



Fentanyl Public Health Crisis / Fentanyl Pre –Cursor Chemicals

Date Submitted: 2016-05-26

PURPOSE

The purpose of this briefing note is to inform the Standing Senate Committee on Legal and Constitutional Affairs of the need to regulate pre-cursor chemicals required to domestically synthesize fentanyl in Canada.

RECOMMENDATIONS:

Amend the CDSA in order to regulate the following pre-cursor chemicals required in the domestic synthesis of fentanyl:

1. Propionyl chloride
2. N-phenethyl-4-piperidone (NPP)
3. 4-Anilino-N-phenethylpiperidine (4ANPP)

Aniline is also a precursor however this chemical is utilized by numerous legitimate industries.

BACKGROUND

HISTORY

As a result of the Federal Government's recognition of the dangers of prescription drug abuse, OxyContin was reformulated into a more tamper resistant form in 2012 called OxyNeo. Analysis of trends involving the illicit drug market suggests that organized criminal elements filled the void left from the removal of prescription OxyContin by formulating counterfeit OxyContin pills, containing the synthetically produced opioid Fentanyl as the active ingredient.

EFFECTS

Fentanyl provides similar effects to those of OxyContin but is much more toxic (100 times more toxic than morphine and 40 times more toxic than heroin). A considerably smaller amount is required for users to feel its effects (medicinally it is measured in micrograms). Lab analysis reveals in some cases illicitly obtained fentanyl has been mixed with low quality heroin and in other cases it is cut with caffeine or the animal tranquilizer Xylazine.

300 Terry Fox Drive, Suite 100, Ottawa, Ontario K2K 0E3
Tel: (613) 595-1101 • Fax/Télécopieur: (613) 383-0372 • E-mail/Courriel: cacp@cacp.ca

David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques
Perley-Robertson, Hill and McDougall LLP Barristers & Solicitors/Avocats et Procureurs

Caring • Courage • Equity • Integrity • Openness • Respect • Transparency • Trustworthiness
Compassion • Courage • Équité • Intégrité • Ouverture • Respect • Transparence • Fiabilité





Canadian Association of Chiefs of Police Association canadienne des chefs de police

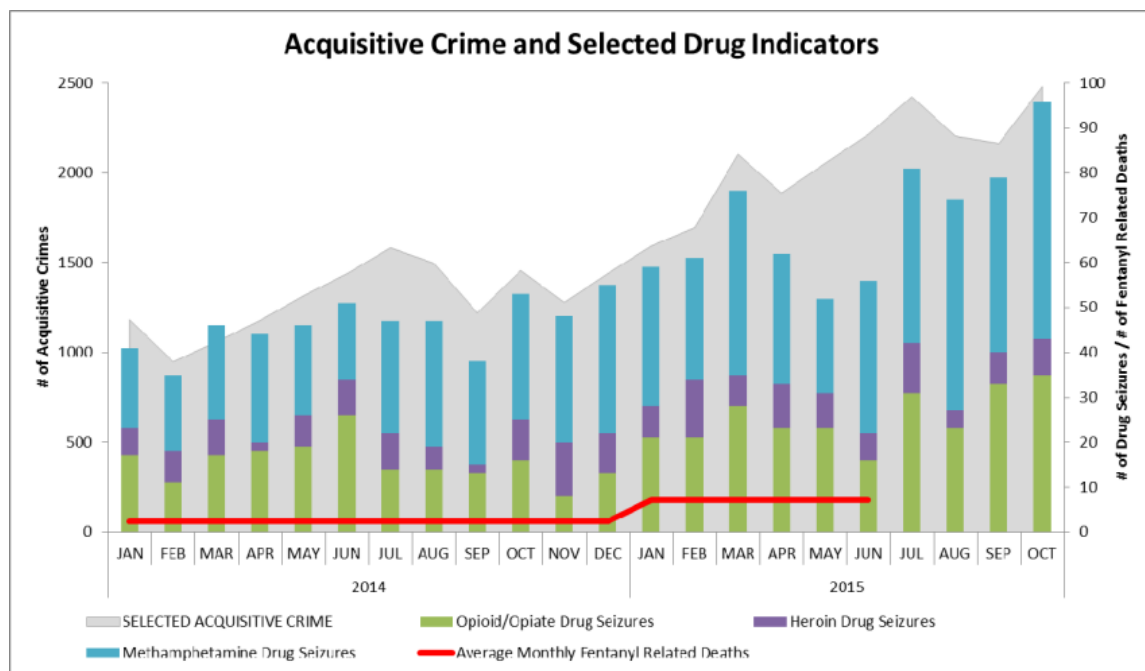
Caring • Courage • Equity • Integrity • Openness • Respect • Transparency • Trustworthiness
Compassion • Courage • Équité • Intégrité • Ouverture • Respect • Transparence • Fiabilité

