

Opening Statement

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Senate Standing Committee on Legal and Constitutional Affairs (LCJC)

*Bill C-37, An Act to Amend the Controlled Drugs and Substances Act and  
to make related amendments to other Acts*

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## Introduction

Good morning/afternoon, Mr. Chair and Honourable Members.

My name is Lisa Janes, and I am the Director General of the Border Operations Directorate at the Canada Border Services Agency (CBSA).

I would like to thank the committee for the invitation to speak to you today on Bill C-37.

Fentanyl and its analogues are the newest illicit substances appearing at the border in increasing volumes.

We have noted that the fentanyl powder and equivalent substances that are most often smuggled into Canada come mainly from China.

With extreme potency, where an amount measured in milligrams can cause a fatal overdose, a package weighing 30 grams could contain as many as 15,000 fatal doses.

These small but deadly amounts of drugs can be smuggled into Canada through international mail.

Postal and courier shipments are often accompanied by false declarations or are intentionally mislabelled to avoid detection.

Mr. Chair, all mail that arrives into Canada is subject to inspection, as CBSA officers have authority under the *Customs Act* to examine any mail that enters Canada.

The CBSA uses a variety of detection techniques and technologies including x-rays, trace detection technology, and detector dogs. Officers may select high-risk mail for closer examination.

There are, however, specific limitations to opening mail that weighs 30 grams or less.

A CBSA officer who forms reasonable grounds to suspect that mail weighing 30 grams or less contains illicit goods may only open it, or cause it to be opened, if consent from the addressee is obtained, or if the sender has completed and attached a specific label to the mail.

When consent is not forthcoming from the addressee, or no label is completed and attached, the shipment is returned to Canada Post and prevented from entering the domestic mail stream.

Bill C-37 proposes to repeal certain provisions of the *Customs Act* and the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, to allow officers to open mail that weighs 30 grams or less, in order to detain or seize illicit substances (such as fentanyl) that may be in those smaller mail packages.

The proposed amendments would result in granting CBSA officers the authority to open all items, regardless of weight, in the international mail stream, when an officer has reasonable grounds to suspect the mail contains goods referred to in the Customs Tariff, or goods whose importation is prohibited, controlled, or regulated under an Act of Parliament.

The Government of Canada is committed to respecting the privacy of mail recipients, which is why officers must have reasonable grounds of suspicion before opening mail.

Bill C-37 also proposes amendments that would require that certain devices, such as pill presses or encapsulators, be registered with Health Canada.

While the CBSA does not regulate these devices, the trafficking and use of pill presses to produce illicit drugs is a growing concern for the public safety and public health community.

The proposed amendment would require that proof of registration for these goods be presented upon importation.

In cases where no proof of registration is provided, CBSA officers would detain the goods to assess compliance, and have Health Canada or the Royal Canadian Mounted Police undertake further admissibility measures.

In conclusion, the CBSA fully supports the proposed amendments to the *Customs Act* and the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, and the regulation and control of pill presses and encapsulators.

These changes will protect Canadians by helping keep harmful substances off the streets and out of the hands of criminals.

Mr. Chair and Honourable Senators, this concludes my opening statement.

I would be happy to answer any questions the Committee may have.

Thank you.