



Third Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**LAW AMENDMENTS**

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39-40 Elizabeth II

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*Chairperson  
Mrs. Louise Dacquay  
Constituency of Seine River*



**VOL. XLI No. 3 - 10 a.m., THURSDAY, JUNE 4, 1992**



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

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<b>NAME</b>	<b>CONSTITUENCY</b>	<b>PARTY</b>
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Guizar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Thursday, June 4, 1992**

**TIME – 10 a.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mrs. Louise Dacquay (Seine River)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Driedger, Orchard, Hon. Mrs. McIntosh

Mr. Cheema, Mrs. Dacquay, Messrs. Hickeys, Lamoureux, McAlpine, Reimer, Mrs. Render, Ms. Wasylycia-Leis

**APPEARING:**

Daryl Reid, MLA for Transcona

**WITNESSES:**

Michael Lasko, Registrar, Manitoba Dental Association

Scott Mundle, President, Manitoba Optometric Society

Carol Loyd, Executive Director, Manitoba Optometric Society

Barry Hammond, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill 14—The Highways and Transportation Department Amendment Act

Bill 15—The Highway Traffic Amendment Act

Bill 80—The Dental Association Amendment Act

Bill 81—The Optometry Amendment Act

Bill 91—The Liquor Control Amendment Act (2)

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**Madam Chairperson:** Will the Standing Committee on Law Amendments please come to order. This morning the committee will be considering five bills: Bill 14, The Highways and Transportation Department Amendment Act; Bill 15, The Highway Traffic Amendment Act; Bill 80, The Dental Association Amendment Act; Bill 81, The Optometry Amendment Act; and Bill 91, The Liquor Control Amendment Act (2).

It is our custom to hear briefs before the consideration of bills. What is the will of the committee? Agreed.

To date we have had four presenters registered to speak to the bills this morning. I will read the names aloud: first, Dr. Heinz Scherle from the Manitoba Dental Association to speak on Bill 80; second, Dr. Scott Mundle, President, Manitoba Optometric Society to speak on Bill 81; Mr. Thomas Moody, President, Point Douglas Residents' Committee to speak on Bill 91; and Mr. Barry Hammond, private citizen to speak on Bill 91.

Mr. Barry Hammond has just registered, and he will not appear on the list for the information of the committee members.

At this time I would like to canvass the audience and ask if there are any other individuals present who are interested in making representation this morning. Anyone else wishing to have their name added to the list? Hearing none, does the committee wish to impose time limits on the presentations? No?

**Bill 80—The Dental Association  
Amendment Act**

**Madam Chairperson:** I will now ask Dr. Heinz Scherle from the Manitoba Dental Association to come forward and make his presentation. Good morning, Dr. Scherle.

**Dr. Michael Lasko (Registrar, Manitoba Dental Association):** Good morning. I am Dr. Michael Lasko, the Registrar of the Manitoba Dental Association, making the presentation on behalf of Dr. Heinz Scherle. He unavoidably is involved with another commitment and was unable to make it today.

I am a practising dentist in Winnipeg, Manitoba, and am currently the registrar of the Manitoba Dental Association. In my position as registrar, I am making this presentation today. Thank you for this opportunity.

I am speaking in favor of Bill 80, The Dental Association Amendment Act. Passage of this bill

will mean that the Manitoba Dental Association can do an even better job of protecting the public interest while serving as the licensing authority for dentistry in this province.

\* (1005)

During a protracted legal case involving the Manitoba Dental Association and one of its members, the Court of Appeal decided that the Manitoba Dental Association did not have the authority to demand that a dentist be upgraded after being found guilty of unprofessional conduct. Bill 80 will remedy this shortcoming in the legislation.

Members of the committee should note that Bill 80 calls for increased and expanded involvement of lay people above the requirements of the current statute. Clauses 24.3, 24.5 and 26(1) outline the way in which lay people will have significant input into the review and decision making involving public complaints and formal hearings into the conduct of dentists. These hearings will be open to the public by the passing of Bill 80.

Throughout our history as a licensing authority, we have had an excellent record of protecting the public. By this act amendment, the public will have an opportunity to see first-hand how the process works and how they are being protected.

Administratively, the affairs of the Manitoba Dental Association will be more in keeping with the laws of natural justice under Bill 80.

In Clause 28(1) the inquiry panel that hears a discipline case will determine guilt or innocence and then determine the appropriate penalty. Under the existing legislation, the board determines the penalty. Bill 80 recognizes the fact that the inquiry panel hears all of the evidence and is in the best position to make decisions based on that information rather than reporting to a board that does not have the benefit of hearing the arguments first hand.

The appeal process under Bill 80 offers a significant improvement over the existing legislation as well. If a dentist decides to appeal the decision of the inquiry panel, then that appeal will first be heard by the Manitoba Dental Association Board. This allows an opportunity to have dentistry directly involved in hearing about the concerns of a disciplined dentist as they relate to the hearing, and have the board decide if they are satisfied with the results before provincial courts are involved. Should a dentist decide to go further than the Manitoba Dental Association Board on an appeal,

then under Bill 80, he or she will apply to the Court of Appeal not the Court of Queen's Bench.

In closing, I want you to know that we are appreciative that you are considering our needs for amended legislation at this time and hope that you will give it a speedy approval. If you have any questions, I will be prepared to answer them. Thank you.

**Madam Chairperson:** Are there questions of the committee to Dr. Lasko?

Hearing none, I would like to thank you.

**Mr. Gulzar Cheema (The Maples):** First of all, I just want to express our sincere appreciation that you have come, and in fact your office has communicated with us as a caucus also.

I just have one concern in terms of, I want to know your views on the stand by the Manitoba Dental Association, not on this particular bill, but as such, how do you view your role as a licensing body as well as a disciplinary body? How do you balance that act, because the college and the MMA are two separate factions and sections?

In the public mind, there is still a perception that that may or may not be the right thing to do. I just want to know, from your experience, have you had any difficulties in terms of explaining if there are any major complaints, or in terms of your own association, your members, are they really feeling comfortable with the present regulation of dual work your association does?

**Mr. Lasko:** We are quite comfortable with the way the administrative structure allows us to serve the members' interests and the interests of protecting the public. My position is an appointed position which gives me the opportunity to work independent of the board of the Manitoba Dental Association as the disciplinary authority, really to look after the interests of the public.

I report, of course, to the board of the Manitoba Dental Association, but all of the actions that I take are independent of board, and all of the investigative powers that are entrusted to me basically fill the role of protection of the public as a primary concern.

\* (1010)

**Mr. Cheema:** Madam Chairperson, I will ask the presenter again: Can you give us any example in this country where the dental association like we have in Manitoba or other parts of this country have the same kind of function, and why we have not chosen the route of separating these two bodies in

terms of giving one a licensing rule, the other one a licensing and disciplinary rule, the other one advocating on behalf of their membership? Would you think that will correct that perception which the public has of why there has to be one organization such as yours that would have that kind of authority and power at the same time?

