

July 31, 2017

Subject: Consultation on cannabis legalization in Ontario

Dear Sir or Madam,

On behalf of The Arthritis Society and Canadians for Fair Access to Medical Marijuana (CFAMM), thank you for the opportunity to provide input on Ontario's approach to regulating cannabis.

A growing number of patients use cannabis as a therapy to help manage their health conditions, including seizures, pain, insomnia, neurological issues, nausea and vomiting, and side effects from prescription medications. According to Health Canada, as of 2013, 65% of patients authorized to possess medical cannabis were diagnosed with "severe arthritis," and this remains a significant group for medical cannabis under the current regulations.

As the province prepares for the federal government's plans to legalize and regulate cannabis by July 2018, we believe Ontario has an important opportunity to help the thousands of patients who access medical cannabis by improving the current medical access regime, which is expected to continue parallel to the legalized, recreational/non-medical, cannabis regime.

Our submission highlights some of the challenges that patients face in the existing regulatory approach to medical cannabis, and provides recommendations to help inform and support your efforts to create an appropriate regulatory framework for cannabis – one that prioritizes and adequately supports the needs of patients.

Here is a summary of our recommendations:

- **Sales and distribution:** Pharmacies should have exclusive authority to retail medical cannabis in the province. This will create a clear distinction between medical cannabis and cannabis for recreational/non-medical use and help ensure that patients receive reliable education on the safe and effective use of medical cannabis from trained health care professionals.
- **Taxation:** Medical cannabis should not be subject to sales tax or other levies. This will ensure that it is treated as other therapeutic products intended to manage peoples' illnesses, and will not preclude the province from levying taxes on non-medical cannabis.
- **Public education:** Patients should be educated about how to access medical cannabis and have evidence-based information about its use and forms (e.g., oil, dried flower, capsules, etc.)
- **Public consumption:** Certain exceptions should be made for vaporization of medical cannabis on medical grounds, such as in health care facilities (hospitals, hospices, and long term care homes), in emergency situations, and in workplaces (at employer's discretion).

RECOMMENDATIONS

Sales and Distribution

Once authorized to use medical cannabis by a physician or nurse practitioner, many patients face ongoing difficulties accessing an affordable, regulated, and tested supply of medical cannabis. The current regulatory system is a patchwork of regulations that are difficult for patients to understand and navigate. At the moment, there are two legal ways for patients to obtain medical cannabis: (1) via mail order from a licenced producer that meets a number of safety and quality assurance requirements; or (2) by growing their own supply of medical grade cannabis or designating someone to grow it for them.

While both of the current non-retail distribution options have their merits and should remain in place, we believe that the most coherent and responsive provincial approach to addressing the needs of patients would be through a formal retail channel for medical cannabis that is easier to access and navigate. Any formal retail channel would need to ensure that patients have access to a regulated supply of medical cannabis that has been tested for safety, potency and quality – from the point of production, including any processing or preparation of the medical cannabis, through distribution to patients. Patients using medical cannabis often have complex health conditions and require professional guidance on the safe and effective use from a trained health care professional. For this reason, we recommend separate distribution channels and point of sales between medical cannabis and cannabis for personal use, so that the currently unmet needs of patients are prioritized and addressed.

To that end, we believe that pharmacies are best suited for this purpose, and should have the exclusive authority to sell and distribute medical cannabis in the province. This is so for a number of important reasons, including:

- As knowledgeable health care professionals, pharmacists are capable of providing the necessary level of support and on-site information to patients about their medicine.
- Pharmacies would be able to monitor supply issues and help patients manage any potential supply disruptions.
- Pharmacy distribution would expand the potential for broader cost-coverage, increasing the affordability of medical cannabis to patients.
- Pharmacies have the requisite regulatory and professional oversight and quality assurance procedures.

