

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL  
POLICING AND SECURITY BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION of Honourable Mike Morris, Minister of Public Safety and Solicitor General

**ISSUE:** Marijuana - status update

**SUMMARY:**

- The federal government has committed to introduce legislation in the spring of 2017 to legalize marijuana across Canada. The federal government has indicated that the objective of the legislation is to keep marijuana out of the hands of children and profits out of the hands of criminals.
- The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada; the Honourable Jane Philpott, Minister of Health; and the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, are tasked to deliver on the commitment to legalize, restrict and strictly regulate marijuana in Canada. Liberal MP, Bill Blair, has been appointed Parliamentary Secretary to the Minister of Justice and will take a lead role on this initiative.
- To respond to this initiative, the Ministry of Public Safety and Solicitor General is leading efforts to identify concerns for BC and to develop a provincial strategic policy direction on the issue of marijuana legalization that will need to be considered as the federal government gathers input.
- To assist in this work, the Ministry of Public Safety and Solicitor General has established an inter-ministry ADMs committee, with representation from the Ministries of Health; Agriculture; Community, Sport and Cultural Development; Finance; Justice; Small Business and Red Tape Reduction; as well as the Office of the Premier. The Committee held its first meeting on March 21, 2016 and a subsequent meeting on May 3, 2016.
- s.12

**BACKGROUND:**

Legalization

- On April 20, 2016, Health Minister Jane Philpott announced the federal government will introduce new legislation to legalize marijuana across Canada in the spring of 2017.
- At the April 2016, Crime Prevention and Policing Committee (ADM Level) meeting in Ottawa, Public Safety Canada and Health Canada confirmed the establishment of the Cannabis Legalization and Regulation Secretariat housed at Health Canada. The Secretariat reported on plans for engagement with provinces and territories to build evidence-based knowledge and plans to develop an early public education and awareness campaign. In addition, Public Safety Canada is drafting a paper on data collection/metrics

on cannabis legalization which has not yet been released. Efforts are underway to obtain an advance copy of the draft.

- The legislative responsibility for controlled drugs and substances, including marijuana, lies with the federal government under the *Controlled Drugs and Substances Act (CDSA)*. The CDSA enables Health Canada to specify certain drugs, their precursors and other substances as controlled and places conditions upon their import/export, production, distribution, and in some cases, possession.
- The CDSA applies to all provinces and territories within Canada. Health Canada, the Canadian Border Services Agency and the RCMP are responsible for enforcing the CDSA with the assistance and cooperation of other police forces throughout Canada. Justice Canada oversees the prosecution of drug-related offences under the CDSA.
- Until Canadian law is changed, the production, sale, and possession of non-medical marijuana is illegal, and police have a responsibility to enforce related offences. A change in the legal status of marijuana will have many impacts, including an impact on police enforcement of the law.
- The three lead federal ministers have recently written their provincial counterparts regarding the establishment of a federal-provincial-territorial (FTP) Task Force on marijuana legalization (comprised of experts in the fields of public health, substance use, law enforcement and justice) and an intergovernmental working group of senior officials. These will be the central engagement mechanisms for the legalization and regulation of marijuana in Canada. Parliamentary Secretary, Bill Blair, will lead the FPT Task Force.
- Minister Mike Morris recently spoke with Parliamentary Secretary Blair about the federal efforts to legalize marijuana. In addition, Minister Morris met with the Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada and the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, when he was in Ottawa in mid-April 2016.
- The BC Ministers of Public Safety and Solicitor General, Justice and Attorney General and Health co-signed a letter of provincial recommendations on the names of experts to be considered for the FPT Task Force (Appendix 1). The Task Force will not require fulltime work and has a mandate of approximately six months.
- In support of the inter-ministry ADMs committee, an inter-ministry working group has been established to undertake the policy work required. This group is co-chaired by the Ministry of Public Safety and Solicitor General and the Ministry of Health. Identified areas of policy work by this working group include but are not limited to:
  - Strategic policy direction recommendations to the ADM committee;
  - Public Health;
  - Public Safety and Justice (including Road Safety);
  - Legislation and Regulation;
  - Performance Measurement and Evaluation; and
  - Finance and Taxation.
- On February 25 and 26, 2016, staff from Policing and Security Branch led a BC delegation to Washington State with representation from the RCMP, Vancouver Police Department, Victoria Police Department, RoadSafetyBC, and the Liquor Control and Licensing Branch of

the Ministry of Small Business and Red Tape Reduction to analyze their approach to regulating the production, processing and sale of marijuana.

- The delegation participated in joint sessions with law enforcement and public safety officials from Washington State, including officials from the Washington State Liquor and Cannabis Board; Washington State Patrol; Washington State Attorney General's Office; and the Washington Traffic Safety Commission. The experience was informative and highlighted the significant scope of considerations required to successfully legalize marijuana while addressing the associated health, social, public safety and law enforcement factors that may arise. A letter was sent to Federal Public Safety and Emergency Preparedness Minister Goodale informing him of the outcome of the meetings.

#### Medical Marijuana

- Health Canada is responsible for managing the federal *Medical Marijuana Access Program (MMAP)*, including the legislation which governs it: the *Marihuana for Medical Purposes Regulation (MMPR)*.
- The *MMPR* regulates a new supply and distribution system of licensed commercial producers and requires that the product be dispensed to patients who have received a medical authorization document through the mail or other method of shipping, not through store front operations.
- On March 31, 2014, the *Medical Marijuana Access Regulation (MMAR)* was due to be repealed to complete the transition to the new *MMPR*, thus ending all personal use and designated personal production licences. However, an injunction was granted to allow patients and providers to continue to produce their own marijuana based on the allegation that to ensure accessibility to marijuana, it was unconstitutional to prevent individuals from producing their own.
- In February of 2016, the Federal Court released its decision in the case of *Allard et al. v. Canada*. The plaintiffs argued that the *MMPR* violates their *Charter* rights by restricting medical marijuana patients' ability to grow their own marijuana or have it grown for them. The court agreed and struck down the entire *MMPR*, but delayed implementation of the decision and gave the government six months to develop a new regulatory regime. As such, the right to grow marijuana remains restricted to those patients and their designated producers previously authorized to do so under the *MMAR*.
- In March of 2016, Federal Health Minister Philpott announced that the federal government will not be appealing the Federal Court decision and will be moving to address the court's concerns by August 2016.

#### Marijuana Dispensaries

- Marijuana dispensaries that purport to be supplying medical marijuana are illegal under federal law. This includes product dispensed to licenced medical users under the *MMPR*, where the distribution system requires that the product be sent through the mail or other method of shipping.
- In August 2015, Health Canada announced that they are moving away from a complaint-based approach to respond to illegal promotion and advertising of marijuana to a more proactive monitoring regime. The federal department will issue compliance letters in

those cases where violations are identified.