**Mr. Lasko:** Six of the 10 provinces currently fill the same role. They are a membership and a licensing authority.

The other four have split functions, and I believe, in my experience across the country, all of the 10 bodies have served both roles quite effectively. The history of dentistry in Canada with regard to ensuring the public protection and serving the role of the advocates for citizens in this country have been admirable. I believe that our record speaks for itself and that we have an excellent reputation in that regard.

**Ms. Judy Wasylycia-Lels (St. Johns):** Madam Chairperson, I really do not have any questions. I just wanted to thank, as well, Dr. Lasko, and all members of the Dental Association for their efforts in pursuing this change, which we view as very positive.

We know that you have been trying for some time to address, particularly, the matter of the decision of the recent court case, and this we see as an attempt to certainly deal with any unprofessional conduct and act on the best interests of the public.

We do not want to hold up the bill, and we do not really have any problems with aspects of the bill. I do have lots of questions in the whole area of dentistry such as the children's dental health program and the deinsurance of hospital removal of impacted teeth and the request by dental auxiliaries and so on, but I do not think this is the time or the place to address those matters.

I will not put any questions to Dr. Lasko on those issues unless he wants to comment, but just to indicate that we have many debates ahead of us in this whole field and in the area of dentistry as it ties into health care reform. Let me just indicate that we support this bill and appreciate your efforts in effecting this change.

**Hon. Donald Orchard (Minister of Health):** Madam Chairperson, naturally I look forward to those future debates, but I would not want to impose upon presenters at the committee.

Dr. Lasko, thank you for the presentation. Although not directly in response to my honourable friend the member for The Maples (Mr. Cheema), but the concern about the dual role, I think can be adequately addressed by the fact that the association asked for the strengthening of your disciplinary abilities as a licensing body, as well as a disciplinary body, to assure that you can carry out more appropriate, recommended courses of action with errant members.

I think that demonstrates the commitment that the Manitoba Dental Association has had to preserving the public interest, because it was not government that asked you to make the changes, it was you who asked government to incorporate these amended changes into the act.

The second point that I would like to make is that in terms of opening the process of investigation discipline to public hearings is a very positive step which will help to prove that anyone who says you are not interested in public protection, certainly the open public hearing process will put those fears to rest.

I thank you for the presentation this morning and for the co-operative work that we have been able to undertake with the association in advancing the legislation. I thank my two opposition critics for their support of the legislation, as well.

\* (1015)

**Madam Chairperson:** Thank you for your presentation, Dr. Lasko.

### **Bill 81—The Optometry Amendment Act**

**Madam Chairperson:** At this time, I would ask Dr. Scott Mundie to come forward to make representation on Bill 81. We will just wait for one moment for the Clerk to distribute copies of your presentation.

Thank you, Dr. Mundie. You may proceed.

**Mr. Scott Mundie (President, Manitoba Optometric Society):** Madam Chairperson, committee members, good morning. My name is Scott Mundie. I am the president of the Manitoba Optometric Society. The society fully supports Bill 81, The Optometry Amendment Act. The proposed changes to the act are structured to correct serious shortcomings with the society's current discipline process and to conform with other professional health legislation.

The reason for proposed legislative amendments are as follows:

Three deficiencies in the current act urgently require correction.

**First, potential conflict of interest of council:** The act requires that council determine matters to be investigated, later hear the case through a subcommittee and finally decide the matter and order penalties, if appropriate.

**Second, requirement to bring all violations to a formal hearing:** Absent from the act or regulations is a process whereby matters can be resolved without a formal hearing. In cases of minor infractions or of admitted guilt, the cost to hear the matter far outweighs what would otherwise be assessed as a reasonable penalty.

**Third, inflexibility of disciplinary orders:** The act provides that council order one penalty to the exclusion of others. Council may not combine penalties—for example, both a suspension and a fine—nor can it suspend with relicenser conditional on remedial training or counselling.

In addition, the proposed changes are structured to conform with recent amendments to other professional discipline legislation, including increased public participation and access throughout the complaints-discipline process.

The attached flow chart which you have outlines the discipline process contained in The Optometry Amendment Act. The various stages of the process are explained as follows:

A written complaint is received by the MOS office. It is immediately forwarded to the complaints committee for review, to the concerned member for response, and to the registrar for information.

The complaints committee conducts a preliminary investigation. If the nature of the complaint is such that the committee believes there is a question of serious risk to the public, it may suspend the member's certificate of registration pending the outcome of its investigation and a discipline hearing. The member may appeal such a suspension to the Court of Queen's Bench.

The complaints committee may resolve the matter informally, direct that no further action be taken, issue a formal caution with a written reprimand to the member's file, or refer the matter to the discipline committee for a formal hearing. The member is consulted if the committee determines that a formal caution is warranted. If he

or she disagrees, the matter is instead referred to the discipline committee for formal hearing.

The complainant may appeal a decision of the complaints committee that no further action be taken to the appeals committee. The appeals committee may confirm the complaints committee decision, refer the matter to discipline, or back to the complaints committee for further consideration.

\* (1020)

Matters referred to the discipline committee are the subject of a formal hearing. The discipline committee hears the matter, determines a finding and, if guilty, a discipline order. The committee has authority to order a reprimand, suspension with or without conditions, restrictions or conditions on practice, repayment of fees, revocation of registration, and/or fines and costs of the hearing.

The investigated member may appeal a decision of the discipline committee to the Court of Queen's Bench.

The proposed legislative changes will benefit the public by providing for:

**Consistency with other legislation:** A uniform approach facilitates a public understanding of professional discipline processes, and expectations regarding possible outcomes of registering a complaint.

**An appeal process at the complaint level:** A second opinion can be sought should the complainant disagree with the direction to take no further action.

**Lay representation at both the appeal and discipline levels of the process.**

**Open discipline hearings.**

**Publication of discipline findings.**

**Flexibility in the associations' ability to discipline to ensure that appropriate levels of discipline may be ordered.**

The proposed changes will also benefit individual members of the profession by providing for:

**Separation of the investigation and judgment responsibilities:** To remove the potential for conflict of interest in having the same body (council) responsible for both roles.

**Introduction of a formal caution:** This enables minor infractions to be dealt with by reprimand so that all matters, regardless of seriousness, are not forced to a formal hearing with the incumbent expense and stress.

Flexibility in the association's ability to discipline: To ensure that appropriate levels of discipline may be ordered.

In conclusion, currently there are 76 optometrists practising in Manitoba. The changes proposed in The Optometry Amendment Act establish a manageable discipline process, given our small association membership, while, at the same time, promoting the public interest through increased public participation and access.