SEIZURES

The majority of Fentanyl seizures have been in pill form. The pills are made to resemble OxyContin 80's. The pills are green and marked CDN on one side and 80 on the other (virtually indistinguishable from pharmaceutically produced pills). In Calgary, the current street price is \$20 per pill. Fentanyl pills are referred to on the street as *green apples*, *shady eighties*, *greenies*, and *fake oxy*. Fentanyl powder looks similar to Heroin or Cocaine, but is odorless. The largest pill seizure thus far in Calgary was in excess of 11,000 pills.

ACQUISITIVE CRIME

Due to its highly addictive qualities, fentanyl addicts can consume as much as 15 pills per day equating to a \$300 per day habit. The number of pills consumed is conservative as increased exposure leads to increased tolerance and thus increased demand. In order to support this addiction, addicts turn to crime. These crimes, referred to as acquisitive crimes, are predominantly property, sex and drug related. Stolen property only provides a small financial return (10-20% on the dollar) so a \$300/day habit would require thefts costing \$3000. It has been reported that a stolen vehicle can be traded for a single pill.



300 Terry Fox Drive, Suite 100, Ottawa, Ontario K2K 0E3
Tel: (613) 595-1101 • Fax/Télécopieur: (613) 383-0372 • E-mail/Courriel: cacp@cacp.ca

David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques
Perley-Robertson, Hill and McDougall LLP Barristers & Solicitors/Avocats et Procureurs





Canadian Association of Chiefs of Police Association canadienne des chefs de police

Caring • Courage • Equity • Integrity • Openness • Respect • Transparency • Trustworthiness
Compassion • Courage • Équité • Intégrité • Ouverture • Respect • Transparence • Fiabilité

PROFITABILITY

The profitability of illicitly sold fentanyl is at levels never before seen in the illicit drug trade. A kilogram of fentanyl can be purchased over the internet for \$12,500.00 (US). In Canada, this powder could be directly sold for \$280,000.00 (CA), resulting in a \$267,500.00 (CA) profit. If the powder were reprocessed into pills, 1 kilogram of powder could produce 1 million pills. At \$20 per pill (Fort McMurray has seen prices at \$80 per pill); \$20,000,000.00 (CA) could be earned resulting in a profit of \$19,987,500.00 (CA).

| 1 KG FENTANYL | COST | STREET PRICE |
|----------------|--------------------------|-----------------|
| SOLD AS POWDER | \$12 500.00 | \$280 000.00 |
| SOLD AS PILLS | \$12 500.00 + pill press | \$20 000 000.00 |

PILL PRESSES

In Canada it is relatively simple to import a pill press as, unlike the US, there are no restrictions or regulations governing purchase or import. Consequently, the Canada Border Service Agency (CBSA) has no authority to seize presses. Investigation reveals that individuals without criminal records are importing presses into Canada. A multi-stage commercial press costs \$6,000.00–\$10,000.00 (US) and can make between 10,000–18,000 pills per hour.

Bill 205 was passed in Alberta, May 2016. Bill 205 regulates the possession of pill presses in the province of Alberta. This legislation will be a powerful tool for law enforcement however to avoid displacement Federal legislation is essential.

OVERDOSE/DEATHS

Illicitly manufactured fentanyl pills have no quality controls; as such “hotspots” are common. A “hot spot” occurs when the fentanyl powder is not mixed thoroughly resulting in a lethal concentration in some pills. This disparity in “batch strength” combined with the lethality of fentanyl makes it unpredictable and deadly.