- Letters to non-compliant marijuana dispensaries have been sent out by Health Canada, including to some businesses operating in Vancouver and Victoria. In the letter, the businesses were advised to stop "all activities with controlled substances" immediately and submit a written statement confirming this action by September 21, 2015. Health Canada has confirmed that continued non-compliance with the federal legislation may result in a referral to law enforcement agencies.
- To ensure compliance with the federal legislation, Health Canada has been monitoring print, radio and television advertising and will also monitor web sites of marijuana related businesses, including dispensaries, to identify any illegal advertising.
- As with any business licensed by a municipal authority, marijuana-related businesses (including dispensaries) can be covered by municipal bylaws. If marijuana-related businesses are operating contrary to a municipal bylaw, the municipality is responsible for addressing the contravention.
- Awareness has been raised in the media regarding the proliferation of marijuana-related businesses across BC and Canada. Vancouver has passed bylaws granting dispensaries business licences that allow them to operate within municipal boundaries, and Victoria is considering a bylaw scheme. In other parts of the province, such as Chilliwack, Nanaimo and Sidney police have taken enforcement action on dispensaries.
- Vancouver has recently taken steps to stem the growth of dispensaries in the city. Marijuana-related businesses and compassion clubs are only allowed to operate if a number of conditions are met (e.g., at least 300m from schools and/or community centres, other cannabis dispensaries, etc.). The first step is to receive approval for a development permit and the second is to have the appropriate business license.
- After marijuana-related businesses receive approval of their development permit, they must apply for one of two types of licence categories for marijuana-related businesses:
  - Medical marijuana-related retail dealers (licence fee is \$30,000 per year).
  - Compassion clubs (licence fee is \$1,000 per year).
- The Vancouver Board of Variance has indicated that no new development permits for marijuana-related businesses will be reviewed until the appeals from the 62 denied 2015 permit applications have been through the appeal process. The hearings are scheduled through mid-November 2016.
- Enforcement against medical-marijuana-related businesses who are awaiting conclusion of their development permit appeal but continue to operate without the appropriate business license are subject to enforcement. During the first week of May, bylaw officers conducted an enforcement blitz to check on compliance.
- CTV news reports that since April 29, 31 medical-marijuana related use (MMRU) retail stores operating in non-zone compliant locations have complied with City instructions to close. Fifty-five stores continue to operate, contrary to closure instructions, and continue to face enforcement actions.



- They also report that on May 31, injunctions were filed to compel the closure of 17 of the 55 MMRU retail businesses that remained open after the April 29 closure deadline. Over 246 bylaw violation tickets have been issued to date and stores that do not close voluntarily will be subject to legal action.
- The City of Vancouver has issued only 12 development permits to MMRU retail businesses and of those, only one has been issued a business license to operate in compliance with city bylaws. The first business licence for a medical-marijuana related retail use was issued to the Wealth Shop Society on W 10<sup>th</sup> Avenue in mid-May 2016.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Ministries of Health; Agriculture; Community, Sport and Cultural Development; Finance; Justice; Small Business and Red Tape Reduction; as well as the Office of the Premier are involved in the development of the provincial strategic policy direction. Many other ministries will be kept apprised of this initiative and consulted as needed and as issues arise.

**Prepared by:**  
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Director, Public Safety  
Policing and Security Branch  
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**Approved June 3, 2016 by:**  
Lisa Anderson  
A/Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Branch  
604 660-1741

**Attachment:** Appendix 1 – Marijuana Legalization Update Letter



APR 14 2016

The Honourable Jane Philpott, P.C., M.P.  
Minister of Health  
Email: Jane.Philpott@parl.gc.ca

The Honourable Ralph Goodale, P.C., M.P.  
Minister of Public Safety and Emergency Preparedness  
Email: Ralph.Goodale@parl.gc.ca

The Honourable Jody Wilson-Raybould, P.C., M.P.  
Minister of Justice  
Attorney General of Canada  
Email: Jody.Wilson-Raybould@parl.gc.ca

Dear Ministers:

Thank you for your letters regarding your government's intention to deliver on the commitment to legalize, restrict and strictly regulate marijuana in Canada. We too believe a collaborative approach between federal, provincial and territorial governments is critical in the implementation of such a regime. As British Columbia has significant exposure to cannabis-related issues, we look forward to working with you and your officials on this important issue.

As Minister of Public Safety and Solicitor General, Attorney General and Minister of Justice and Minister of Health for the Province of British Columbia, we are pleased to recommend that the following individuals and organizations be considered for your Task Force:

Justice  
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Law Enforcement  
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Public Health  
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Substance Use  
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The Honourable Jane Philpott, P.C., M.P.  
The Honourable Ralph Goodale, P.C., M.P.  
The Honourable Jody Wilson-Raybould, P.C., M.P.  
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Youth Engagement

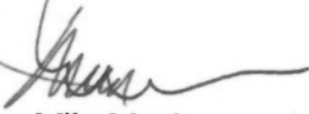
- McCreary Centre Society ([www.mcs.bc.ca](http://www.mcs.bc.ca))
- Federation of BC Youth In Care Networks ([www.fbcyicn.ca](http://www.fbcyicn.ca))
- In addition, we are aware that the Canadian Safe School Network is convening an event about cannabis in Vancouver on April 25, 2016 (see <https://canadiansafeschools.com/events/m-word-exploring-perspectives-legalization-marijuana-safe-schools-vancouver-conference/>)

We agree that the Task Force and the engagement of youth will be an important mechanism to begin the dialogue on the legalization, restriction and regulation of marijuana in Canada. We look forward to hearing more about the proposed intergovernmental working group to be established in the coming months.

Should your officials have any questions or concerns regarding our provincial recommendations of Task Force Members, please contact Mr. Clayton Pecknold, Assistant Deputy Minister and Director of Police Services, by email at [Clayton.Pecknold@gov.bc.ca](mailto:Clayton.Pecknold@gov.bc.ca) or by telephone at 250-387-1100.

We look forward to working with you.

Sincerely,



Mike Morris  
Minister of Public Safety  
and Solicitor General



Suzanne Anton QC  
Attorney General  
Minister of Justice



Terry Lake  
Minister of Health

pc: Mr. Eric Costen, Healthy Environments and Consumer Safety Branch

Enclosure

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL  
POLICING AND SECURITY BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for the Honourable Mike Morris, Minister of Public Safety and Solicitor General

**ISSUE:** Meeting with Alberta MLA Mike Ellis regarding fentanyl and pill presses

**SUMMARY:**

- Fentanyl, a synthetic opioid drug approximately 50 – 100 times more powerful than morphine, is related to a surge in overdose fatalities and non-fatal overdoses in British Columbia over the past few years.
- The BC Coroners Service believes that the drug is linked to a number of the 308 accidental illicit drug overdose deaths that have occurred in the province between January and May 2016. Law enforcement reports that the drug is illegally imported into Canada and pressed into tablets that resemble oxycodone pills.
- The problem in BC mirrors the situation in Alberta. In response to concerns in that province, Alberta MLA Mike Ellis introduced a Private Member's Bill (Bill 205) to restrict access to pill presses in that province. The Bill passed third and final reading in the Alberta legislature on May 23, 2016.
- While BC has long supported the introduction of restrictions on the importation and possession of pill presses and tableting machines because of their direct use in the manufacture of illicit drugs in BC, controls should be at the federal level to prevent diversion across provincial boundaries.