I would like to thank you for your time and consideration.

**Madam Chairperson:** Thank you, Dr. Mundle. There may be questions of the committee. Are there any questions?

**Mr. Gulzar Cheema (The Maples):** Madam Chairperson, first of all, again, I appreciate the presenter for such a good explanation. I think that has cleared a few of the questions I have.

I think, as we said in the House, this bill probably will be very much a move in a positive direction and open the whole process and go in line with the other professional bodies. You as an association deserve credit because you are bringing the whole process open to the patients and the public at large. I think that will be great. Thank you.

\* (1025)

**Ms. Judy Wasylycia-Lels (St. Johns):** Again, we do not have any questions. I simply wanted to put on the record, first of all, our thanks to Dr. Mundle and the Manitoba Optometric Society for their work and co-operation with the Manitoba government in bringing this legislation forward. In our estimation it clearly does help to protect the public interests and provides society with important mechanisms for dealing with any improprieties, or malpractice, or whatever in this field.

We have no problems with proceeding as quickly as possible with the legislation and would publicly put on record our support and appreciation to the association.

**Hon. Donald Orchard (Minister of Health):** Dr. Mundle, first of all, I want to congratulate the Optometric Society for a flow chart that is excellent. I mean, that is a very, very clear and well-outlined process of complaint and eventual disposition of that complaint. Every time we have this kind of legislation before the House, I think all of us learn new processes, and this is one I am going to refer to my department. That is just an excellent chart.

I have one question, sir. In terms of the publication of discipline findings, will that include areas where there is an introduction of a formal caution as well?

**Mr. Mundle:** To the best of my knowledge, I believe it will. I do not have a specific answer to that question. If I could ask my executive director, she might be a little clearer on that.

**Madam Chairperson:** May we have your name for the record please?

**Ms. Carol Loyd (Executive Director, Manitoba Optometric Society):** Carol Loyd. The answer is no. What the formal caution is intended to do is at the complaint level. If it is not of a nature that is thought to be serious enough to take on to discipline, the member has the option to have a reprimand put on his record, but it is maintained as confidential.

That reprimand on the record will be brought forward should that member have another instance of the same type of action or problem, and that will be referred to the discipline committee hearing at that time and will be taken into consideration when other orders are made. That is the intent.

**Mr. Orchard:** Madam Chairperson, that is the clarification I was seeking. The intent in terms of discipline findings are findings that would take you to the lower half of the flow chart where there has been a formal finding in discipline ordered, but the reprimand aspect would become part of the professional's record internal to the organization in the event of future necessary reference.

**Mr. Mundle:** Yes.

**Mr. Orchard:** Thank you very much. Again, I would just like to thank, on behalf of all members of the Legislature, for bringing the legislation forward. We expect to be able to advance it rapidly.

**Madam Chairperson:** Thank you for your presentation, Dr. Mundle.

### Bill 91—The Liquor Control Amendment Act (2)

**Madam Chairperson:** At this time I would ask Mr. Thomas Moody, President of the Point Douglas Residents Committee to come forward and make representation on Bill 91. May I ask the minister responsible to please come forward.

Is Mr. Thomas Moody present this morning to make representation? He has previously registered. Mr. Barry Hammond, private citizen, to

speak on the same bill, Bill 91. Do you have written copies of your presentation, Mr. Hammond?

**Mr. Barry Hammond (Private Citizen):** No, unfortunately, I do not.

**Madam Chairperson:** Thank you. You may proceed.

**Mr. Hammond:** My name is Barry Hammond and I live in Point Douglas at 116 Grove Street. As you may know, we have been concerned for some time about the whole business of the consumption of nonpotable substances. I wish to commend the Honourable Mrs. McIntosh for the early introduction of this Bill 91, because I see it as a big step forward in our continued battle to do something about this problem.

\* (1030)

As citizens in Point Douglas, we have been concerned for some time about increasing the fine, for example. The police tell us that it is not worth their while at present to convict somebody on a charge of selling nonpotable substances because the fine is so small that even if they get a conviction, it costs them a lot more to convict the person than it does to do the stakeout and whatever needs to be done in order to get this to begin with, so the increasing of the fine I think is a good start.

I think also making the arrests easier is good because at the moment the only way the police can get an arrest is if they send an undercover agent into the store and ask if they can buy some Lysol or some cooking wine to drink. Now the store owners, of course, are very onto this. They know that anybody who comes in and asks for some cooking wine to drink must be an undercover agent, so it makes it very, very difficult for the police. Again, I commend the minister on easing that restriction a little bit in Bill 91.

I guess as citizens in Point Douglas, we do not think that free enterprise ought to allow storekeepers to poison their neighbours, and this is really what has been happening.

I asked the Main Street Project people how they knew, for example, that a muscle relaxant which was being sold in our corner store was in fact something that killed people, and they said, well, they find these bottles beside the corpses. Now I think this is not a very healthy way for our society to have to kind of check out whether things are kind of killing people or not.

Anyway, we are still concerned about the definition of what nonpotable is. As you know, most of the cosmetics that are for sale in stores all over the place have alcohol contents in excess of 50 percent, so I know that one of the things that will happen is that people will very quickly change beverages of choices from cooking wine and from Lysol to things like aftershave lotion and so on that also have very, very high alcohol contents. I really believe that the definition of what is nonpotable has to be very, very clear.

Also, of course, I am concerned about the fact that these things become very costly. For example, people are paying between \$7 and \$10 a can for Lysol in our corner store. You can buy that at Safeway for \$2.90. Therefore, it seems to me that people are going particularly to these corner stores and paying these exorbitant prices.

They could buy Manwin wine for \$5.65 at the liquor store, but they tell me that they get hassled when they go to the liquor store to buy these things. Therefore, it is cheaper and easier for them to pay \$10 for a can of Lysol at the corner store. Also, of course, cooking wine has now gone up to between \$5 and \$6 a bottle for a 750 millimeter bottle which is available for \$1.81 at other stores.

I think at least one or two of our corner stores are surviving solely on these products, and I think that if in fact the only way a store can survive is to sell cooking wine for \$5 a bottle, or sell Lysol for \$10 a bottle, then those stores probably ought not to exist.

Now we have leafleted the neighbourhood, and we have handed out more than a thousand notices to people not to shop at these stores because this is happening. Not only that, we have put up signs commending stores that absolutely refuse to sell this stuff. However, the store sells some milk and sells some eggs and I guess they use this as a front, but I think it is merely a front now for selling Lysol and for selling cooking wine.

We are also concerned about the panhandling. The seniors in 817 Main Street, which is a seniors' block, are very, very concerned about the number of people who kind of hit them up for loans because they need the money to buy this \$7 Lysol and \$6 cooking wine.

