

Don Bell
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Re: Maine bills LD 1272/LD 1387

Chairwoman Sanborn, Chairwoman Tepler, members of the committee. My name is Don Bell. I have over three decades of law enforcement experience in Canada. I was the Chief Superintendent of the Ontario Provincial Police and the Director of Intelligence and Enforcement for the Canada Border Services Agency. My expertise is in the nexus at which organized crime and illicit drugs intersect.

Maine and Canada share 611 miles of the border, the third largest stretch of the U.S. / Canada border besides Alaska and Michigan.¹ As a result Canadian law enforcement and border protection share a strong common interest in border security and public safety.

I am here today to share my concerns that legalizing the wholesale importation of prescription drugs from Canada undermines the public safety and border security of both Canada and Maine.

The legislative proposal will create a significant loophole that smugglers will exploit to traffic counterfeit medicine into Maine. Canadian authorities and law enforcement are neither resourced nor structured to guarantee the safety of such transnational drug shipments.

While Canada's pharmaceutical supply chain is very safe, it was built to ensure the safety of drugs entering Canada for the consumption in Canada. It is not the duty of Health Canada to protect the safety of prescription drugs for export or transshipment to the United States. While cognizant of pharmaceutical drugs being exported, their primary duties are commissioned for the protection of Canadians, not Mainers.

The priority of Canadian law enforcement and border protection is to maintain the safety of items for domestic use. Resources for law enforcement and border protection are appropriated to secure the Canadian drug supply, not foreign export shipments.

What makes this issue worse is that Canada has already been experiencing significant drug shortages for a decade, largely impacting generic drugs. Canada has over 1,000 drug shortages annually, affecting 1,250 products in the most recent three-year period, or at least 10 percent of all active drugs available in Canada.

These shortages are real. My own life has been threatened due to the shortage of EpiPens in Canada which is required to combat anaphylactic shock caused by a food allergy. I recently had to go without one for months, because I couldn't get one due to Canadian shortages. My experience and those of thousands of Canadians are already impacted by drug shortages in

¹ <https://www.statista.com/statistics/203778/border-length-of-the-us-by-state/>

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Canada. Importation programs for U.S. states like Maine would make these only worse. Canada can't be the Pharmacy of the United States. Health Canada is not likely to send medicine in short supply to Maine before taking care of its own citizens.

What do these drug shortages mean for a Maine importation program? Criminals will exploit the lack of supply and transship adulterated, substandard and counterfeit drugs through Canada to Maine. They will claim to be Canadian drugs, but they might never even see the inside of a Canadian wholesaler or pharmacy. They might never even touch Canadian soil.

Canada is not resourced to inspect transshipments of such drugs into the United States. While recognizing that Canada is a transshipment point for various commodities being sent to different countries, enforcement capacity makes it difficult to prioritize the inspection of these items. The focus of Canadian inspectors remains on inbound packages destined for the domestic market.

Canadian authorities cannot be held accountable and cannot be expected to prioritize shipments that are transshipped through Canada into the U.S., nor are they responsible for the safety of such products. Transshipments from foreign countries through Canada and then into the United States already present an avenue for illegal, dangerous, and counterfeit drugs. Legalizing importation schemes from Canada is going to exacerbate this issue.

Maine's Importation bill does not provide any enforcement mechanism or resources to U.S., Canadian, or other international law enforcement or border protection agencies to ensure the safety of such shipments. Legalizing the importation of prescription drugs would drastically increase the amount of international shipments that require inspection without providing any additional enforcement resources to do those inspections. This imbalance in resources will result in significant gaps in enforcement, perpetuating illegal actors to traffic counterfeit medicines.

As a former law enforcement officer, I can appreciate the sense of urgency and the appeal of short-term solutions to complex issues or crises. It may seem appealing to try and address drug pricing with drug importation. But we need to worry about the unintended consequences of such policies for Maine, as well as Canada. The Maine State Legislature needs to examine and assess the increased risk to the health and safety of Maine residents. Furthermore, I request you take into consideration the criminal consequences your policy will have on Canada.

In the interest of the public safety of both of our nations, I urge you to dismiss these ill-conceived importation proposals, which attempt to resurrect a failed policy of the past.

Thank you for allowing me to raise my concerns.

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