**BACKGROUND:**

- Fentanyl is popular in the illicit street drug trade in BC and the RCMP believe that it is imported in powder form from China and then used as a cutting agent for other drugs, as a direct substitution for heroin, or manufactured as counterfeit Oxycodone pills. Pill presses and tableting machines assist in the preparation of this drug for distribution to the Canadian market.
- In the United States the purchase and possession of this equipment is tightly controlled to deter illegitimate use. The possession and importation of pill presses and tableting machines is not regulated in Canada.
- The *Precursor Control Regulations (PCR)* to the *Controlled Drugs and Substances Act (CDSA)* provide controls on the import, export, production and distribution of precursor chemicals. The intent of the regulations is to control and monitor precursors used in the production of more dangerous drugs, while at the same time avoiding undue restrictions on their legitimate trade.



- At present, a licensed dealer wanting to import or export a controlled substance or precursor must obtain a permit from the Office of Controlled Substances within Health Canada. Health Canada inspectors monitor these licensees and have the authority to suspend or remove licenses for contraventions of the regulations.
- If Health Canada were to specify certain equipment to be included in the PCR, like pill presses and tableting machines, there would be enforcement tools for federal inspectors and police to respond to the illicit production of dangerous drugs like fentanyl.

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- The CACP Drug Abuse Committee is also recommending the regulation of chemicals that can be used to manufacture fentanyl and its analogs and the regulation of all W series compounds (e.g., W-18). The following chemicals have been suggested for inclusion in the Schedules to the CDSA: Propionyl chloride; and N-(1-phenethyl)-piperidin-4-one).
- Policing and Security Branch has had longstanding concerns with various areas of the CDSA and its regulations, as the framework poses challenges for police with respect to the enforcement of controlled substances offences in the province.
- Former BC Ministers of Public Safety have written to the Federal Ministers of Health and Public Safety on several occasions to request changes to the regime (see attachments).
- Dangerous street drugs like fentanyl and W-18 demonstrate the need for improvements related to the scheduling of substances and equipment that are direct inputs into illegal drug activity.
- Alberta has passed Bill 205, the Pharmacy and Drug (Pharmaceutical Equipment Control) Amendment to restrict access to pill presses and tableting machines used in the manufacture of illegal drugs.
- Due to the cross-jurisdictional nature of the drug trade in Canada, the federal government is in the best position to lead a coordinated national effort commencing with changes to the CDSA and PCR. Improvements to the scheduling of substances are needed as well as:
  - the introduction of controls on the sale and importation of certain equipment used in the production of illicit drugs, notably fentanyl, e.g., pill presses and tableting machines; and
  - the classification of two precursors used in the production of the fentanyl (Propionyl chloride and N-(1-phenethyl)-piperidin-4-one) as controlled substances.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- To date, the response to the issue of fentanyl overdoses and deaths has been led by the BC Provincial Health Officer and the BC Coroners Service who have actively engaged law enforcement in their response to increase public awareness over the dangers of the drug.
- The BC Drug Overdose and Alert Partnership (DOAP) was established to monitor trends and incidents to allow for early warning alerts related to illicit drugs including fentanyl. The DOAP is led by the BC Centre for Disease Control and has partnership representation from law enforcement (Vancouver Police Department, Victoria Police Department and 'E' Division RCMP), BC Coroners Service, health authorities and public health officials.

**Prepared by:**  
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**Approved June 13, 2016 via email by:**  
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Executive Director of Policing,  
Law Enforcement and Deputy Director  
of Police Services  
Policing and Security Branch  
604-660-6031

**Approved June 14, 2016 by:**  
Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Branch  
250-387-1100

**Attachments:**

1. December 5, 2008, letter from John van Dongen, Solicitor General, to Federal Ministers of Health, Public Safety, and Justice and Attorney General of Canada
2. April 16, 2009, letter from Leona Aglukkaq, Minister of Health, Ottawa, to John van Dongen, Solicitor General
3. February 2010, letter from Kash Heed, Solicitor General, to John Weston, M.P., West Vancouver-Sunshine Coast-Sea to Sky Country
4. Letter for signature by Minister Mike Morris to the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness

December 5, 2008

The Honourable Leona Aglukkaq, P.C., M.P.  
Minister of Health  
House of Commons  
Ottawa ON K1A 0A6

The Honourable Peter Van Loan, P.C., M.P.  
Minister of Public Safety  
House of Commons  
Ottawa ON K1A 0A6

The Honourable Robert Nicholson, P.C., Q.C., M.P.  
Minister of Justice  
and Attorney General of Canada  
House of Commons  
Ottawa ON K1A 0A6

Dear Ministers:

I would like to take this opportunity to thank your government for its efforts to address the deleterious effects of drug abuse and criminality associated with the production of drugs under the National Anti-Drug Strategy.

I also note that the reclassification of methamphetamine to a Schedule 1 substance under the *Controlled Drugs and Substances Act* (CSDA) and recent additions to the *Precursor Control Regulation* (PCR) has strengthened the response to synthetic drug production. Bill C-26 contained provisions, such as re-scheduling amphetamines under Schedule 1, which recognized the seriousness of the synthetic drug problem in Canada.

In addition, the federal government's recent agreement with British Columbia to fund 152 new police positions through the Police Officer Recruitment Fund will significantly bolster our effort to combat organized crime, which controls the synthetic drug trade.

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While significant advances have been made, British Columbia is concerned with the extent to which illegal synthetic drug production has gained a foothold in our province. Organized crime groups are heavily invested in criminal enterprises directly and indirectly related to synthetic drug production in British Columbia. These groups have sophisticated distribution channels which allow their manufactured drugs to easily enter into the international markets, establishing Canada as a primary source country for illicit synthetic drugs.

In 2003, the RCMP dismantled a total of six clandestine synthetic drug labs in British Columbia – five producing methamphetamine and one producing MDMA (ecstasy). Four years later, 33 methamphetamine labs and 12 ecstasy labs were dismantled. Canada is now the number one exporter of ecstasy to the United States. Seizures of ecstasy en route to the United States from Canada have risen fivefold, with United States Customs and Border Protection reporting an increase from 1.1 million dosage units in 2004 to 5.2 million dosage units in 2006 (United States – Canada Border Drug Threat Assessment, 2007). Almost one half of those seizures occurred in British Columbia. Just over 80 per cent of all Canadian ecstasy laboratory seizures in 2006 were in British Columbia according to the United States Department of Justice 2008 National Drug Threat Assessment.

Most clandestine synthetic drug labs discovered in British Columbia are “super labs” producing vast amounts of finished product – as much as 40 kilograms per production cycle. Moreover, Health Canada advises that over 70 per cent of ecstasy produced in British Columbia clandestine labs contains other drugs such as methamphetamine, ketamine and GHB (a “date rape” drug).

The surging growth of ecstasy labs in British Columbia has fuelled a complementary increase in trafficking in precursors, chemicals and equipment used to produce ecstasy. From 2004 to 2006, the most frequently smuggled precursor chemicals from international sources into Canada for use in clandestine synthetic drug laboratories were ephedrine (for producing methamphetamine) and MDP2P (for producing ecstasy).