We are also concerned about the convictions in court because the police tell us that they have a very great difficult time even convicting a store owner after they have all these goods that they had before. The store owners on frequent occasions complain

that they do not understand the language, but it seems to me that we will have to also check in to see whether the courts are able to convict even after this bill is passed. However, it is a great step forward, and I commend the minister greatly for this.

We are very concerned though about sniff products because sniff products are in fact, I think, equal to nonpotable substances in problems for our children, and particularly, sniff affects the young people. I think they are a very vulnerable group because in fact many of them are using sniff products because of adults maybe who have gotten them into some of these sniff products. Also, they use these sniff products because of their availability and because they are so easily acquired from stores nearby.

Now I think the long-range health and disability problems that will result from people using these sniff products are going to in the long run be much more costly to us as taxpayers than maybe even the nonpotable substances, so I would urge that the minister attend to the whole idea about the sniff products as well.

We look forward to some prompt action on these sniff products as well as the control of drinking of the nonpotable substances. Thank you very kindly.

**Madam Chairperson:** Thank you, Mr. Hammond. There may be questions from committee members.

**Mr. George Hickes (Point Douglas):** I have a few questions that I would like to ask you, Mr. Hammond. First of all, I, too, would like to add our congratulations to the minister for this speedy thing, but also at the same time I would like to congratulate the residents and citizens who were out picketing and were out offering ideas to the minister and worked very co-operatively with the public to get this bill pushed forward.

One question I have that you raised was about the shaving lotion. If it was in the regulation portion where perfumes or shaving lotions were part of the whole act, and if they were able to be regulated under the regulations that could accompany this bill, would that be satisfactory to yourself and your organization?

**Mr. Hammond:** Yes, I just think that the whole definition of nonpotable is still very vague and I do not know if we tell storeowners that they are not allowed to sell nonpotable substances to people, they will know what those nonpotable substances are.

As I was saying, almost 90 percent of cosmetics have over 50 percent alcohol content in them. Therefore, I think it is going to be necessary that we define much more tightly what a nonpotable substance is. I think if we do that, we will be able to also catch the aftershave lotions in this bill. I think unless that is done, a judge will have a very great difficult time knowing whether, in fact, Aqua Velva comes under the act or whether he was allowed to sell it.

**Mr. Hickes:** I would just like to follow up on that. The other item you mentioned was Lysol. I have been in the area on quite a few occasions, and, you know, Lysol is just as much, or more so, a problem as any cooking wine in the area. With your organization and yourself, would you recognize Lysol or recommend Lysol be put under one of the nonpotable substances?

**Mr. Hammond:** Yes, if it is not under there, then we have not made any progress. Now this raises two questions. I phoned the president of the Lysol Corporation to ask him what the composition of Lysol was. I told him in a letter that I had written previously that I understood from our Poison Control Centre here in Winnipeg, that the percentage of alcohol in Lysol was only 15 percent.

He said I was wrong on that because the Lysol that is sold in Manitoba is over 90 percent alcohol, and that, in fact, I had been misinformed by our Poison Control Centre in Winnipeg, which is the other problem that I wanted to raise. I think that if we have dangerous substances like Lysol, which is about 90 percent alcohol for sale, it is going to be very hard for nurses and doctors, as well as poor citizens who think that they are going to find a cheap way to get a high here, to buy these substances.

I do not know just how we are going to define this. I think that we need to say that any substance with an alcohol content of over, say, 20 percent, is nonpotable because as soon as you get alcohol contents of 90 percent—I mean, Lysol, interestingly enough does not kill you instantly, it takes about a month, apparently, for people who are continually consuming Lysol. In fact, the Main Street Project has said, worry about things like muscle massage, worry about things like cooking wines, because they kill people much more quickly than Lysol does.

However, the very fact that it is a 90 percent alcohol substance, I think, makes it a very, very dangerous product. I am not sure that we have defined nonpotable accurately enough that the

police can say, this man is drinking Lysol, it is 90 percent alcohol, it is nonpotable. The bill does not specify what percentage of alcohol makes something nonpotable.

**Mr. Hickes:** I have another question I would like to ask. With the Point Douglas Residents Committee being so active in taking activity in the area against alcohol abuse, drug and sniffing abuse and stuff like that, I have noticed in the past that a lot of the activity that has arisen from your association and involvement has been centred more around the unscrupulous business people in the area.

\* (1040)

I would just like to ask a question to clarify in my own mind. When the residents association and the citizens of the area were demonstrating and pushing forward action to curb these sorts of activities, was there any intent, was there any hope by the organization or citizens to put more of the onus on individuals rather than on unscrupulous businesses in the area?

**Mr. Hammond:** Our focus has been on the corner stores. The druggists have been most co-operative in banning the sale of these products to people. For example, muscle massage is unpurchasable from drugstores now, but they tell me that there are still 6,000 bottles, that you can go to any corner store and buy.

Now, I think as long as the corner stores are not in any way concerned about this problem, it is no help for the druggist to be concerned. The Manitoba Pharmaceutical Association has been most helpful in banning the sale of all of those products. However, they tell me that if you want some muscle massage, go to any corner store, you can likely get it. I am afraid that our concern has been particularly those corner stores that we know are selling these products. I think that is largely individuals and not corporations here.

**Mr. Hickes:** The reason I raise this is because with the antisniff Bill 91, the antisniff coalition at that time stressed the importance of trying to curb the availability of the substances but not to penalize the individuals who were sick and, in their own minds, were dependent on these substances.

The reason I raise that is because part of line 113, there is (a)(b)(c) contained to the purchase and possession for use as a beverage, that sort of directs attention to individuals who buy and use the product. Maybe at this time, I would just like to recommend to the minister she have a closer look

at this. I had overlooked it when I was reading through the bill the first time, and maybe you could look at that a little later.

From what I have heard from citizens and organizations, such as yours, was to take the availability away, but do not penalize the individuals who have to, at this time in their life, until they obtain treatment or change their lifestyle, depend on these substances. Would you recommend that?

**Mr. Hammond:** Yes, I certainly would recommend that because most of the users of the nonpotable substances are, I would say, unemployed individuals who have been unable to find jobs and so on in our society. I really think it is a crime to penalize those folks in some sense for utilizing such products.

Likewise, the people who are using the sniff products are largely young children, as you know. I do not know just quite how they acquire the sniff products in most cases, although we are doing kind of incident studies, the seniors are very helpful in doing incident studies about where such things as sniff products can be found. Whenever they see somebody selling something out of the backdoor of his shop, they usually write an incident report about this. I asked them if they would hand these incident reports to the police which they do, very frequently.

We have a lot of incident reports on the sale of sniff products out of the backdoor of hardware stores and so on; however, that does not help the police in any sense, because the police in no sense can prosecute on that type of evidence. I am thinking that this bill will help it for the nonpotable substances, but it will, I think, maybe not touch the sniff products that are still being sold out of the back doors.

