Guidance Document for the
Precursor Control Regulations

APPLICATION FOR CLASS B PRECURSOR REGISTRATION

Aussi disponible en français

This document is one of a series of guidance documents written as a companion to the *Precursor Control Regulations* to provide guidance on meeting the regulatory requirements under these Regulations.

Other documents in this series include:

Application for Class A Precursor Licence
Requirements and Responsibilities of Licensed Dealers of Class A Precursors
Application for Import, Export and Transit/Transhipment Permits
Requirements and Responsibilities of Registered Dealers of Class B Precursors

To obtain these documents, or for further information about the *Precursor Control Regulations*, please contact the Precursor Chemical Section, Licences and Permits Division, Office of Controlled Substances (OCS), Drug Strategy and Controlled Substances Programme (DSCS), Healthy Environments and Consumer Safety Branch (HECS), Health Canada:

Website: www.hc-sc.gc.ca/ocs-bsc
Tel.: (613) 946-1142
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1. PURPOSE

This document provides guidance to individuals applying for registration under the *Precursor Control Regulations* (PCR) to produce for sale, import and/or export any Class B precursor, as set out in Part 2 of Schedule VI of the *Controlled Drugs and Substances Act* (CDSA).

2. BACKGROUND

Precursors are chemicals that are frequently diverted from legitimate activities to the illegal manufacture of drugs. In 1988, the United Nations addressed the problem of the diversion of precursors to illegal markets or uses by adopting provisions within the *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.* Canada signed this convention in 1990, committing itself to controlling the movement of precursors into, out of, and within Canada.

In 1997, Canada enacted provisions within the *Controlled Drugs and Substances Act* (CDSA) that allows for the control of precursors, and the establishment of regulations for their import, export, production, and distribution.

The *Precursor Control Regulations* (PCR) provide a regulatory framework that allows Canada to fulfill its international obligations with respect to the monitoring and control of precursors used in the production of illegal drugs. The regulatory provisions governing the registration and permit requirements for import, export, and production of Class B precursors will come into force in January 1, 2004.

3. SCOPE

This document was developed as a companion to the PCR. It provides guidance in meeting the regulatory requirements relating to Class B precursor registration applications. It is not intended to replace the PCR. The PCR shall, under all circumstances, take precedence over these guidelines, should any apparent confusion or inconsistencies arise.

4. DEFINITIONS

Many terms used in this document are defined in the *Controlled Drugs and Substances Act* and in the *Precursor Control Regulations*. Please refer to Section 2 of the Act and Section 1 of the Regulations.

5. GENERAL INFORMATION

Copies of the CDSA and the PCR can be obtained by visiting the Justice Canada website at http://laws.justice.gc.ca/en/C-38.8/index.html; by contacting Canadian Government Publishing, Communication Canada, Ottawa, Ontario, K1A 0S9; or by calling one of the following numbers: (819) 956-4800 or 1-800-635-7943.

Copies of guidance documents and application forms can be obtained from the Office of Controlled Substances (OCS) website at www.hc-sc.gc.ca/ocs-bsc, or by contacting that Office at (613) 946-1142.

SECTION A: NEW REGISTRATION APPLICATION

6. APPLYING FOR REGISTRATION

6.1 Who Requires Registration

A person or corporation who wishes to produce for sale, import and/or export Class B precursors must apply for registration. Certain preparations or mixtures containing a Class B precursor are exempted.

Note: A preparation or mixture containing a Class B precursor, either alone or with any other precursor of the same class that does not constitute more than 30% of the preparation or mixture by weight or volume, in the case of a solid or liquid respectively are **exempted**. Please refer to Sections 55 and 56 of the PCR.

6.2 Who Is Eligible for Registration

(i) An individual who ordinarily resides in Canada; or

(ii) A corporation that has its head office in Canada or operates a branch in Canada.

6.3 Registration of a Site

Only one registration certificate will be issued to each applicant which will indicate the applicant's primary address or, if the applicant is a corporation, its head office address. This certificate encompasses all sites, if any, and all activities for Class B precursors registered under the corporation.

7. REQUIREMENTS FOR REGISTRATION APPLICATION

Personnel
(*Section 59 of PCR*)

The following responsible persons must be engaged by the applicant to conduct authorized activities, and the Senior Person in Charge must be approved by Health Canada to perform those functions:

(i) Senior Person in Charge (SPIC)

This person:

(a) must have overall responsibility for the management of the registered dealer's operations pertaining to the Class B precursor activity;
(b) must be considered the representative of the applicant and have the authority to bind the applicant;
(c) must be familiar with the provisions of the Act and the Regulations;
(d) must have sufficient knowledge concerning the use and handling of Class B precursors;
(e) must be aware of the risk of those precursors being diverted to illicit market or use;
(f) must not have been convicted within the previous 10 years of any designated drug offence, designated criminal offence or an offence committed outside of Canada that, if committed in Canada, would have constituted a designated drug or criminal offence; and
(g) may be the same person as the applicant.

Note: Simple possession is not included as a designated drug offence under Section 1 of the PCR.

