The Legal Landscape: Access, Possession and Use of Cannabis

1. Distinguish between cannabis for medical purposes and for non-medical purposes

2. Summarize the key tenets of cannabis-related federal and provincial legislation that impact how you provide care to your patients

3. Describe the process by which patients may obtain cannabis for medical purposes
Accessing Cannabis Under Two Streams

For Medical Purposes:
- Federal laws
- Authorized for medical use by a prescriber
- Not classified as a drug or Natural Health Product, no DIN or NPN, not prescribed
- Typically provided as either dried plant material or as an oil; multiple methods of administration (smoked, inhaled, ingested, etc.)
- Patient may obtain from a licensed producer (LP) or self grow/authorize another to grow; LPs offer many different plant “strains”, different THC & CBD concentrations and ratios
- Can be costly and not tax-exempt

For Recreational/Non-medical Purposes:
- Federal and provincial laws
- Personal use
- Fresh, dried, oil, edible, topical, extract
- Sold by provincially licensed retailers (online, brick and mortar)
- Also offered in many strains, concentrations and ratios
- Myth: Cannabis for medical purposes is THC only and cannabis for recreational purposes is CBD only

Cannabis Timeline – A Quick Primer

2001 – MMAR permits the use of cannabis for medical reasons

2013 – MMPR created conditions for commercial industry to produce and distribute cannabis for medical purposes – authorized by MDs

2015 – Government of Canada commits to legalizing non-medical cannabis

2016 – Decision in Allard vs Canada; obtaining cannabis only from LPs violates Canadian charter of rights and freedoms

ACMPR replaces MMPR – allows Canadians to possess and grow cannabis for medical purposes

Task force on legalization is created and publishes report on key considerations for legalization

2017 – Bill C45 introduced to regulate and restrict access to cannabis; amend the CDSA to allow for legalization of cannabis

2018 – Cannabis Act becomes law on Oct 17, 2018

Cannabis Regulations in force, replace ACMPR regulations


Health Canada. Health products containing cannabis or for use with cannabis: Guidance for the Cannabis Act, the Food and Drugs Act, and Related Regulations. July 2018
The Cannabis Act

- Federal legislation that controls
  - How cannabis can be sold
  - Where stores may be located
  - How stores must be operated
  - Who can sell cannabis

- Provinces and territories can add restrictions (laws) including:
  - Lowering possession limits
  - Increasing the minimum age
  - Restricting where cannabis may be used in public
  - Adding requirements on personal cultivation
  - Each province has its own excise stamp for legal cannabis products

- Municipalities may also pass bylaws locally

Cannabis Act - Youth

**Adults (18+)**
- Purchase or possess up to 30 g of dried/equivalent
- Share up to 30 g with other adults
- Buy dried/fresh/oil from LP
- Purchase seeds, grow up to 4 plants

**Youth <18:**
- may possess up to 5 g
- May not grow, may not make food or drink

**Act prohibits:**
- products that are appealing to youth
- packaging or labelling in a way that makes it appealing to youth
- selling through self-service displays or vending machines

**Criminal offenses:**
- Giving or selling cannabis to youth
- Using a youth to commit a cannabis related offence
Understanding Products Available In The Market

Regulated system
- Products labeled with proportion of THC and CBD
- Increase in THC in cannabis in general
- Medical strains – range of ratios

Unregulated Products
- Driven to produce cannabis with high THC and low CBD
- Risk of impurities through unregulated distribution system
- Over 600 illicit synthetic cannabinoids have been described

What Products Can Be Sold Under the Act?

As of Oct 2018
- Cannabis oil – may not exceed 30g THC/mL
- Fresh/dried cannabis – weight of dried cannabis must not exceed 1g/discrete unit (inhaled)
- Cannabis plants/seeds
- Devices may not dispense more than 10mg THC per use
- Container may not contain more than 30g dried cannabis

As of Oct 2019
- Cannabis edibles – limit of 10mg THC per package
- Cannabis extracts* – limit of 10mg THC per unit; 100 mg THC per package
- Cannabis topicals – limit of 1000 mg of THC per package

*Note that cannabis extracts will include cannabis oil by 2020; oils will no longer be regulated as a separate product

Watts, Michael et al. Health Canada releases final regulations for new classes of cannabis. Osler online resource. Sept 2019
Packaging and Labelling Requirements