**Mr. Hickes:** I just have one final question, because I hear you very loud and clear, and I hope the government also hears you loud and clearly. It seems that with this bill it addresses the consumption of anything that contains alcohol, but you seem to be quite concerned about the sniffing problem within Manitoba. I would just like to bring to your attention that the antisniff Bill 91 has already been passed by the House and is just waiting to be proclaimed. The Minister of Health (Mr. Orchard) is here, so I hope he hears your recommendations and will act speedily as the minister of the Liquor Control Commission has done.

I thank you for an excellent presentation. I know that the Point Douglas Residents Committee has

been very active and will continue to be active because they care very much about individuals. I thank you for your presentation.

**Mr. Hammond:** If I could just make one comment. The police also know that the antisniff bill has not been proclaimed, and so the police find their hands bound when they know that sniff products are being sold, because they say there is not any way to catch this at the moment.

**Ms. Judy Wasylycia-Lels (St. Johns):** Madam Chairperson, I would also like to thank Mr. Hammond for his excellent presentation and to ask him to express our thanks to his association for the work that they have been doing over the last number of years to try to address a very serious and growing problem in many of our communities.

The presenter mentioned the old Bill 91, which is the bill to the law to curb solvent abuse. As the presenter has noted, and my colleague from Point Douglas has noted, that bill passed through the Legislature, approved by all three political parties some two years ago, continues to gather dust. We have been given no specific information about why it has not been proclaimed except for a vague reference about it not being enforceable.

I note that this present Bill 91 is broad ranging, far reaching, and not all that specific in terms of definition of product and application of the law. Mr. Hammond, you have made note of those concerns.

The old Bill 91 was very specific. It had a long list of areas to be addressed in terms of curbing the sale of those products. It was very specific on target groups, on groups of a certain age. It was very clear in terms of how retailers could address this serious matter, yet we are being told that bill is not enforceable and yet the government has brought forward this one which we are pleased to see that they are moving on but would appear to be no more enforceable than the old Bill 91.

I would like to ask you, Mr. Hammond, if you can give us any insights into how the present Bill 91 would be any more enforceable than the antisniff legislation.

**Mr. Hammond:** The police are viewing this bill as very, very helpful, because they see that they will no longer have to go through that old procedure of trying to get a conviction. I really believe that it is a big step forward if in fact the judges in the courts now, after we find one or two of these people—and we will do this very easily because we know where these products are coming from—but it will be

interesting to see if the courts agree that the bill is enforceable.

I guess the answer to your question will have to await the first conviction to see if in fact—the police are kind of eager to do this, though, because they have known that their hands are tied both with the sniff products and with the nonpotable drinkable products. It will be exciting to see if the judge can find this bill one that he can enforce. I guess it is up to the judge.

**Hon. Linda McIntosh (Minister charged with the administration of The Liquor Control Act):** Thank you very much, Mr. Hammond. I have known your name for a long time. It is the first I think we have had a chance to meet face to face, and I am very pleased to see you here today.

I wish to thank you for your presentation to begin with, not just for your presentation, as I say, your name is known for the work that you are doing in your community. Your views and the views of others whom I have not had the privilege to meet in person have been relayed to me by staff and by concerned citizens, indeed by the member for Point Douglas (Mr. Hicke), who has made every effort to pass on views that are given to him for my benefit. I am pleased to see you in person.

Thank you for your positive comments about this bill. I appreciate as well the concerns that you have raised regarding other extensions of thought on this whole topic of substance abuse. It is an ongoing problem.

\* (1050)

You mentioned in your presentation a truth that is very hard for society to cope with, and certainly I think you are more keenly aware of this than a lot of people might be, and that is that as you gain control of one substance, then people will turn to another and another. There is a deeper problem I think even than controlling substances that needs to be looked at, and you alluded to that. I just want to tell you that I recognize what you are saying.

I hope that through regulation we will be able to address probably not all, because we never can address them all, but at least some of the points that you have raised. With you, I hope the judges will be amenable to enforcing the new penalties.

I know that concern about the wrist-tapping that comes to people who prey on the vulnerability of others is something that has been a great concern to all members of the House and certainly to the

people who are the law enforcement officials who go to the trouble to get somebody charged, only to find that the wrist-tap comes and it is just considered a cost of doing business.

I hope this will be seen to be enough of a detriment that it is not the cost of doing business and might actually discourage some of those unscrupulous people from taking advantage of those who are more vulnerable.

You talked about the definition of nonpotable, and it is an interesting comment. It is one that I have been pondering a great deal because in some instances, you will hear from time to time—fortunately I have never known an individual to whom this has happened, but for those to whom it has happened, to family members it is a source of great grief—where the chug-a-lugging of a bottle of whiskey on a dare or at some initiation of some kind will result in death in that instance. Is that then nonpotable? You know, it is a very, very hard thing to pin down, but, you know, you have made some examples that are more clear than that, I think.

I felt you raised a lot of points that we will ponder. I do have a staff person here taking notes, and of course we will have Hansard available to us on the wider scope of the question.

The regulations—we do have some draft regulations prepared. They, once approved and put into force, will be flexible. If they do not do the trick, they can be altered. If they are working, they can be maintained. I am pleased that particular part of the control is put into regulation, so that we can have the flexibility and not have to come back for the slower process of law amendment, although I must admit in this instance that the co-operation that has been given by the opposition has been very much appreciated, not just in ensuring speedy passage but in input.

I commended the member for Point Douglas (Mr. Hickes) in the House and do it here as well. It was very, very helpful to me, the co-operation and the positive input, and hope it will set an example for how we can do things.

Having said that, we will work with this, and as you say, it is a step. I hope it will fulfill our hopes and yours, and while we may not see each other face to face in the near future, be assured that your views do come to me indirectly and are very much appreciated.

**Mr. Kevin Lamoureux (Inkster):** Madam Chairperson, I too wanted to just put a few words on

the record on behalf of our caucus. I first of all commend Mr. Hammond and the Point Douglas residents for working so hard at ensuring that the legislation that is required to make the community a better one to live in turns into reality.

There are numbers of issues that come before the Legislature at any given point in time, and of that number there is always some legislation which has the support of all three political parties inside the Chamber. This is one of those pieces of legislation, Bill 91, where we have seen even in second reading, where it was virtually introduced, supported and passed all in one day. We will see it pass out of committee and likely receiving Royal Assent very shortly.

I think what it does, is it says a lot in terms of the importance of the issue that is before us. You have made reference in terms of the antisniffing bill as another priority, and in fact at the time when it was passed, it was a consensus and went through the system not quite as fast as this particular bill is going through, but it did go through the system. We have been led to believe that there are some problems in the regulatory aspects of it, and we still keep our fingers crossed in hopes that that particular also will be coming through, because that was the intent of the then Legislature, to see it be enacted in law.