A recent gang-related fatal double shooting in front of a Vancouver restaurant illustrates the involvement of organized crime in synthetic drug production and precursor trafficking. The investigation into the double murder led police to a storage locker containing the following quantities of precursor chemicals:

- 875 kg Procaine (cutting agent for cocaine);
- 240 kg Sodium Borohydride (for production of MDMA or ecstasy);
- 4,600 kg Gamma-Butyrolactone (GBL) 20 per cent (base chemical for GHB not a precursor at 20 per cent);

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The Honourable Leona Aglukkaq, P.C., M.P.  
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- 356 kg Methanol (solvent used in the production of any synthetic drug);
- 1,900 kg Methylamine HCL 99 per cent (used in the production of both Meth and MDMA); and
- 330 litres of 'Rim Brite Bio Metal Cleaner' (later found to be GBL).

It is important to note that none of these chemicals are controlled substances under the CDSA, yet all can be linked to drug production, especially at the quantities found.

Considering the extent of synthetic drug production in British Columbia, I would like to bring to your attention areas of concern in the federal regulatory and enforcement systems in responding primarily to the production and trafficking of synthetic drugs and trafficking in the precursors used in the production of these drugs, notably methamphetamine and ecstasy.

#### 1. Enhancing the Regulatory Framework

*The Controlled Drugs and Substances Act* provides for the control, import, production, export, distribution and possession of psychoactive substances in Canada. However, the controls in place on these substances depend on the chemicals used in production, the strength of the precursors employed and the nature of the end product. When a new synthetic psychoactive substance emerges, the rigidity of the regulatory framework becomes evident and inconsistencies in the application of the law emerge. The scheduling of methamphetamine and ecstasy is illustrative of these differences.

Despite the dangers and criminality related to the production and trafficking of ecstasy, it is not yet a Schedule 1 controlled substance like methamphetamine, although Bill C-26 would have resulted in ecstasy being re-scheduled. In addition, producing ecstasy is a more complex process involving a wider array of chemicals. Some precursors, such as 3,4-methylenedioxyphenyl-2-propanone (commonly referred to as MDP2P) are currently classified. Other select chemicals, that are unclassified and have limited domestic or industrial use, are necessary to produce ecstasy:

- Sodium Borohydride and Sodium Cyanoborohydride are required to produce ecstasy and have almost no domestic use;
- Methylamine HCL (solid) and Monomethylamine (Gas) have limited domestic use but are widely used to produce synthetic drugs; and
- Iodine is now used by synthetic drug producers to produce hydriodic acid (which is a designated Class A substance). Relatively small amounts of iodine are used on farms and agricultural settings.

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Solvents such as toluene, methanol, acetone, hexane and dichloromethane have domestic and industrial uses but are probably not required in the bulk quantities often found in clandestine synthetic drug laboratories.

Schedule VI of the *Controlled Drugs and Substances Act* lists 24 Class A precursors. Items 20 to 23 of that list are exempt if they are considered a preparation or a mixture. The Act does not define a preparation or mixture. Drug producers are therefore able to avoid committing an offence, for example, by adding a small amount of iodine to a solution of hydriodic acid. This exempts the hydriodic acid from the reach of the statute, yet permits the production of methamphetamine to proceed unhindered since hydriodic acid is derived from iodine and this mixture actually enhances the ability to produce methamphetamine.

Bill C-428 would have amended the *Controlled Drugs and Substances Act* to prohibit the production, possession and sale of any substance or any equipment or other material that is intended for use in production of or trafficking in methamphetamine. This amendment was recommended in the Methamphetamine Report for the Federal-Provincial-Territorial Ministers Response for Justice (July 2007) and endorsed by the Ministers of Justice at the October 2006 FPT Ministers Responsible for Justice meeting.

While this Bill would aid police and prosecutors in cases involving methamphetamines, it does not address other types of synthetic drug production or trafficking, or trafficking in precursors. For example, pill presses and encapsulating machines are currently unregulated and so are legally imported by organized crime groups or their affiliates for use in ecstasy production.

#### **Recommendations:**

- Classify and or control the precursors required to produce ecstasy, as noted above, under the *CDSA*;
- Remove the exemption found in Part 1 of Schedule VI exempting certain precursors when it is a mixture or preparation;
- Place controls on the sale and importation of certain equipment used in the production of ecstasy, e.g., pill presses; and
- Classify ecstasy as a Schedule 1 controlled substance under the *CDSA*.

#### **2. Preventing Diversion**

As noted above, the *PCR* has substantially aided Canada in reducing the volume of precursors that are legally imported. Still, legally imported precursors continue to be diverted into synthetic drug production.

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Dealers licensed under the *PCR* are required to record all suspicious sales and to maintain that record for two years. However, they are not required to submit records of suspicious sales to either police or Health Canada. Moreover, neither dealers nor Health Canada inspectors are legally obligated to alert police to suspicious transactions. A licensed dealer can legally sell Class A precursors to an unlicensed person if that person completes an "end user" statement claiming they will be the "end user" of the product. The precursor volume or number of purchases is unlimited and there is no record keeping requirement once the product leaves the licensee.

So, there is no mechanism for proactively alerting police when a licensee sells a large amount of a particular precursor to a buyer who is not in an industry which uses that precursor for legitimate purposes.

(The FPT report recommended establishing a suspicious-transaction database to monitor sales of precursors modeled after the FINTRAC system used in the banking industry for monitoring money laundering.)

There is no limit on the volume of precursors that licensees can import as long as they hold a licence and apply for an import permit.

Licensees are not subject to risk-based background checks to assess continued suitability and applicants are not investigated to determine ties to persons involved in criminal activity, including organized crime groups.

Health Canada inspectors have no authority to process charges under the *CDSA*.

There are currently two Health Canada inspectors in British Columbia, and Health Canada advises a third inspector is planned for British Columbia. However, this number still falls short of the inspection resources required in light of the volume of precursors used in illicit drug production and trafficking.

**Recommendations:**

- Mandatory reporting by licensees and Health Canada of all suspicious sales of precursors to police;
- Mandatory reporting of sales of precursors to "end users" reported to police or stopped entirely;
- Establish integrated teams of RCMP, Health Canada inspectors and federal prosecutors to investigate licensees suspected of diverting precursors;

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The Honourable Leona Aglukkaq, P.C., M.P.  
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- Establish rigorous standards for licensees including background checks on all directors and officers and require applicants to undergo investigation to assess fitness; and
- Immediately add five Health Canada inspectors to British Columbia in recognition of the serious synthetic drug production and precursor trafficking problem.

British Columbia is committed to addressing drug-related crime and disorder. Since 2005, British Columbia has lead Canada in responding to crystal methamphetamine with a \$7 million aggressive strategy supporting prevention, community awareness, school-based and treatment coordinated through a provincial secretariat. I believe the recommendations I have outlined above are consistent with this approach. To demonstrate our commitment to action, we will be bringing this issue forward through the National Coordinating Committee on Organized Crime and other federal/provincial/territorial forums.

I look forward to your government's positive response and your continued national commitment to reduce the synthetic drug footprint and shrink a major revenue source for organized crime.

