

January 20, 2018

Cannabis Legalization and Regulation Secretariat
Address locator 0602E
Health Canada
Ottawa, Ontario
K1A 0K9

Subject: Proposed Approach to the Regulation of Cannabis

Dear Sir or Madam,

On behalf of The Arthritis Society and Canadians for Fair Access to Medical Marijuana (CFAMM), we thank you for the opportunity to provide input on Health Canada's proposed approach to regulating cannabis, following the anticipated adoption of Bill C-45 in July 2018.

To provide some background on our submission, there are upwards of 200,000 patients that use cannabis for medical purposes in Canada. Under the guidance of a health care provider, patients use medical cannabis to manage their symptoms from a variety of illnesses, including arthritis, HIV/AIDS, epilepsy, multiple sclerosis, and cancer. Once authorized to use medical cannabis by a physician or nurse practitioner, many patients face ongoing accessibility and affordability concerns with regard to their medicine.

We very much appreciate your ongoing efforts to create an appropriate regulatory framework for cannabis – one that makes a clear distinction between the medical and non-medical streams. However, there remain several outstanding issues that could blur the lines between the two regimes and have unintended, detrimental consequences for patients.

As Health Canada develops its approach to regulating cannabis, we believe the following outstanding issues need to be addressed:

Summary of recommendations:

1. Enable pharmacy distribution through explicit authorization for holders of processing licenses to distribute medical cannabis to pharmacies
2. Closely monitor supply issues and require licensed producers to prioritize supply for medical users, if necessary
3. Ensure wide choice for patients by (a) lifting potency limits, and (b) ensuring patients can switch between licensed producers that offer them the best services

Pharmacy distribution must be enabled

At the moment, there are two legal ways for patients to obtain medical cannabis: (1) via mail order from a licenced producer, and (2) by growing their own supply. While both current non-retail distribution options have their merits, and should remain in place, we believe that the interests of patients would be best served through a formal retail channel that supports their unique needs. We believe that pharmacy distribution would best serve the interests of patients for a variety of reasons, including:

- The provision of on-site information for patients about their medicine from a health professional
- The capacity of pharmacies to monitor supply issues and help patients manage potential supply disruptions
- The potential to help expand insurance coverage, thereby increasing affordability of medical cannabis for patients

Under the proposed approach, it remains unclear whether pharmacy distribution of medical cannabis would be allowed in the provinces that may enable this retail channel. As such, we recommend that the final regulations include explicit authorization for holders of processing licenses to distribute medical cannabis to pharmacies. This will ultimately improve accessibility for patients and provide them with the clinical support they need.

Guarantee of supply

Having an adequate supply of medical grade cannabis, particularly in the post-legalization regime, remains an ongoing concern for patients and producers.¹ There is a real threat that there will not be enough to supply both the medical and non-medical markets, as was the case in Nevada, shortly after that United States jurisdiction opened its legal market last year.

To address this issue, Health Canada must closely monitor supply issues and have the authority, if necessary, to require licensed producers to prioritize supply for medical users, as recommended in the final report of the Task Force on Cannabis Legalization and Regulation.²

Ensure wide choice for patients

As medical users, patients need to have as much choice as possible with regard to their therapies. The proposed potency limits on medical cannabis products must be lifted to facilitate dosing according to each patient's individual needs. For instance, higher potency products will allow patients to use smaller amounts of concentrated medicine to micro-dose as needed throughout the day.

We also want to ensure that the final regulations maintain the proposed provisions that would enable patients to easily switch between licensed producers, as people are able to do with pharmacies. This will, among other things, help drive competition, address supply issues, and ensure that patients have wide product choice and the best support for their medical needs.

¹ <http://business.financialpost.com/commodities/agriculture/what-if-they-legalized-marijuana-and-you-couldnt-buy-any>

² <https://www.canada.ca/en/services/health/marijuana-cannabis/task-force-marijuana-legalization-regulation/framework-legalization-regulation-cannabis-in-canada.html>

Conclusion

We encourage the federal government to continue to engage the patient community as it develops its approach to regulating cannabis to ensure that patients' needs are adequately met. It is important that the final regulations are coherent, equitable and, most importantly, patient-centered. Thank you once again for the opportunity to provide our input on this process, and we look forward to continued dialogue on these important matters.

Respectfully submitted by:

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ABOUT

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) is a national, non-profit, patient-run organization dedicated to protecting and improving the rights of medical cannabis patients. Founded in 2014, 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.