I did want to just conclude my remarks by again congratulating you and the Point Douglas residents on a job well done.

**Madam Chairperson:** Thank you for your presentation, Mr. Hammond.

At this time I would like to canvass the audience one more time to see indeed if Mr. Moody has appeared and if there is anyone else who wishes to make representation on any of the bills before us.

At this time, I would like to canvass the committee to see what the will of the committee is in terms of dealing with the bills. Shall we deal with the bills in the proper numerical sequential order? Is that the will of the committee? Agreed. We will then proceed and deal with Bill 14 first.

### **Bill 14—The Highways and Transportation Department Amendment Act**

**Madam Chairperson:** The honourable minister wishes to make a few opening comments.

**Hon. Albert Driedger (Minister of Highways and Transportation):** I just want to indicate that we have permission to proceed to rewrite the whole

Highway Traffic Act, which is a very substantial act. We are looking at it taking well over a year. With that undertaking we also indicated that we would only bring forward amendments that would be required, so we would not have a whole list of them. Basically these two bills are addressing some of the concerns that we are likely to address at this time that have been recommended that we move forward with. Those are my opening comments.

**Madam Chairperson:** Do either of the critics wish to make comment?

**Mr. Daryl Reid (Transcona):** I believe this bill is fairly straightforward. The minister has explained it to us during debate in the House, and we had the opportunity at that time to put our comments on the record about some of the changes that are proposed in this particular piece of legislation. We do not see any serious flaws in this particular piece of legislation.

**Madam Chairperson:** I thought I clarified as to whether either of the opposition critics wished to make comment. Hearing none—okay.

The bill will be considered clause by clause. I would just like to remind the committee that during consideration of the bill the Title and the Preamble are postponed until all clauses have been considered. Is it the will of the committee to group the clauses? Agreed.

Clause 1, 2—pass.

Clause 3(1).

**Mr. Driedger:** Madam Chairperson, under this area here, we want to delete Clause 5, and the reason—

**Madam Chairperson:** Order, please. I am dealing with clauses. I knew there was a potential amendment forthcoming, and I was not sure where, so I was going to slow down and go through the clauses rather cautiously until I was warned of the clause needing amendment.

Clause 3(1) and 3(2)—pass; Clause 4—pass.

Clause 5.

\* (1100)

**Mr. Driedger:** Madam Chairperson, we are asking to have, by whatever legal process is available either by amendment, we want to delete that portion of it. The reason we want to delete that, because the other bill that I have before the House, Bill 79, addresses that under The Highways Protection Act, so we do not need the duplication of having it here. We want to have this removed, Section 5, because

it is in Bill 79, and then we have to have an amendment which does the renumbering.

**Hon. Donald Orchard (Minister of Health):** Madam Chairperson, I do not know why it is not acceptable that a motion be introduced to delete Section 5 of the bill and simply remove it that way.

This business of voting down a clause is bizarre. It is not the way we used to do it. I do not know why we are into voting down individual clauses. You want to delete something, you make a motion to delete it. That always used to work in the past, and I do not recall the law ever being challenged.

**Madam Chairperson:** I have been advised by the Clerk that, indeed, that would be appropriate. It requires unanimous consent of the committee however. Do we have unanimous consent of the committee to move a motion to delete Clause 5? Agreed.

**Mr. Orchard:** Madam Chairperson, I would move, seconded by my colleague the Minister of Consumer and Corporate Affairs (Mrs. McIntosh),

THAT section 5 of the bill be struck out.

**[French version]**

Il est proposé que l'article 5 du projet de loi soit supprimé.

**Motion agreed to.**

**Madam Chairperson:** Clause 6—pass; Clause 7—pass; Preamble—(pass).

**Mr. Driedger:** I understand, because of the deletion, that I want to move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

**[French version]**

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d'articles ainsi que les renvois nécessaires à l'adoption des amendements faits par le présent comité.

**Motion agreed to.**

**Madam Chairperson:** Title—pass. Bill be reported.

### **Bill 15—The Highway Traffic Amendment Act**

**Madam Chairperson:** Bill 15. Does the honourable minister wish to make an opening statement?

**Hon. Albert Driedger (Minister of Highways and Transportation):** No.

**Madam Chairperson:** Do either of the critics wish to make comment?

We shall then proceed to consider the bill clause by clause. I would remind the committee, again, that we will defer consideration of the Preamble and the Title until after all clauses have been passed.

Is it the will of the committee to group the clauses? No. We will then consider the clauses, one by one.

Clause 1—pass.

Shall Clause 2 pass?

**Mr. Daryl Reid (Transcona):** Madam Chairperson, I would like to just put on the record our thanks and the thanks of the veterans of the province of Manitoba for the minister's inclusion of this amendment to The Highway Traffic Act.

It is important that the veterans of our province who have served us so faithfully in the past have the opportunity to have equal opportunities for the use of this amendment to The Highway Traffic Act for all of the vehicles that they have registered in their names. I thank the minister for that.

**Madam Chairperson:** Clause 2—pass.

Shall Clause 3 pass?

**Mr. Reid:** I believe this is the seat-belt section. I know I have raised this in debate in the Chamber, my concerns with this, and there appears to be a—and I do not use the term loosely—blank cheque given to the law enforcement agencies of our province allowing them to have the discretion on whether or not they require to buckle up passengers being transported in the back seat of their vehicles.

I have contacted and been in discussion with these law enforcement agencies, and they have made me aware that they, still as a matter of their policy, will continue to buckle up passengers in the back seat. I am not sure if there is a possibility because I do not think, looking at all of the studies that have been done and how effective the seat-belt legislation has been in reducing injuries to passengers or people operating vehicles.

I think we may want to keep in mind that—and I hope that the minister will relay this to the different law enforcement agencies of the province—we wish them to still use some discretion when they utilize this specific exemption that they are now being given so that they will continue to use, where and whenever possible, seat belts, when transporting

whomever in the law enforcement agencies' vehicles.

**Mr. Driedger:** Madam Chairperson, I want to indicate to the member that in our discussions with staff as well, that we have indicated that when the bill does pass that I will be replying in writing to the law enforcement agencies stressing exactly the point that the member raises that they use this discretion or this exemption very carefully, only in extreme cases.

I think they have agreed in principle to that scenario, and I will relay that by way of writing once the bill is passed.

**Madam Chairperson:** Clause 3—pass; Clause 4—pass.

Shall Clause 5(1) pass?

**Mr. Reid:** I believe this is the section, and I raised this concern during debate in second reading of the bill. It indicates that the motor carrier shall maintain the public service vehicle and shall also ensure that no driver operates a public service vehicle or commercial truck that is unsafe.

