

## **Comments on the Proposed Marihuana for Medical Purposes Regulations**

The Canadian Association of Medical Cannabis Dispensaries (CAMCD) is a not-for-profit established to promote a regulated community-based approach to medical cannabis access and support medical cannabis dispensaries (MCDs) to provide the highest quality of patient care. CAMCD has reviewed the proposed Marihuana for Medical Purposes Regulations (MMPR) as published on December 15<sup>th</sup> in Canada Gazette 1 and is pleased to provide comments which build on prior consultations with Health Canada.

Throughout the consultation period, CAMCD has demonstrated a willingness to work alongside Health Canada as a proactive stakeholder. Since our meetings with Health Canada in 2011 and 2012, CAMCD has launched its Dispensary Certification Program, an accreditation program that quantifies more than 15 years of successful medical cannabis provision through MCDs in Canada. The CAMCD Dispensary Certification Program will provide tangible assurance of the quality of patient care provided by MCDs.

Despite some positive aspects of the proposal, CAMCD remains concerned about crucial gaps in the proposal which may compromise patient care and impede reasonable access to medical marihuana.

### **Patient Centred Care**

MCDs predate the Marihuana Medical Access Regulations (MMAR) and have proven to be a highly successful distribution model for over a decade. According to the Cannabis Access for Medical Purposes Survey (CAMPS), funded by the UBC Institute for Healthy Living and Chronic Disease Prevention, over 75% of patients authorized to possess under Health Canada's MMAR access medical cannabis through MCDs. Including a provision in the MMPR for on-site distribution of medical marihuana through regulated MCDs would help to address many of the gaps surrounding patient care in the MMPR. The CAMPS survey showed that patients rated their satisfaction with MCDs above other sources of medical cannabis in terms of quality, safety, availability, effectiveness, efficiency, and feeling respected.

### **Access**

CAMCD welcomes the proposed removal of the specialist requirement, the introduction of a simpler, streamlined document, and the inclusion of Nurse Practitioners (NPs) in the program. CAMCD remains concerned that medical regulatory bodies have stated that they do not endorse the MMPR and this will likely lead to continued reluctance of physicians to participate in the program.

### **Affordability**

The removal of personal and designated production licenses has serious implications for patients. Personal and designated production has proven to be cost effective for patients, with approximately 80% of authorized patients accessing their medical marihuana in this manner. Many of these patients will struggle to afford their medicine under the MMPR, as was noted in Health Canada's Cost Benefit Analysis. The personal and designated production licenses could be regulated to satisfy stakeholders; for example, requirements to show proof of an electrical inspection prior to being licensed and agree to compliance inspections while licensed.

### **Restriction to Dried Marihuana Only**

The proposed MMPR limits sales by Licensed Producers and possession by authorized patients to dried marihuana. Many patients prefer ingesting medical marihuana orally and as such would benefit from being able to purchase medical marihuana edible products, tinctures, and topicals. Many physicians prefer their patients utilize these routes of administration.

The MMPR should be expanded to include the provision and possession of cannabis other than dried marihuana. The MMPR should define different types of cannabis as well as acceptable additives and processing methods, similar to programs in many US states and Israel.

### **Areas of the MMPR requiring clarification**

**14. (1)** A licensed producer must store cannabis only indoors at the site specified in the producer's licence

Can a Licensed Producer produce marihuana at one licensed site and later store the marihuana at another licensed site?

**18.** A licensed producer must, when transporting imported marihuana between the port of entry and the site specified in their licence, or when shipping, delivering or transporting any marihuana, including to a port of exit, take any steps that are necessary to ensure its safekeeping during transportation.

What are the specific qualifications for a company to be allowed to "ship" or "deliver" marihuana under the MMPR?

**118.** In filling an order referred to in section 117, a licensed producer must not transfer physical possession of the dried marihuana to the registered client or to the individual responsible for that client other than by shipping it to that person.

How is the word "shipping" and "ship" defined under the MMPR? Are there specific qualifications for who can carry out the task of "shipping" marihuana?

**129.** In filling an order referred to in subsection 128(2), a licensed producer must not transfer physical possession of the dried marihuana to the person to whom it is sold or provided other than by shipping it to them.

Please see comments for 18 and 118 above.

**196. (1)** For the purpose of subsection 103(2), an individual applying to become a registered client of a licensed producer may submit an authorization to possess instead of a medical document.

Must the individual only submit their authorization to possess, or must they also submit their Personal Production License or Designated Production License as well if applicable?



**Conclusion**

CAMCD sincerely thanks the team at Health Canada for their hard work on these reforms and for their willingness to work with MCDs during the consultation process. We believe that by filling in the gaps that we have identified, the MMPR can meet the needs of patients with chronic disabilities and illnesses. Please refer to the submissions of individual medical cannabis dispensaries for a more detailed set of recommendations for how the proposed regulations could be improved.

Should you require any further clarification, please do not hesitate to contact us.

Sincerely,

Canadian Association of Medical Cannabis Dispensaries