

# Canada's Access to Cannabis for Medical Purposes Program

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## Purpose of today's presentation

- Provide some background and context for Canada's medical purposes program
- Discuss the current medical access regime and highlight actions Health Canada is taking to protect the integrity of the program
- Talk about what is ahead for the program, what municipalities can do and how we can work together to address challenges

## Medical Access: Program Overview

- A Constitutionally Protected Right: Canada's access to cannabis for medical purposes program was established and modified in response to court decisions determining that Canadians have a constitutionally protected right to "reasonable access" to cannabis for medical purposes
- With the coming into force of the *Cannabis Act* and associated regulations on October 17, 2018, cannabis became legal for adult use in Canada (medical and non-medical use)
- Under this framework, patients authorized by their health care practitioner can access cannabis for medical purposes by:
  1. buying directly from a federally licensed seller
  2. registering with Health Canada to produce a limited amount of cannabis for their own medical purposes or designating someone to produce it for them (the personal and designated production program)
  3. patients can also choose to access cannabis through provincially authorized retailers, as all other adult Canadians

## Registrations issued by federally licensed sellers

- To be eligible as a client of a federally licensed seller, the patient must be an individual who ordinarily resides in Canada
- Patients purchasing their cannabis supply directly from a licensed seller are not permitted to sell their cannabis to others
- As of September 2020, there were near 380 000 active registration with federally licensed sellers

## Personal and Designated Production

- A personal production registration authorizes the production of a limited amount of cannabis for an individual's own medical use, while designated production authorizes the holder to designate someone to produce cannabis for the exclusive use of the Registered Person
- A production site may have up to four registrations associated with it, with plant counts established by the daily amount authorized by their health care practitioner
- The number of plants that can be grown is calculated based on the amount of cannabis authorized:
  - An authorization of 1 g/day equals approximately 5 plants (for indoor growth).
- There are no set limits on how many grams per day a Health Care Practitioner can authorize

## Issue: Personal and Designated Production Sites

- Health Canada recognizes that some personal registration sites may pose challenges for municipalities, particularly those sites with high plant counts
- To protect patient privacy, individuals applying to register with Health Canada are not required to notify municipalities of their application to produce cannabis for their own medical purposes
- However, there are a number of actions that both municipalities and Health Canada can and are taking to address challenges associated with personal production sites

## Addressing Challenges: What is Health Canada doing?

Health Canada continues to strengthen its oversight and reduce the risk of abuse by:

- enhancing the verification of applications where the healthcare practitioner has authorized a high amount and those applications with multi-unit alternative production sites (i.e., not a primary residence);
- enhancing engagement and collaboration with important stakeholders, such as municipalities;
- enhancing communication with law enforcement in order to act on evidence (such as convictions and operations) to refuse or revoke a registration;
- sharing information on health care practitioners who are authorizing high amounts with provincial and territorial health professional licensing authorities;
- applying new powers to refuse or revoke a registration on the grounds of public health and public safety;
- increasing the focus on compliance promotion with registrants; and,
- increasing the number of site inspections.

## Addressing Challenges: What can municipalities do?

- A registration with Health Canada is an authorization to produce and possess cannabis for one's own medical purposes; it does not supersede other federal or provincial legislation or municipal bylaws.
- Municipalities are encouraged to enact and enforce bylaws to help mitigate challenges they may be facing. Municipalities may also want to refer to the [Municipal Guide to Cannabis Legalization](#) developed by the Federation of Canadian Municipalities, which provides guidance in areas such as odour and other nuisances.
- When notice of violation are issued, please loop back with Health Canada
- Municipalities and their citizens are encouraged to submit a complaint related to a cannabis production site via our online complaint form:  
(<http://health.canada.ca/en/health-canada/services/drugs-medication/cannabis/recalls-adverse-reactions-reporting/reporting-form.html>)
- If illegal activity is suspected, immediately contact law enforcement.



# Health Canada Public Consultations on Personal Production of Cannabis for Medical Purposes

- This document provides guidance regarding the access to cannabis for medical purposes program, and brings information together into one document, to support applicants and registrants, and promote understanding of the program requirements among other stakeholders, including authorizing health care practitioners.
- This document also sets out, for the first time, proposed factors that Health Canada may consider in making decisions to refuse or revoke a registration on public health and public safety grounds.
- The publication of the draft Guidance document is intended to support transparency and openness on the use of authorities to refuse or revoke a personal registration on public health and safety grounds, and strengthen the integrity of Canada's access to cannabis for medical purposes framework, while also supporting collective efforts to address potential misuse.
- The consultation will be available online for 60-days, all submissions must be received by May 7, 2021. The feedback received will be taken into consideration before publishing the final guidance document.
  - The Draft Guidance Document and information on how to participate can be found at <https://www.canada.ca/en/health-canada/programs/consultation-guidance-personal-production-cannabis-medical-purposes.html>.
  - Written submissions may be sent electronically to: [cannabis.consultations@canada.ca](mailto:cannabis.consultations@canada.ca).

## Looking Ahead

- Continued collaboration with stakeholders (municipalities, law enforcement)
- Continued to use our compliance and enforcement tools available
- Continue to take steps to protect the integrity of the program. Enhancing our operational response in reviewing and issuing registrations and using the powers to refuse and revoke where warranted.
- Enhanced decision-making align with consultation to refuse or revoke a registration on public health and public safety grounds
- Three year legislative review and five year program review
  - The Government will be undertaking a legislative review of the *Cannabis Act* three years following coming into force. Although much broader than the medical regime, the sections of the *Act* and the regulations pertaining to cannabis for medical purposes will also be considered
  - Further to the Task Force recommendation, we will undertake a review of the medical program within five years of coming into force in order to evaluate the use of the program within a legalization context. To prepare, we will be working to establish indicators, develop evaluation criteria and will begin to gather and analyze information

## Useful Links

- [www.canada.ca/cannabis](http://www.canada.ca/cannabis)
- [Data on cannabis for medical purposes](#)
- [Complaints reporting form](#)