(ii) Contact Person

This person:

(a) must work on the registered site;
(b) should have good knowledge concerning the use and handling of Class B precursors;
(c) should be aware of the risk of those precursors being diverted to illicit market or use; and
(d) may be the same person as the SPIC.

8. APPLICATION SUBMISSION

(*Section 60 of PCR)*

A submission includes the following documents:

(i) A completed *Application for a Class B Precursor Registration Form*;

(a) to be considered complete, the application form must include all the required information;
(b) Sections 6B, 7 and 8 of the application form must be signed and dated by the Senior Person in Charge (SPIC).

(ii) A copy of the certificate of incorporation, or any document filed with the province stating the applicant's corporate name and any other name registered with a province must be attached to the application, if applicable; and

(iii) The additional statements regarding the qualifications of the SPIC and contact persons, as well as the security measures in all sites must be signed by the Senior Person in Charge (SPIC).

Note: As per Section 60 (3)(b) of PCR, any cost for criminal record check will be the applicant's responsibility.

The complete application package must be sent to the address stated in Section 13 of this document.

Note: A check list is attached to the application form for the reference of the applicant.

9. ISSUANCE OF A REGISTRATION CERTIFICATE

(*Section 62 of PCR)*

(i) If all requirements are met, Health Canada will issue one registration certificate to authorize the applicant to conduct activities at all sites on the application with Class B precursors;

Note: (a) Not all information provided on the application will be specified on the certificate.
(b) The certificate must be kept at the address indicated on the certificate.
(c) A registration will generally be valid from three to five years. The expiry date for all certificates will be varied to facilitate a staggered renewal process.
(d) Initially registrations will be issued for approximately three years

(ii) Under the circumstances defined in Section 63 of the PCR, Health Canada can refuse to issue or renew a registration and corresponding certificate; and

(iii) Under the circumstances defined in Sections 66 - 68 of the PCR, Health Canada can suspend or revoke an existing registration and corresponding certificate.

SECTION B: NOTICE OF CHANGE OF INFORMATION

10. AMENDMENT OF REGISTRATION CERTIFICATE

(Section 65 of PCR)

10.1 Change of Information

A registered dealer must make a request in writing for any of the following changes pertaining to the information indicated on the registration certificate:

(i) Registered dealer's name, or if the registered dealer is a corporation, its corporate name; and

(ii) The applicant's address or if the applicant is a corporation, its head office address.

10.2 Request for Amendment

The request for amendment of registration certificate information must include:

(i) a request in writing signed by the Senior Person in Charge (SPIC) describing the proposed amendment, along with a statement that all information and documents provided are correct and complete;

(ii) any supporting documents that are relevant to the proposed amendment; and

(iii) the original certificate. (The registered dealer must retain a photocopy of the original certificate at the site until the amended registration certificate is received).

10.3 Issuance of an Amended Registration Certificate

If all requirements are met, Health Canada will issue an amended registration certificate.

11. CHANGE OF APPLICATION INFORMATION

(Section 65 of PCR)

11.1 Change of Senior Person In Charge (SPIC)

(i) A registered dealer must obtain prior approval for the following change:

(a) a designation of a replacement for the SPIC.

(ii) The written request for amendment of application information must include:

(a) a request in writing by the registered dealer describing the proposed amendment, along with a statement that all information and documents provided are correct and complete; and

(b) include any supporting documents that are relevant to the proposed amendment. Sections 6, 7 and 8 of the application form must be signed and attached to the request.

This package must be sent to the address stated in Section 13 of this document.

(iii) The registered dealer must notify Health Canada within 10 days if the SPIC ceases to act in that capacity.

Note: In the event that the SPIC ceases to act in that capacity as set out in Section 65(6) of the PCR, another individual who meets the requirements in Section 59(3) of the PCR may be appointed, on an interim basis, by the registered dealer as the SPIC until approval for a new SPIC is granted by Health Canada.

(iv) Health Canada will notify the registered dealer when the proposed change of SPIC is approved.

11.2 Any other changes pertaining to the information provided in the application form, such as name of precursor, classification, contact person (name, address, telephone number, fax number, etc.) must be communicated to Health Canada within 10 days after the changes take place.

SECTION C: REGISTRATION CERTIFICATE RENEWAL

12. APPLICATION FOR REGISTRATION RENEWAL

(Section 60 of PCR)

12.1 Renewal of Registration Certificate

A registered dealer who wishes to renew a registration certificate should submit an application form for renewal **30 days** before the expiry date of the certificate.

12.2 Application Submission

The *Application for a Class B Precursor Registration* form is also used to renew a certificate. However, if there are no changes to the existing certificate, it is only necessary to complete the sections specified in section 2 of the application form.

If additions or deletions of a precursor or activity are required, complete the table in Section 5B of the application form.

The application package must be sent to the address in Section 13 of this guidance document.

12.3 Return of Document
(*Section 89 of PCR*)

(i) The registered dealer must return the expired original certificate immediately after the effective date of the new certificate to the address in Section 13 of this guidance document.

(ii) If the registration certificate expires without being renewed or is revoked, the holder shall, within 30 days after the expiry or revocation, return the certificate to the address in Section 13 of this guidance document.

13. ADDRESS

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APPENDIX

List of Class B Precursors

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