Yours sincerely,

*Original signed by:*

John van Dongen  
Solicitor General

pc: The Honourable Wally Oppal  
The Honourable Mary Polak  
The Honourable George Abbott

PCSB/SJP

BEGG/TATCHELL/SMITH

C/368971



Minister of Health

Ministre de la Santé

Ottawa, Canada K1A 0K9

APR 15 2009

The Honourable John van Dongen, M.L.A.  
Solicitor General  
Ministry of Public Safety  
Province of British Columbia  
P.O. Box 9053 Stn. Prov. Govt.  
Victoria, British Columbia V8W 9E2

Dear Minister:

Thank you for your correspondence of December 5, 2008, co-addressed to the Honourable Peter Van Loan, Minister of Public Safety, and the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, concerning possible amendments to the *Controlled Drugs and Substances Act* (CDSA) and the *Precursor Control Regulations*, as well as broader strategies for preventing the diversion of precursors for illegal use in synthetic drug production. I regret the delay in responding.

Please be assured that I share your concerns about trends relating to synthetic drug production. I would like to emphasize this department's commitment to ensuring that the Regulations are effective and are acting in the best interests of all Canadians. Stakeholder consultation will be a critical component of regulatory review. I look forward to further dialogue with representatives from your organization and others in the near future.

With respect to the list of chemicals subject to the controls imposed by the Regulations, Health Canada is obligated to carefully assess all new chemicals for scheduling purposes against a set of criteria that includes information about legitimate use, illicit use, and risks to the health and safety of Canadians. Therefore, this assessment process must balance the benefits of scheduling from a diversion reduction perspective against the impacts of increased controls on the legitimate chemical and pharmaceutical industries in Canada. The same consideration holds true for equipment in that the machinery and materials used in clandestine laboratories are not currently regulated in Canada. We will have to carefully consider what authorities are required in the CDSA or other legislation before such equipment can be regulated.

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Canada

As you may be aware, Health Canada plans to achieve the expeditious rescheduling of ecstasy from Schedule III to Schedule I of the CDSA via Bill C-15, introduced in the House of Commons on February 27, 2009.

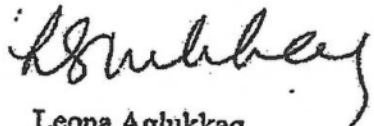
With respect to the possibility of requiring mandatory reporting of suspicious transactions of precursor chemicals by regulated parties and Health Canada to law enforcement agencies, this requires further consideration because we must be mindful of the protections established under the *Canadian Charter of Rights and Freedoms* and the *Privacy Act* as they relate to the sharing of information collected by Health Canada for administrative purposes. The same considerations apply to any changes to the current requirements surrounding the disclosure of client lists or other information associated with end-use declarations made by regulated parties.

While I understand your concern about the apparent disconnect between the ongoing increase in the number of clandestine laboratories found in your province and the allocation of regional Health Canada inspectors, it is important to note that the inspection program is focused on ensuring compliance among regulated parties and that inspectors are, therefore, allocated in accordance with the geographic distribution of current licensed dealers. The Department will continue to work with law enforcement agencies and border services personnel to eliminate the clandestine production of synthetic drugs. In this regard, I am committed to exploring the merits of requiring broader background checks on individuals applying for a precursor licence or registration.

I have asked Health Canada officials to follow up with representatives from your department as amendments to the Regulations progress.

Thank you for writing.

Sincerely,



Leona Aglukkaq

c.c. The Honourable Peter Van Loan, P.C., M.P.  
The Honourable Rob Nicholson, P.C., Q.C., M.P.

Mr. John Weston, M.P.  
West Vancouver-Sunshine Coast-Sea to Sky Country  
House of Commons  
Ottawa ON K1A 0A6

Dear Mr. Weston:

I am writing further to our discussion concerning Bill C-475, an Act to amend the *Controlled Drugs and Substances Act* (CDSA). I would also like to thank you for your efforts to introduce this bill and state my support to further Canada's commitment to combat illegal synthetic drug production and trafficking.

In the last five years, police in British Columbia have responded to over 161 clandestine labs, chemical seizures and dumpsites related to illegal ecstasy and methamphetamine production. The clandestine labs have been discovered in houses, apartments, barns, commercial properties and in vehicles. As you are no doubt aware, synthetic drug labs in British Columbia are large-scale economic labs that are constructed to produce large quantities of synthetic drugs. These labs produce quantities greater than five kilograms per production cycle and, in some instances, 40 kilograms per cycle. At least six kilograms of waste is produced for every kilogram of finished product. These waste products are typically dumped causing serious environmental damage.

Synthetic drug production has spawned extensive trafficking in the precursors, chemicals and equipment used to produce these illegal drugs. In British Columbia, the RCMP's Drug Enforcement Branch reports that other (unregulated/unscheduled) chemicals (precursors and reagents) and materials are easy and inexpensive to acquire. Moreover, they have witnessed large amounts of these chemicals and materials being sold, transported and stored. There is evidence that chemical precursors are also being diverted from legitimately imported precursor shipments.

.../2

Mr. John Weston, M.P.  
Page 2

The RCMP reports that clandestine lab operators utilize a wide array of equipment and supplies for the production of illegal drugs. These include specialized scientific equipment such as larger sized heating mantles and round bottom flasks, condensing columns, magnetic stirrers, and pill presses/encapsulating machines. While there are no controls preventing the importation or sale of these items, there is very limited use for them outside of specialized industrial applications.

The amendments to the CDSA contained within Bill C-475 would prove especially useful to police in cases where an active illegal synthetic drug production lab is taken down but no finished product is evident. In those cases, the equipment and chemicals present would be evidence which could be sufficient grounds for police to proceed with a report to Crown counsel on charges against an individual involved in the production. If passed, Bill C-475 would also be useful for targeting persons involved in the importation of certain precursor chemicals that are not currently scheduled, but are necessary ingredients for the production of ecstasy or methamphetamine.

While Bill C-475 will address some gaps in the current legislation, I would recommend that the Bill's scope be extended to cover all illegal synthetic drugs and their precursors to address British Columbia's broad concerns over all illegal synthetic drug production. Moreover, the effects of the Bill would be enhanced by changes to the CDSA and Precursor Control Regulations to close the gaps in Canada's system for regulating precursor chemicals used in synthetic drug production. I have expressed these concerns to the Honourable Vic Toews, Minister of Public Safety, and conveyed my views that the rigidity of the regulatory framework currently favours organized crime groups who are exploiting Canada's laws to trade and profit in precursor chemicals. The system of scheduling precursor chemicals is time-consuming and burdensome. Furthermore, diversion of chemicals from licensed dealers continues due to minimal reporting and inspection rules. Addressing these gaps will significantly aid police and augment the positive objective of Bill C-475.

I look forward to your government's positive response and your continued commitment to reduce the synthetic drug footprint in Canada. I would be pleased to meet with you and discuss other means to affect positive change with respect to the illegal drug industry in our province.