- Standardized cannabis symbol
- Health warning messages
- THC and CBD content (units, format depends on product type)
- Brand name
- Contact info of license holder
- Class
- Lot number
- Storage conditions
- Packaging date, expiry date
- Net weight or net volume
- Keep out of reach of children

Source: Ontario Cannabis Store – Sample label

Rules in Ontario

- Legal age: 19 to buy, use, possess, grow
- Legal to buy: private licensed stores, government-operated online store
- Public possession limit: 30 g dried

Further outlines:
- Where you can and cannot smoke/vape cannabis
- Cannot consume recreational cannabis in the workplace
- Do not consume before driving
Obtaining Medical Cannabis In Canada — The Process

1. Pt consults HCP
2. HCP provides medical document
3. Pt registers* with LP and places order
4. LP sends medical cannabis to Pt

*LP provides registration document to patient, HC provides registration certificate.

Pt = patient
HCP = healthcare provider
LP = licensed producer
HC = Health Canada

An Example of a Medical Document

Must include:
- Patient full name and date of birth
- Healthcare practitioner’s information
- Daily maximum quantity authorized
- Period of use (up to 1 year)

May include:
- Indication for use
- Strain/potency
- Dose, route, interval
- Number of authorized refills

Health Canada: Getting cannabis from a licensed producer. Sample medical document
Possession Limits for Medical Cannabis Under the Cannabis Act

• The lesser of 150 grams or a 30-day supply of dried cannabis (or the equivalent in cannabis product) in addition to the 30 grams allowed for non-medical purposes

• Those authorized to access cannabis for medical purposes must be prepared to show they are legally allowed to possess more than 30 grams (or equivalent) in public, if requested by law enforcement. This can be done by showing:
  • Their registration document issued by a federally licensed seller
  • Their registration certificate issued by Health Canada for personal or designated production
  • Their registration certificate issued by Health Canada for possession only*

Cannabis and Driving

• Driving while high or impaired is criminal offence

• Penalties under the Criminal Code for driving while impaired by drugs and/or alcohol can include fines for >2 ng/ml of THC and potential jail for >5 ng/ml of THC

• Blood concentration of cannabis has been reliably linked to impaired driving capacity, at a threshold level of a THC concentration of 7-10 ng/mL in serum

• Individuals who drive soon after consuming cannabis have a higher risk of being involved in a motor-vehicle accident.

• Counsel patients to avoid driving for 4 hours after inhalation, 6 hours after oral ingestion

* Government of Canada. Cannabis for medical purposes under the Cannabis Act: information and improvements. October 2018

Hartman RL, Huestis MA. Cannabis effects on driving skills. Clinical chemistry. 2013 Mar 1;59(3):478-92

Government of Canada, Department of Justice. Impaired Driving Laws: Cannabis. August 2019
Cannabis and Traveling

- Illegal to take cannabis and cannabis products across Canadian border
- Patients may legally travel anywhere in Canada with cannabis products if:
  - Products purchased from a legal source
  - Have an active customer identification card and a valid sticker attached

If traveling by air, be prepared to:
- Show medical documentation, including ID and sticker
- Undergo private screening

References

- Government of Canada. Final Regulations: Edible cannabis, Cannabis extracts, Cannabis topicals. [https://www.canada.ca/content/dam/hc‐sc/documents/services/drugs‐medication/cannabis/resources/final‐regulations‐edible‐cannabis‐extracts‐topical‐eng.pdf](https://www.canada.ca/content/dam/hc‐sc/documents/services/drugs‐medication/cannabis/resources/final‐regulations‐edible‐cannabis‐extracts‐topical‐eng.pdf)
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  https://www.ontario.ca/page/cannabis-laws

  https://www.ontario.ca/laws/statute/s18012

- Government of Canada. Cannabis for medical purposes under the Cannabis Act: information and improvements. October 2018
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- Health Canada: Getting cannabis from a licensed producer. Sample medical document
  https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/dhp-mps/alt_formats/pdf/marihuana/info/med-eng.pdf


- Government of Canada, Department of Justice. Impaired Driving Laws: Cannabis. August 2019
  https://www.justice.gc.ca/eng/cj-jp/sidl-rlcfa/

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Therapeutic Effectiveness: What Does the Evidence Say