ou partie de la partie I ou des règlements;

c) régir, aux conditions précisées, la délivrance, la suspension, la révocation et la durée des certificats ou autres documents — ou, en cas de situation d'urgence, des approbations en vue de leur obtention — à remettre à un membre d'un corps policier désigné aux termes de l'alinéa a) en vue de le soustraire à l'application de tout ou partie de la partie I ou des règlements;

d) régir la rétention, l'entreposage et la disposition des substances désignées et des précurseurs;

e) régir les registres, rapports, données électroniques ou autres documents que doit tenir, établir ou fournir, en rapport avec les substances désignées ou les précurseurs, toute personne ou catégorie de personnes;

f) déterminer les imprimés ou formules à utiliser dans le cadre des règlements.

Incorporation  
par renvoi

(3) Il peut être précisé, dans les règlements d'application de la présente loi qui incorporent par renvoi des classifications, normes, procédures ou autres spécifications, que celles-ci sont incorporées avec leurs modifications successives.

1996, ch. 19, art. 55; 2001, ch. 32, art. 55; 2005, ch. 10, art. 15.

Exemption par  
le ministre

56. S'il estime que des raisons médicales, scientifiques ou d'intérêt public le justifient, le ministre peut, aux conditions qu'il fixe, soustraire à l'application de tout ou partie de la pré-

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	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.	sente loi ou de ses règlements toute personne ou catégorie de personnes, ou toute substance désignée ou tout précurseur ou toute catégorie de ceux-ci.	
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.	57. Les attributions conférées au ministre aux termes de la présente loi ou de ses règlements peuvent être exercées par la personne qu'il désigne à cet effet ou qui occupe le poste qu'il désigne à cet effet; il en va de même des attributions conférées aux termes des règlements au ministre de la Sécurité publique et de la Protection civile.  1996, ch. 19, art. 57; 2005, ch. 10, art. 16.	Exercice des attributions du ministre ou du ministre de la Sécurité publique et de la Protection civile
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 <i>Food and Drugs Act</i> or the regulations made under that Act, this Act and the regulations made under it prevail to the extent of the inconsistency or conflict.	58. Les dispositions de la présente loi ou de ses règlements l'emportent respectivement sur les dispositions incompatibles de la <i>Loi sur les aliments et drogues</i> ou de ses règlements.	Incompatibilité
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.	59. Nul ne peut sciemment, dans un livre, registre, rapport ou autre document — quel que soit son support matériel — à établir aux termes de la présente loi ou de ses règlements, faire ou consentir à ce que soit faite une déclaration fausse ou trompeuse, participer à une telle déclaration ou y acquiescer.	Déclarations fausses ou trompeuses
	AMENDMENTS TO SCHEDULES	MODIFICATION DES ANNEXES	
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.	60. Le gouverneur en conseil peut, par décret, modifier l'une ou l'autre des annexes I à VIII pour y ajouter ou en supprimer tout ou partie d'un article dont l'adjonction ou la suppression lui paraît nécessaire dans l'intérêt public.	Pouvoir
	PART VII TRANSITIONAL PROVISIONS, CONSEQUENTIAL AND CONDITIONAL AMENDMENTS, REPEAL AND COMING INTO FORCE  TRANSITIONAL PROVISIONS	PARTIE VII DISPOSITIONS TRANSITOIRES, MODIFICATIONS CORRÉLATIVES ET CONDITIONNELLES, ABROGATION ET ENTRÉE EN VIGUEUR  DISPOSITIONS TRANSITOIRES	
References to prior enactments	61. Any reference in a designation by the Minister of Public Safety and Emergency Preparedness under Part VI of the <i>Criminal Code</i> to an offence contrary to the <i>Narcotic Control Act</i> or Part III or IV of the <i>Food and Drugs Act</i> 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	61. La mention, dans une désignation établie par le ministre de la Sécurité publique et de la Protection civile aux termes de la partie VI du <i>Code criminel</i> , soit d'une infraction à la <i>Loi sur les stupéfiants</i> ou aux parties III ou IV de la <i>Loi sur les aliments et drogues</i> , soit du complot ou de la tentative de la commettre, de la complicité après le fait à son égard ou du fait de conseiller	Mentions