Yours truly,

*Original signed by:*

Kash Heed  
Solicitor General

pc: The Honourable Vic Toews

PCSB/PSD

BEGG/TATCHELL/HOLMES/SMITH

C/383754



The Honourable Ralph Goodale, P.C., M.P.  
Minister of Public Safety and Emergency Preparedness  
House of Commons  
Ottawa ON K1A 0A6

Dear Minister Goodale:

I am writing further to a letter that my colleague, the Honourable Terry Lake, Minister of Health, and I sent to the Honourable Jane Philpott, Minister of Health, expressing concerns over the alarming upward trend of illicit drug overdose deaths in British Columbia. In 2014, there were 365 deaths that the BC Coroner's Office linked to illicit drug overdoses. In 2015, this number rose to 474 and during the period of January–May 2016, 308 deaths have been attributed to illicit drug overdoses.

The prevalence of illicit drug overdoses in the province has resulted in a strong response from our provincial public health colleagues. You may be aware that new powers enacted by the Provincial Health Officer under the BC *Public Health Act* are allowing the sharing of information regarding the circumstances related to an overdose when that incident has been attended to by emergency personnel or other health care workers. This information will be analyzed by the BC Centre for Disease Control to assist in response to the public health crisis related to these overdoses. Similarly, public awareness campaigns like "Toward the Heart" target opioid use and provide information on recognizing and responding to a fentanyl overdose.

While public health activities including public awareness campaigns, warnings over tainted drugs, and the distribution of naloxone training and kits can assist in preventing future overdoses and deaths, there must also be efforts made on the enforcement side to respond to the production and trafficking of these dangerous illicit street drugs. I understand that Alberta has passed Bill 205, the Pharmacy and Drug (Pharmaceutical Equipment Control) Amendment to restrict access to pill presses and tableting machines within that province. This targeted response will assist in the prevention of manufacturing and trafficking associated with illegal drugs in Alberta. However, as the illicit drug trade does not abide by provincial boundaries, I feel that it is imperative that there is a consistent national approach led by the federal government to prevent a patchwork of provincial laws.

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The Honourable Ralph Goodale, P.C., M.P.  
Page 2

Accordingly, I am calling for the federal government to lead a coordinated national effort to the problem, commencing with changes to the *Controlled Drugs and Substances Act* and *Precursor Control Regulation*. To strengthen the enforcement response to synthetic drug production, I am requesting that the federal government:

- Place controls on the sale and importation of certain equipment used in the production of illicit drugs, notably fentanyl (e.g. pill presses and tableting machines); and
- Classify two precursors used in the production of the fentanyl (Propionyl chloride and N-(1-phenethyl)-piperidin-4-one) as controlled substances under the *Controlled Drugs and Substances Act*.

My ministry has had long standing concerns with various areas of the *Controlled Drugs and Substances Act* and its regulations, as the framework poses challenges for police with respect to the enforcement of controlled substances offences in the province. A timelier, more responsive process is needed to keep criminal law current on drugs and precursors of concern. Dangerous street drugs like fentanyl and W-18 demonstrate the need for improvements related to the scheduling of substances and equipment that are direct inputs into illegal drug activity that threaten the safety and security of our citizens.

I look forward to your government's urgent attention to this serious problem.

Sincerely,

Mike Morris  
Minister of Public Safety  
and Solicitor General

pc: The Honourable Terry Lake  
The Honourable Suzanne Anton

PSPB

PECKNOLD/ENGER/HOLMES

C/516455

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL  
POLICING AND SECURITY BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION of the Honourable Mike Morris, Minister of Public Safety and Solicitor General

**ISSUE:** Law Enforcement Perspective on Cannabis Legalization in Colorado

**SUMMARY:**

- In 2010, Colorado passed legislation that included licensing of medical marijuana centres or dispensaries, cultivation operations and manufacturing of marijuana edibles for medical purposes.
- In 2012, Colorado and Washington State became the first two US States to legalize the personal possession and retail sale of cannabis. The first retail marijuana businesses were licenced and operational in January 2014 in Colorado.
- Colorado had a well-established and regulated medical distribution system to build upon and when recreational marijuana was legalized, it allowed for individuals to use and possess an ounce of marijuana and grow up to six plants. The amendment also permits the licensing of marijuana retail stores, cultivation operations, marijuana edible factories and testing facilities.
- It is critical to note that Colorado law enforcement have been tasked to balance critical issues such as dichotomy of state and federal marijuana laws; illegal trafficking of Colorado marijuana across state lines; ensuring public safety of growing operations; and extraction businesses in residential areas.
- This summary will review the Colorado model from a law enforcement perspective based on the following two reports: *The Police Foundation: Colorado's Legalization of Marijuana and the Impact on Public Safety* and *Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA): The Legalization of Marijuana in Colorado*.

**BACKGROUND:**

Police Foundation Report

- The Police Foundation is the oldest, nationally-known, non-profit, non-partisan and non-membership driven organization dedicated to improving and advancing policing in America through innovation and science. They have conducted many short and long term studies on behalf of, or with support from, federal, state and local entities, private entities and private philanthropies. The Police Foundation maintains a strong interest in applied research, developing and testing new technologies and approaches, and maintaining a presence in policing futures and innovation circles.
- The report concludes that legalization is a complex issue and many unanticipated consequences have challenged Colorado law enforcement.

- When Colorado became the first state to legalize recreational marijuana in 2012 through the passage of Amendment 64, supporters claimed the new law would reduce enforcement costs for police and save at least \$12 million. Agencies across the state argue that this is not the case and remain concerned that state officials have not allocated adequate resources to meet the challenges brought by legalization of marijuana.
- Amendment 64 legislation was vague and consequently challenging for police to enforce. Difficulties such as determining when a driver is under the influence of marijuana and dealing with legal drug operations in residential neighbourhoods demonstrate the range of issues that have arisen.
- Specifics of the Amendment 64 regulatory framework include:
  - Age restriction: 21 years or older;
  - Personal Possession: one ounce or its equivalent;
  - Personal Production: up to 6 plants that must be in an enclosed, locked space;
  - Licencing Body: Colorado Department of Revenue with provisions for local governing bodies to determine whether to permit recreational marijuana stores, marijuana infused product businesses or cultivations in their area;
  - Taxation: Medical and recreational marijuana is subject to the states 2.9% sales tax, and recreational is also subject to 10% excise tax. Local taxes may be included as well (i.e. recreational marijuana in Denver is subject to a total 21.12% tax);
  - Forms of sale: dried marijuana, extracts and infusions;
  - Residency restrictions: purchase limit of one quarter of an ounce for non-residents;
  - Driving restrictions: definition of impaired is 5 nanograms/ml THC in whole blood; and
  - Public use: prohibits consumption in open or public spaces.
- Neighbouring states of Nebraska and Oklahoma have filed suit in the US Supreme Court to overturn Colorado's Constitutional amendment legalizing recreational marijuana claiming their states have been inundated with illegal marijuana from Colorado.
- School resource police officers worry that illicit drug use by young people is on the rise due to the ease in accessibility through a continuing illegal market and "grey market" of semi-legal marijuana sold through unauthorized channels.
- Key issues that have arisen in Colorado from the legalization include:
  - Authorities did not establish a data collection system; therefore, they were unable to assess the impact that legalization has had on crime. Colorado law enforcement leaders urge jurisdictions to move quickly to establish data collection systems and processes in preparation for legalization to be able to address issues.
  - Although homelessness has been a persistent problem for years in Denver, officials report an unexpected result from legalization being a significant influx of homeless adults and juveniles relocating to Colorado due to availability of marijuana or hoping to find work in the marijuana industry.
  - Marijuana businesses are subject to burglaries and robberies as a result of significant amounts of cash on site due to federal banking restrictions.
  - Drug detecting canines may have to be retrained or replaced.
  - Complaints such as odours and building code violations.
- Law enforcement working with the state needs to review and update search warrant procedures. Establishing partnerships with city agencies such as code enforcement, building inspectors, fire and zoning is one of the best strategies in addressing problems.