Taxation

Patients who access medical cannabis should be treated consistently and equitably with other patients who access health products to support their health and manage their illnesses. Prescription medicines in Ontario are not subject to HST, therefore medically prescribed cannabis should also be exempt from HST and any other levies. This does not preclude the province from levying sales tax on cannabis for recreational/non-medical purposes and would underscore a clear distinction between medical cannabis and cannabis used for non-medical purposes.

Moreover, patients cannot make use of existing policies and programs that help to address the costs of their medicine, including private or public drug coverage. As the province develops a new regulated market for non-medical cannabis, patients' affordability concerns must be addressed. Failure to do so may undermine incentives for patients to seek a regulated supply of medical cannabis.

Public Education

As access to cannabis for non-medical purposes expands through a legalized and regulated regime, it will be increasingly important for Ontarians to understand more about cannabis in order to make informed decisions about its use. We acknowledge the necessity for a public education campaign on non-medical cannabis, however, there is also a need for education funding for medical cannabis. This objective can be supported by providing patients with evidence-based information about medical cannabis, including appropriate form (e.g., oil, dried flowers, capsules, etc.) and dosage, interaction with other elements of a patient's treatment plan, and the benefits and risks of medical cannabis.

Public Consumption

With regard to the issue of public consumption of cannabis, we believe that certain exceptions should be made for vaporization of medical cannabis on medical grounds, such as in health care facilities (hospitals, hospices, and long term care homes) or in emergency situations, such as when a patient is having a seizure or breakthrough pains and needs immediate access to medical cannabis. Exceptions should also be allowed, at an employer's discretion, for vaporization in workplaces, as vaporization avoids the generation of second-hand smoke. There should also be no limits on public consumption of products that are not inhaled/exhaled (i.e. oils, capsules, or ointments).

Medical Cannabis Impaired Driving

We are supportive of legislation that targets cannabis impairment. To assist policymakers in making evidence-based decisions, CFAMM released a first-of-its-kind research and policy review on medical cannabis impaired driving (found here: cfamm.ca/impaired-driving-report-1).

CONCLUSION

The province has an important opportunity to address the current challenges patients face regarding medical cannabis. Ontario's approach to medical cannabis needs to be coherent, equitable and patient-centered. The patient community is an invaluable resource for the Ontario government as it works to develop its regulatory approach to non-medical cannabis. We appreciate the opportunity to provide our input into this important process and look forward to further dialogue on these matters.

Respectfully submitted by:

The Arthritis Society
Janet Yale, President & CEO
393 University Avenue, Suite 1700
Toronto, ON M5G 1E6
Phone: (416) 979-7228 / Toll-Free: 1-800-321-1433
Email: info@arthritis.ca

Canadians for Fair Access to Medical
Marijuana (CFAMM)
Jonathan Zaid, Founder/Executive Director
50 Westmount Road North
PO Box 22009, Westmount PO
Waterloo, Ontario, N2L 6J7
Phone: (416) 837-5972
Email: jzaid@cfamm.ca

For more information about our positions on medical cannabis please visit the following links:

- Arthritis Society Research Roundtable Report - <https://arthritis.ca/getmedia/f9e3dc04-b3e9-482e-9109-848590a84b7f/Clearing-the-Air-EN-FINAL.pdf>
- Joint Submission to the Federal Task Force on Legalization: <https://cfamm.ca/tf-recs/>
- Impaired Driving Research Review: <https://cfamm.ca/impaired-driving-report-1/>

ABOUT

The Arthritis Society: The Arthritis Society is Canada's principal health charity providing education, programs and support to the over 4.6 million Canadians living with arthritis. The Arthritis Society conducts research to better understand the impact of arthritis, advocates for progressive arthritis policies, works with stakeholders to promote appropriate standards of care and deliver educational programs to empower those living with arthritis to self-manage their disease.

Canadians for Fair Access to Medical Marijuana (CFAMM): Founded in 2014, CFAMM is a national, non-profit, patient-run organization dedicated to protecting and improving the rights of medical cannabis patients. CFAMM's goal is to enable patients to obtain fair and safe access to medical cannabis with a special focus on affordability, including private and public insurance coverage.