Fentanyl overdoses occur on a daily basis, the majority of which are unreported to police. In a three year period (between 2011 and 2014) the number of fentanyl related deaths increased almost 20 times in Alberta. In 2015 there were 272 fentanyl related deaths in the province of Alberta, 90 of these deaths occurred in Calgary.

In British Columbia there were 152 fentanyl related deaths in 2015. In the first 3 months of 2016 (January-March) there were 98 fentanyl related deaths.

300 Terry Fox Drive, Suite 100, Ottawa, Ontario K2K 0E3
Tel: (613) 595-1101 • Fax/Télécopieur: (613) 383-0372 • E-mail/Courriel: cacp@cacp.ca

David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques
Perley-Robertson, Hill and McDougall LLP Barristers & Solicitors/Avocats et Procureurs





Canadian Association of Chiefs of Police Association canadienne des chefs de police

In Canada between 2009 and 2014 there were 655 deaths in which fentanyl was determined to be a cause or contributing cause (Canadian Center on Substance Abuse).

AVAILABILITY

Currently fentanyl powder and fentanyl analogues are easily imported into Canada through internet purchases the majority of which are sourced from China. In October 2015 the Chinese government passed legislation to regulate fentanyl and several fentanyl analogues.

However this has resulted in Chinese based pharmaceutical/chemical companies diverting to other non-regulated fentanyl analogues such as furanyl-fentanyl.

If the importation of powder becomes more difficult through enforcement actions in China, Organized Crime groups operating in Canada will turn to domestic production of fentanyl and fentanyl analogues through the use of currently unregulated precursor chemicals.

UNITED STATES

In United States, according to the Drug Enforcement Agency, certain precursors are currently regulated or controlled. Below is a list of the precursor chemicals for fentanyl synthesis and their current status:

- Propionyl chloride is not controlled or regulated (propionic anhydride is regulated)
- N-phenethyl-4-piperidone is not controlled but regulated
- Aniline is not regulated or controlled
- 4-Anilino-N-phenethylpiperidine not regulated or controlled

RISK TO PUBLIC AND FIRST RESPONDERS

Clandestine fentanyl reprocessing/production labs pose a significant safety risk to the public and first responders. Exposure to fentanyl and fentanyl analogues may result in serious medical distress, including overdose or death due to the nature of its toxicity.

SUMMARY

Effective drug strategies must focus on prevention, education, intervention/treatment and enforcement. Each element is necessary in order that the harms of the illicit drug trade are better controlled. While the challenges associated with the illicit sale of fentanyl are similar to other illicit drugs, the death rate, addictive qualities, potential for profit far exceed anything ever before seen.

Controlling precursors is paramount to this strategy. As enforcement more effectively controls the importation of fentanyl, criminal efforts will shift to domestic or local manufacturing.

300 Terry Fox Drive, Suite 100, Ottawa, Ontario K2K 0E3
Tel: (613) 595-1101 • Fax/Télécopieur: (613) 383-0372 • E-mail/Courriel: cacp@cacp.ca

David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques
Perley-Robertson, Hill and McDougall LLP Barristers & Solicitors/Avocats et Procureurs

Caring • Courage • Equity • Integrity • Openness • Respect • Transparency • Trustworthiness
Compassion • Courage • Équité • Intégrité • Ouverture • Respect • Transparence • Fiabilité



Canadian Association of Chiefs of Police
Association canadienne des chefs de police

Additionally, the demand for precursors will increase in direct proportion to the efforts by the United States Government to control these precursors. If Canada fails to match the prohibitive actions by the US, the US demand for precursors will be met through Canadian sources and suppliers.

In order to enhance public safety in Canada, prohibiting precursor chemicals required to synthesize fentanyl and fentanyl analogues will greatly enhance law enforcement's ability to impact the distribution of illicit/counterfeit fentanyl in our country. Keeping on top of further synthetic drug trends is paramount to ensure future regulation is timely and effective.

300 Terry Fox Drive, Suite 100, Ottawa, Ontario K2K 0E3
Tel: (613) 595-1101 • Fax/Télécopieur: (613) 383-0372 • E-mail/Courriel: cacp@cacp.ca

David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques
Perley-Robertson, Hill and McDougall LLP Barristers & Solicitors/Avocats et Procureurs