- Law enforcement leaders, criminal justice officials and policy makers should determine if there are any ramifications for using the current cadre of drug dogs for general drug searches.
- The Colorado Association of Chiefs of Police and individual departments' message to law enforcement officials in states considering legalization is to develop a legislative and statewide funding plan before the measure passes and be ready to make the case for proper enforcement in the name of public safety.

#### RMHIDTA Report (Attachment)

- The High Intensity Drug Trafficking Area Program (HIDTA) is an important component of the President's National Drug Control Strategy which provides additional federal resources to those areas to help eliminate or reduce drug trafficking and its harmful consequences. RMHIDTA was established in 1996 and is one of 28 HIDTA's which covers Colorado, Montana, Utah and Wyoming.
- The RMHIDTA report documents the impact of legalization of marijuana for medical and recreational use in Colorado. RMHIDTA collects and reports comparative data in a variety of areas including but not limited to: impaired driving; youth marijuana use; adult marijuana use; emergency room and hospital admissions; marijuana related exposure; treatment; diversion of Colorado marijuana; diversion by parcel; and THC extraction labs.
- The report distinguishes three eras of Colorado legalization history and the growth of use of medical marijuana:
  - 2006 to 2008 - Early Medical Marijuana Era: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating.
  - 2009 to present - Medical Marijuana Commercialization and Expansion Era: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries by the end of 2012.
  - 2013 to present - Recreational Marijuana Era: Constitutional Amendment 64 passed which legalized marijuana for recreational purposes for anyone over age of 21 years. Retail marijuana businesses became operational January 1, 2014.
- In 2014, Colorado annual tax revenue from sales of recreational marijuana was \$52.5 million or about 0.7% of total general fund revenue.
- Denver has more licensed medical marijuana centres (198) than pharmacies (117).
- Marijuana related traffic deaths increased 92% from 2010 to 2014 compared to an increase of only 8% of all traffic deaths for the same period.
- In just one year (2014 to 2015), positive toxicology reports for driving under the influence of marijuana have increased 45%.

- In 2013, Colorado ranked the following in the nation for current marijuana users:
  - 3<sup>rd</sup> with 11.16% of youth ages 12-17 years;
  - 2<sup>nd</sup> with 29% of college students ages 18-25 years; and
  - 5<sup>th</sup> with 10% of adults ages 26 years and older.
- From 2008 to 2014, drug related suspensions and expulsions from school increased 40% with the vast majority for marijuana violations.
- In 2014, when retail businesses began operating there was:
  - 29% increase in marijuana related emergency room visits;
  - 38% increase in marijuana related hospitalizations; and
  - 72% increase in marijuana related exposures for all ages.
- Over the last 10 years, the top three drugs involved treatment admissions were:
  - Alcohol – average 12,942;
  - Marijuana – average 6,491; and
  - Methamphetamine – average 5,044.
- The legalization of marijuana in Colorado produced many unintended consequences which led to a number of challenges and issues. As both reports highlight, law enforcement should establish data collection systems based on the lessons, challenges and successful measures applied by the state.

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**Recommended by:**

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**Approved June 23, 2016 by:**

Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Branch  
250 387-1100

**Attachment:**

RMHIDTA: The Legalization of Marijuana in Colorado Executive Summary



# Executive Summary

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## Purpose

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Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) is tracking the impact of marijuana legalization in the state of Colorado. This report will utilize, whenever possible, a comparison of three different eras in Colorado's legalization history:

- **2006 – 2008:** Early medical marijuana era
- **2009 – Present:** Medical marijuana commercialization and expansion era
- **2013 – Present:** Recreational marijuana era

Rocky Mountain HIDTA will collect and report comparative data in a variety of areas, including but not limited to:

- Impaired driving
- Youth marijuana use
- Adult marijuana use
- Emergency room admissions
- Marijuana-related exposure cases
- Diversion of Colorado marijuana

This is the third annual report on the impact of legalized marijuana in Colorado. It is divided into eleven sections, each providing information on the impact of marijuana legalization. The sections are as follows:

### **Section 1 – Impaired Driving:**

- In 2014, when retail marijuana businesses began operating, there was a **32 percent** increase in marijuana-related traffic deaths in just one year from 2013.
- Colorado marijuana-related traffic deaths increased **92 percent** from 2010 – 2014. During the same time period all traffic deaths only increased **8 percent**.

- Marijuana-related traffic deaths were approximately **20 percent** of all traffic deaths in 2014 compared to half that (**10 percent**) just five years ago.
- In 2014, when retail marijuana businesses began operating, toxicology reports with positive marijuana results of active THC results for primarily driving under the influence have increased **45 percent** in just one year.

### **Section 2 – Youth Marijuana Use:**

- In 2013, **11.16 percent** of Colorado youth ages 12 to 17 years old were considered current marijuana users compared to **7.15 percent** nationally. Colorado ranked **3<sup>rd</sup>** in the nation and was **56 percent** higher than the national average.
- Drug-related suspensions/expulsions increased **40 percent** from school years 2008/2009 to 2013/2014. The vast majority were for marijuana violations.
- Positive THC urinalyses tests, for probationers ages 12 to 17 years old, increased **20 percent** since marijuana was legalized in 2013.
- A 2015 survey of school resource officers and school counselors revealed similar results about increased school marijuana issues since the legalization of recreational marijuana.

### **Section 3 – Adult Marijuana Use:**

- In 2013, **29 percent** of college age students (ages 18 to 25 years old) were considered current marijuana users compared to **18.91 percent** nationally. Colorado, ranked **2<sup>nd</sup>** in the nation, was **54 percent** higher than the national average.
- In 2013, **10.13 percent** of adults ages 26 years old and over were considered current marijuana users compared to **5.45 percent** nationally. Colorado, ranked **5<sup>th</sup>** in the nation, was **86 percent** higher than the national average.
- Positive THC urinalyses tests, for probationers age 18 to 25 and 26+ years old, increased **49 and 87 percent** respectively since marijuana was legalized in 2013.

#### **Section 4 – Emergency Room Marijuana and Hospital Marijuana-Related Admissions:**

- In 2014, when retail marijuana businesses began operating, there was a **29 percent** increase in the number of marijuana-related emergency room visits in only one year.
- In 2014, when retail marijuana businesses began operating, there was a **38 percent** increase in the number of marijuana-related hospitalizations in only one year.
- In the three years after medical marijuana was commercialized, compared to the three years prior, there was a **46 percent** increase in hospitalizations related to marijuana.
- Children's Hospital Colorado reported **2** marijuana ingestions among children under 12 in 2009 compared to 16 in 2014.