I do not see and I am unaware of any section of the act that would allow for protection of an individual operating a vehicle or encouraged to operate a vehicle in an unsafe condition by whomever in charge of company operations that would afford them the protection to come forward and draw to the attention of officials, any vehicle that would be in an unsafe condition.

If the minister knows of such a section, I would be pleased to hear of that.

**Mr. Driedger:** Let me first of all indicate to the member that he raised some concerns in debate and also during the bill debate, when he brought forward a complaint about a trucking company that had not been operating properly in terms of their inspections.

When that issue was brought forward by the member, staff went and checked it out and the situation has been rectified. In terms of what happened there was that the qualified mechanic in charge had gone on holidays and blankly signed some of these certificates and lesser people then supposedly did the inspection. The system was not favourable; we got that corrected.

Also, under further steps under the National Safety Code, the final implementations that we are bringing forward at the present time, we will be addressing the concerns that the member now

raised in terms of how we deal with the carriers, where there could be some pressure put on, if you want to put it that way, for somebody bringing forward or saying that a vehicle is not safe.

By this fall, we should have staff in place to be able to do the monitoring that is required to take and address those concerns.

**Mr. Reid:** I thank the minister for that, and I look forward to those changes being brought about. My concern is also for the employees of these companies. There has to be some discreet means where an individual can come forward and draw it to the attention of officials in the minister's department or in some other department of any infractions that the individual may detect.

There has to be some protection for these particular individuals who are bringing this information forward in a public interest way so that they do not put themselves at risk, their livelihood at risk and their families at risk, by bringing this information forward.

**Mr. Driedger:** I want to indicate to the member that we will be looking at that very carefully. What we are doing at the present time as we implement the final stages of the National Safety Code, we will be watching for those things, and we think we have the mechanisms in place to monitor it in such a way that this will not happen.

\* (1110)

We also have the undertaking by the bigger trucking organizations, trucking companies, letters like we have here from Arnold Brothers where they indicate their strong support for doing these things properly.

I just want to read one paragraph out of the letter. We are also going into a new program that will require the drivers to advise us on a daily basis if the computer notes that a driver is out of hours, and it will lock that driver out of the dispatch function. He will not be able to be dispatched until his hours are back in compliance.

We have many things that the companies themselves are looking at addressing as we bring forward the final stages of the National Safety Code.

**Madam Chalkerson:** Clause 5(1)—pass; Clause 5(2)—pass; Clause 6(1)—pass; Clause 6(2)—pass; Preamble—pass; Title—pass. Bill be reported.

### **Bill 80—The Dental Association Amendment Act**

**Madam Chalkerson:** We will now proceed to give clause-by-clause consideration to Bill 80, The Dental Association Amendment Act.

Is it the will of the committee that we consider this bill in blocks of clauses? I will use the page numbers explicitly for reference. Does the honourable minister wish to make an opening statement?

**Hon. Donald Orchard (Minister of Health):** Dispense.

**Madam Chalkerson:** Do either of the critics wish to make an opening statement? No? Is it the will of the committee that we group the clauses?

**Mr. Orchard:** Agreed.

**Madam Chalkerson:** Blocks of clauses. Clauses 1, 2, 3, 4—pass; Clause 5—pass; Clauses 6, 7, 8, 9 and 10—pass; Preamble—pass; Title—pass. Bill be reported.

### **Bill 81—The Optometry Amendment Act**

**Madam Chalkerson:** We will now consider Bill 81, The Optometry Amendment Act. Does the minister have an opening statement?

**Hon. Donald Orchard (Minister of Health):** Dispense.

**Madam Chalkerson:** Dispense. Do either of the critics wish to make opening statements? No? Is it the will of the committee that I once again group the clauses? Agreed.

Clauses 1 and 2—pass; Clauses 3, 4, 5—pass; Clause 6—pass; Clauses 7, 8(1), 8(2) and 9—pass; Preamble—pass; Title—pass. Bill be reported.

### **Bill 91—The Liquor Control Amendment Act (2)**

**Madam Chalkerson:** We will now proceed to consider Bill 91, The Liquor Control Amendment Act (2).

Does the honourable minister wish to make an opening statement?

**Hon. Linda McIntosh (Minister charged with the administration of The Liquor Control Act):** No. Dispense.

**Madam Chalkerson:** Do either of the critics wish to make comments?

**Mr. George Hickes (Point Douglas):** I would like to make a very brief comment here, just to put on the record that there have been a lot of organizations and groups that have been consulted by the minister, and they appreciated the opportunity to work closely on this bill.

I was at a meeting at the Norquay Community Club two weeks ago, and a lot of the questions that were directed toward me pertained specifically to this bill. There were very positive comments made at that time.

The residents were very concerned about the other side of the antisniff bill, because when you tie both together, a lot of the problems that the citizens raised in that area concerned the abuse of alcohol and drugs and sniffing; some of the stories that they were relating, their experiences of some very small children who were having a lot of problems, and their whole education and their whole lifestyle was being altered because of the abuse. They were very concerned citizens.

I just wanted to bring that message to the minister because they were very pleased with what she was able to accomplish. I will be asking a few questions as we go through, but they will be very short ones.

**Madam Chairperson:** I assume, given that comment then, you prefer to deal with this bill clause by clause? Okay.

I would remind the committee once again that the Preamble and the Title of the bill will be deferred for consideration until after all clauses have been passed.

Clause 1—pass.

Clause 2.

**Mr. Hickes:** I would just like to ask the minister, as she was made aware this morning by Mr. Hammond, he was very concerned about the abuse and consumption of Lysol. Would it be possible to include Lysol in the regulations or in the bill somewhere?

**Mrs. McIntosh:** Madam Chairperson, in response to the member's question, technically yes, because it is a denatured alcohol. It has denatured alcohol, the regulation can be struck to include that.

\* (1120)

I say that, depending upon the way the regulation is worded, it would, in fact, be possible to do that, indicating at the same time that I have a concern, and I will share it with member. He is, I think, maybe already aware that this is The Liquor Control Act,

and while I feel it is important that we do pause and bring some of these items in that are intoxicating substances that are very harmful to people, that I am cautious about expanding what is a Liquor Control Act into including a whole series of substances that are not strictly liquors.

Having said that, I also acknowledge that we have made some exceptions regarding things like rubbing alcohol, for example, where we have said, because of its danger and abuse, because of the abuse that it had suffered, that we would put conditions of sale on that. It now has to be sold by a pharmacist behind the counter. We have put conditions of sale, the same with stomach bitters and now with the cooking wines.

This act gives us the flexibility to bring substances such as the one you have identified under our control should it be deemed necessary. That is not to say that I think all these substances belong in this particular act, but the answer to your question is a technical yes.

