Regulation of Medical Cannabis in Canada: Reflection on the Present and Future

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Disclosures

• Dr. Balneaves has nothing to disclose beyond student support at UBC for Ms. Rielle Capler, PhD (c), through the Mitacs funding program:
  – Canadian Association of Medical Cannabis Dispensaries (CAMCD)
  – Canadian Consortium for the Investigation of Cannabinoids (CCIC)
  – Aphria (LP)
Marihuana Medical Access Regulations (MMAR) (2001)

• **Source:** Personal production, designated producers, and through a federal producer (Prairie Plants)

• **Access:** Authorization from Health Canada required extensive documentation from physician/specialists for restricted list of health conditions that have proved unresponsive to conventional treatment

• **~38,000 Canadians** were approved under MMAR (Health Canada, 2013)
• **Purpose** - *To maintain reasonable access to medical marihuana [sic] while addressing safety and security risks*

• **Source:** Licensed producers (30 and counting) who provide medical cannabis via courier service

• **Access:** Limited documentation from physician/NP, who authorize individuals to access a restricted monthly amount (max 150 grams) of dried medical cannabis

• ~48,000 **Canadians** are currently licensed under the MMPR (Health Canada, 2016)
Stop the Press!!
Court Injunctions and Decisions

• Allard et al. v. R:
  – The MMPR was challenged based on the affordability of medical cannabis produced by LPs
  – Injunction allowed those authorized under the MMAR to possess or produce to continue doing so until court decision (Mar 2014)
  – Decision (Feb 2016):
    • The MMPR was seen to infringe upon the plaintiffs’ constitutional rights
    • Canadian government has 6 months “…to enact a new or parallel medical marihuana [sic] regime.”

• R v. Smith (June 2015)
  – Ruling the has resulted in a section 56 exemption that individuals may possess cannabis derivatives, specifically oils and fresh buds and leaves
What Research has Told Us...

- In the early days of the MMPR, there have been issues related to access, availability and satisfaction with product and/or services
  - Affordability and gatekeeping by MD’s continues to create significant access issues

- Longitudinal research, from the patients’ perspective, is needed to assess Canadians’ access experience as the commercial market (e.g., LPs, cannabis clinics, cannabis derivatives) and regulatory environment evolves

- Despite access issues, there is interest across consumer groups in the potential role of LPs in the distribution of medical cannabis in Canada

Bottorff et al., 2011; Bottorff et al., 2013; Capler et al., 2016
What lies ahead...

• Federal health minister has indicated no intention to appeal ruling...revised/new regulations expected by August 2016

• Acknowledges that issues of accessibility and affordability must be addressed

• Possible options:
  – Reinstating personal and designated production
  – Creating easier access to MMPR authorization
  – Providing insurance coverage for medical cannabis
  – Distributing cannabis through store-front pharmacies
The March Towards Legalization

• **Internationally** - Uruguay, and 4 US states (AK, WA, OR, CO), with 9 additional states next in line

• **Canada** - Hon. Jane Philpott announced at UNGASS that a bill outlining a legal system of cannabis distribution would be tabled by spring 2017 in the House of Commons

• Many questions regarding how cannabis for recreational purposes will be regulated and distributed:
  – Current licensed producers
  – Liquor stores
  – Pharmacies
  – Community-based dispensaries
Thank You

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