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**Marihuana Medical Access Program**

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[News Release: Government of Canada considers improvements to the Marihuana Medical Access Program to Reduce the Risk of Abuse and Keep our Children and Communities Safe](#)

The Government of Canada is considering changes to the Marihuana Medical Access Program to reduce the risk of abuse and exploitation by criminal elements and keep our children and communities safe.

Health Canada would like to hear from Canadians on the proposed improvements. A consultation document has been posted on our website, and Canadians are invited to submit their comments by July 31, 2011.

**How the Current Marihuana Medical Access Program Works**

Under the current Program, individuals wishing to use marihuana for medical purposes must first obtain a declaration from a licensed medical practitioner who confirms that dried marihuana is going to be used to alleviate a specific symptom associated with an identified medical condition.

The individual then applies to Health Canada to be authorized to possess dried marihuana. Once authorized to possess, an individual has three options for accessing a legal supply of marihuana:

- purchase marihuana from Health Canada;
- produce marihuana for themselves by applying for a personal-use production licence; or,
- designate someone to produce marihuana for them under a designated-person production licence.

The application process is rigorous, and requires personal information to be submitted to Health Canada, not only about individuals seeking access to marihuana for medical purposes, but also about those applying for a designated-person production licence. The application process can take up to 10 weeks.

Authorizations to possess marihuana for medical purposes and associated production licences are valid for a maximum of 12 months and must be renewed upon expiry. Program participants must also apply to amend their authorisations and/or licences, if certain key details change for themselves or for anyone else named on the application.

Individuals applying for a production licence must disclose to Health Canada the measures that they intend to put in place in order to ensure the security of the marihuana at the production and storage sites.

## **Proposed Changes to the Marihuana Medical Access Program**

In recent years, a wide range of stakeholders, including police and law enforcement, fire officials, physicians, municipalities, and program participants and groups representing their interests, have identified concerns with the current program.

Some of the key concerns include:

- The risk of abuse and exploitation by criminal elements;
- the complexity and length of the application process for individuals who wish to obtain an authorization to possess and/or a licence to produce marihuana;
- the need for more current medical information for physicians pertaining to the risks and benefits associated with the use of marihuana for medical purposes;
- public health and safety risks associated with the cultivation of marihuana plants in homes, including electrical and fire hazards and the presence of excess mould and poor air quality.

Health Canada's proposed improvements to the program are intended to address these concerns in the following ways:

### *Streamlining the Process for Program Participants*

Program participants would no longer have to submit application forms or personal medical information to Health Canada in order to obtain an authorization to possess marihuana. Instead, they would submit a document they obtain from their physician directly to a licensed commercial producer. Furthermore, marihuana produced by licensed commercial producers would be subject to quality standards, unlike marihuana that is produced by individuals under the current program.

### *Making the Program Less Complicated for Seriously Ill Canadians*

Health Canada is proposing to eliminate the administrative categories of conditions or symptoms for which an individual may possess marihuana for medical purposes under the MMAR. The determination as to whether the use of marihuana for medical purposes is appropriate for a particular individual would still be made through a discussion between a physician and a patient.

### *Improving Physician Access to Comprehensive, Accurate and Up-to-Date Information*

Health Canada will establish an expert advisory committee to improve physician access to comprehensive and up-to-date information on the potential risks and benefits of using marihuana for medical purposes. This will facilitate informed decision-making between individuals and their physicians with respect to the use of marihuana to treat particular

symptoms and/or conditions.

### *Making Communities Safer*

To reduce potential risks of abuse by criminal elements and keep our children and communities safe, a new supply and distribution system for dried marihuana would be established that uses only licensed commercial producers. Personal-use and designated-person production licenses would be phased out and individuals would no longer be able to grow marihuana for medical purposes in their homes and communities.

The Government would no longer contract for the production and distribution of dried marihuana or marihuana seeds for medical purposes. Licensed commercial producers would be regulated by Health Canada and be the only legal source of dried marihuana for medical purposes. Health Canada would regularly inspect and audit these licensed commercial producers to ensure they comply with all applicable regulations.

### *Regulation of Marihuana in Canada*

Legalization or decriminalization of marihuana is not part of these changes.

Marihuana continues to be regulated as a controlled substance in Canada under the *Controlled Drugs and Substances Act*. This means that all activities, e.g., possession, possession for the purposes of trafficking, production, importation, exportation, trafficking, and possession for the purposes of exporting, are illegal except as authorized by regulation. Illegal activities associated with marihuana are considered to be criminal offences and may be subject to the penalties set out in the *Controlled Drugs and Substances Act*.

Canadian Courts have established that individuals who have demonstrated a medical need for marihuana have a right under the *Canadian Charter of Rights and Freedoms* to possess and access a legal supply of marihuana. In recognition of a need for a process to provide seriously ill Canadians with access to marihuana for medical purposes, the Government introduced the *Marihuana Medical Access Regulations* in 2001.