**Mr. Hickes:** Just to follow up on that question dealing with—because Lysol is a very serious problem in the area and the citizens raised that over and over and over again at that meeting. If Lysol cannot fit into The Liquor Control Act, which I would be very surprised if it does not, because Mr. Hammond's comments this morning was that it has a 90 percent alcohol content.

I was very surprised to hear that. I did not realize it was that high. Now I understand why people are buying it and mixing it, is for the alcohol content, it is so high.

On the other hand, would the minister take the lead, and if it does not fit under The Liquor Control Act, address it to the appropriate minister or department to try and get it off the shelves for the citizens who are consuming this, and also for the citizens who are out there working, and working very hard on a daily basis, to try and get some of these abusive products off the shelves and out of the hands of the people who are very sick today? Hopefully someday they will recover.

With that Lysol—under the old bill in '91, it was looked at as coming under the Health Act, I guess, per se, but with a high alcohol content—if you could just find some place to address that problem, whether it is Health or Liquor Control, but if you would not mind taking the lead on behalf of people like Mr. Hammond who are out there every day struggling to try and make people's lives better.

They do not do it for themselves. They want to see their community improve and help people overcome some of the hardships they are facing today.

**Mrs. McIntosh:** I appreciate and understand the concern that you have mentioned and certainly it is a concern that all caring people share. There have been a number of initiatives taken place. The War on Drugs which completed its task not that long ago had exposure to people who expressed concerns about substance abuse other than alcohol, as we define it, in terms of whiskey and spirits and so on.

Certainly it would take the police to consider the concern that you have expressed in terms of trying to find a way to address the problem. You know that there have been concerns about the antisniff legislation, in terms of its enforceability and I think that there was indication given by the House at that time that it is an issue that does worry us.

I am hoping, as we begin to work with the regulations that are developed to go with this act, that we will be able to capture at least some of the products that are causing such distress to people. I certainly take your comments under advisement and know the depth and sincerity with which they are expressed.

**Mr. Hlckes:** Just to follow up on your answer. You said there are some problems about the enforceability of Bill 91, the antisniff bill. We have never ever been given any specifics what those problems are. Would you be able to elaborate because this Bill 91 ties directly to this bill that has been introduced? They go hand in hand.

A lot of the regulations were almost similar to this one and people feel that it is able to be enforceable. Even speaking to some of the constables, they were very pleased. They were saying that would make their job much easier. When you have an abuse problem, whether it is with sniffing or with nonpotable substances, I see these two bills tying very, very closely.

There is such a close relationship that there should be some form of work on the two together. If you could expand on that a little more, because I think it directly ties with your bill here.

**Mrs. McIntosh:** Yes, I think, with the Minister of Health (Mr. Orchard) here, that I would defer that topic to him. I know that he is listening to what you are saying. I feel that the concerns expressed at that time and the drafting of the legislation at that time were done with the intent of taking control of

these substances, but I feel that the concerns you have identified are best addressed by the Minister of Health who has heard what you have said here.

I would indicate that in putting this particular amendment to the act together and in drafting a regulation to cover these things, we did consciously draft a regulation that would give us a fair bit of flexibility. This regulation and the act may give us a good testing ground to see how in fact—the concern mentioned by Mr. Hammond—the judges do respond to the penalties and the ability to charge that we have outlined here.

I feel it was appropriate for us to take cooking wine, because it has the word "wine" in it and is perceived to be for putting into the body, either through cooking, which is the way it should be used, or in mixtures prepared for cooking. I think it is also appropriate to take stomach bitters, for example, under our control because, again, it is something that is ingested in some way. It is not designed to be taken and consumed the way a glass of water would be, but it is ultimately ingested by the body.

Rubbing alcohol is a different kind of thing. It is not intended to be consumed, but with the word "alcohol" being in there, a lot of people—I felt as well that was appropriate for us to take under our control. We have the flexibility to expand in this regulation.

What I am saying to you is that there may be other products that we choose to include for some particular reason, and my only expression of caution to you is that I feel it would be inappropriate for The Liquor Control Act to end up with a great long list of products, shoe polish and a number of items, that are not strictly liquor. I am not hard and fast and rigid on that, but I think there has to be a line some place at where these other intoxicating or harmful substances are controlled through some other fashion.

I again reiterate that I have heard what you said. This is a topic that comes up for discussion with MLAs in all caucuses, and I am cognizant of your concerns. I have heard them.

**Madam Chalperton:** Clause 2—pass.

Clause 3.

**Mr. Hlckes:** I would just like to get something clarified here. Clause 3 says, "No purchase or use of non-potable intoxicating substance as beverage. No person shall (a) purchase or attempt to purchase for use as a beverage"; and it goes on.

What I am fearful of here is that the whole purpose of the residents and citizens who were encouraging some regulation and enforcement was to get availability of these products sort of out of the reach of alcoholics or the people who are very sick.

How would you enforce something like this, where people, whether they have to consume or think they have to consume, for whatever reason, are buying these products because of the availability? If you look at individuals who would be purchasing and abusing these substances, they are not the most well-off individuals. Whether there is a jail system or a fine system, I would recommend to you that 99.99 percent of these individuals would not be able to pay, say, even a \$50 fine, so what you would be doing is you would have a lot of people who would be sent to our institutions at taxpayers' cost, who are really only doing themselves harm.

The whole intent of the citizens was to remove the availability out of the reach of these individuals. I do not think it would do anyone much good to incarcerate these individuals because they will not have the money to pay the fine. That I can almost assure you. That is what I am very concerned about.

\* (1130)

**Mrs. McIntosh:** You have raised a valid point because in many instances here the person doing the consuming is a victim as opposed to a perpetrator. It may be someone who is damaging themselves for some reason. In that sense, I guess,

they are a perpetrator, but usually someone who will have consumed these substances that are so severely damaging to the body are the victims of some other problem that causes them to wish to injure themselves.

The fines and penalties that are indicated in the act are directed toward the sellers, not the buyers.

**Mr. Hickey:** Maybe you could just clarify for me then the purpose of that 113, because it says, "No person shall." If it is in the bill, then the police or whatever would have grounds to lay charges, then we would have the individuals going to court and what would the judge do. We would have court costs.

If there was some way of removing it or something; I guess that is what I am asking for. I do not want to make any amendments or anything here.

**Mrs. McIntosh:** To the honourable member, I am advised that the section dealing with the purchaser has minor penalties assigned under existing regulations. The new section added, the 11(3.1) dealing with the sale of these substances, is the section that is the one that will have penalties and fines affixed. That is the intent, and my staffperson and legal counsel advise that is the interpretation that they feel would be given to this.

**Madam Chairperson:** Clauses 3, 4, 5, 6—pass; Preamble—pass; Title—pass. Bill be reported.

The hour being 11:35 a.m., committee rise.

**COMMITTEE ROSE AT: 11:35 a.m.**