#### **Section 5 – Marijuana-Related Exposure:**

- In 2014, when retail marijuana businesses began operating, marijuana-only related exposures increased **72 percent** in only one year.
- In the years medical marijuana was commercialized (2009 – 2012), marijuana-related exposures averaged a **42 percent** increase from pre-commercialization years (2006 – 2008) average.
- During the years 2013 – 2014, the average number of all age exposures was 175 per year. Exposures have doubled since marijuana was legalized in Colorado.
- Young children (ages 0 to 5) marijuana-related exposures in Colorado:
  - During the years 2013 – 2014, the average number of children exposed was 31 per year.
    - This is a **138 percent** increase from the medical marijuana commercialization years (2009 – 2012) average which was a **225 percent** increase from pre-commercialization years (2006 – 2008).

**Section 6 – Treatment:**

- Over the last ten years, the top three drugs involved in treatment admissions, in descending order, were alcohol (average 12,943), marijuana (average 6,491) and methamphetamine (average 5,044).
- Marijuana treatment data from Colorado in years 2005 – 2014 does not appear to demonstrate a definite trend. Colorado averages approximately 6,500 treatment admissions annual for marijuana abuse.

**Section 7 – Diversion of Colorado Marijuana:**

- During 2009 – 2012, when medical marijuana was commercialized, the yearly average number interdiction seizures of Colorado marijuana increased 365 percent from 52 to 242 per year.
- During 2013 – 2014, when recreational marijuana was legalized, the yearly average interdiction seizures of Colorado marijuana increased another 34 percent from 242 to 324.
- The average pounds of Colorado marijuana seized, destined for 36 other states, increased 33 percent from 2005 – 2008 compared to 2009 – 2014.

**Section 8 – Diversion by Parcel:**

- U.S. mail parcel interceptions of Colorado marijuana, destined for 38 other states, increased 2,033 percent from 2010 – 2014.
- Pounds of Colorado marijuana seized in the U.S. mail, destined for 38 other states, increased 722 percent from 2010 – 2014.
- From 2006 – 2008, compared to 2013 – 2014, the average number of seized parcels containing Colorado marijuana, that were destined outside the United States, increased over 7,750 percent and pounds of marijuana seized in those parcels increased over 1,079 percent.

**Section 9 – THC Extraction Labs:**

- In 2013, there were 12 THC extraction lab explosions compared to 32 in 2014.
- In 2013, there were 18 injuries from THC extraction lab explosions compared to 30 in 2014.

**Section 10 – Related Data:**

- Overall, crime in Denver increased 12.3 percent from 2012 to 2014.
- Colorado annual tax revenue from the sale of recreational marijuana was 52.5 million (CY2014) or about 0.7 percent of total general fund revenue (FY2015).
- The majority of cities and counties in Colorado have banned recreational marijuana businesses.
- National THC potency has risen from an average of 3.96 percent in 1995 to an average of 12.55 percent in 2013. The average potency in Colorado was 17.1 percent.
- Homelessness increased with the appeal of legal marijuana being a factor.
- Denver has more licensed medical marijuana centers (198) than pharmacies (117).

**Section 11 – Related Material:**

- This section lists various studies and reports.

There is much more data in each of the eleven sections, which can be used as a standalone document. All of the sections are on the Rocky Mountain HIDTA website and can be printed individually; go to [www.rmhidta.org/Reports](http://www.rmhidta.org/Reports).

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL  
POLICING AND SECURITY BRANCH  
BRIEFING NOTE**

**PURPOSE:** For DECISION by the Honorable Mike Morris, Minister of Public Safety and Solicitor General.

**ISSUE:** Section 42 of the *Police Act*, Study regarding illegal firearms in British Columbia.

**DECISION REQUIRED/ RECOMMENDATION:**

1. Ministerial direction to Director of Police Services, to conduct a Section 42 *Police Act* Study and submit a report on strategies to address illegal firearms in British Columbia through the creation and implementation of an Illegal Firearms Task Force.

**SUMMARY:**

- The use of illegal firearms to commit murders, attempted murders, home invasions and indiscriminate discharges is a serious public safety issue in British Columbia. Documented evidence illustrates that these violent acts are often committed by individuals who are utilizing illegally possessed and/or illegally registered firearms.
- This Study is strategically aligned with the Minister's Mandate Letter dated December 12, 2015, in particular, Item # 4 which directs the Minister to work with the federal government to advance initiatives to combat illegal firearms, organized crime and extremism.
- This project is also strategically aligned to the mandate of the Federal-Provincial-Territorial Crime Prevention and Policing Committee working group which has been tasked with developing a national guns and gangs strategy.
- The overall objective of the Study will be to examine current provincial and federal firearms legislation, education and enforcement strategies and produce a final report with recommendations for further strategies to complement or advance those already in existence.
- This Study will allow Policing and Security Branch to take a new approach to identify, address and combat illegal firearms in British Columbia.



## BACKGROUND:

- On April 15, 2016, Premier Christy Clark and the Minister announced \$23M in funding to support an enhanced Guns and Gangs Strategy with a three pillar approach.
- The three-pillar approach focuses on: supporting effective enforcement and prosecution, furthering community safety and public engagement, and expanding laws and sanctions targeting illegal guns and gang violence, profits and property.
- The creation of an Illegal Firearms Task Force was announced as part of the enhanced strategy providing \$200K within the 2016/2017 fiscal. The final work product of the Illegal Firearms Task Force will be a report from the Director of Police Services to the Deputy Minister and Minister.

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- The Task Force will be comprised of core members who possess subject-matter expertise and, a select group of external stakeholders who will be consulted for their informed views and analysis.
- A Contractor(s) will be responsible for coordinating the Task Force and compiling and providing a final report with recommendations.
- Specific engagement will take place with Federal Government stakeholders as they have a commitment to "provide \$100 million each year to the provinces and territories to support guns and gangs police task forces to take illegal guns off our streets and reduce gang violence."
- By way of a separate, but related literature review, research analysts, managed from existing resources, will conduct a scan and compile an inventory of existing legislative, regulatory and civil initiatives in British Columbia and other jurisdictions which combat possession and use of illegal firearms.

### Ministerial Authority under the *Police Act*

- Section 42 *Police Act* provides that the director must, on request of the minister, study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in British Columbia or in a designated area of British Columbia. The director must submit the report to the minister.

**OPTIONS:**

1. **RECOMMENDED** – Ministerial direction to Director of Police Services, to conduct a Section 42 *Police Act* Study and submit a report on strategies to address illegal firearms in British Columbia through the creation and implementation of an Illegal Firearms Task Force.
2. Ministerial denial of Study on illegal firearms in British Columbia.

**DECISION APPROVED / NOT APPROVED**

**OPTION \_\_\_\_\_**

\_\_\_\_\_  
Mike Morris  
Minister of Public Safety and Solicitor General

\_\_\_\_\_  
Date

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