

## **FACT SHEET #3**

### **Cannabis and Youth Project**



## **Medical Use of Marijuana**

### **Background**

The use of marijuana for medical purposes is widely discussed and often misunderstood. Bill C-10 does not in fact deal with the medical use of cannabis; use of the substance in this way is regulated through Health Canada and is outside of the criminal justice system.

Canada became one of the first countries in the world to develop regulations for the legal use of marijuana for medical reasons in July 2001. This followed a number of legal decisions including an Ontario Court of Appeal decision in 2000 that found the prohibition of the possession of marijuana for therapeutic use to be unconstitutional.

### **Health Canada and the Marijuana Medical Access Regulations**

Health Canada has established the Marijuana Medical Access Regulations (MMAR) and accompanying procedures to allow for the possession and cultivation of cannabis by people suffering from serious or chronic health conditions with symptoms that are otherwise not adequately treated by conventional medications and drug treatments. This would include examples such as the treatment of nausea for individuals undergoing chemotherapy treatment for cancer or the enhancement of appetite in individuals suffering from active symptoms of HIV/AIDS. Other individuals report benefit from the use of cannabis in treating chronic and severe pain.

### **Basis for Medical Use of Marijuana**

The medicinal value of marijuana as a treatment has not been established formally through clinical trials. Since marijuana has not been subjected to the Health Canada drug approval process, its safety and efficacy have not been established. Rather, evidence is anecdotal and experiential. Health Canada specifically states that it does not endorse the use of marijuana in its patient information materials.

The THC is the active ingredient in cannabis that provides symptom relief from nausea. This chemical has been reproduced and manufactured as synthetic cannabinoids in medications including dronabinol (Marinol) and nabilone (Cesamet), which are used regularly to treat nausea and anorexia in chemotherapy and HIV patients.

### **Application Process**

To be approved for medical use of marijuana, a physician and medical specialist must support and complete an extensive application. Required criteria for the application includes: documentation that conventional treatments have been tried unsuccessfully, that the symptoms result from a condition for which the prognosis is death within 12

months, and/or with medical treatment of that condition, marijuana would mitigate the symptoms, and that the benefits of the drug outweigh the risks. Medical conditions for which cannabis is considered include MS, Spinal Cord Injury and Epilepsy causing severe pain, persistent muscle spasms, or seizures. Conditions such as cancer, AIDS, and severe forms of arthritis in which the symptoms include severe pain, anorexia, weight loss, and severe nausea are also considered.

### **Health Canada and the MMAR**

The MMAR has been controversial and has been challenged through the courts on the basis that it did not properly deal with the question of legal access to cannabis and in particular to the legal access to cannabis seeds for cultivation for medical purposes. Interim measures have been adopted by the federal government to address these concerns and to resolve the issues raised in these legal challenges.

Regulations for the medical use of cannabis are very strictly enforced. A number of individuals who claim to be using cannabis for medicinal purposes may not qualify for legal possession and use under this system. If they lack the necessary licenses or authorizations and are found to be in possession of or are cultivating cannabis they will be subject to the legal sanctions of the amended Controlled Drugs and Substances Act (CDSA) or Bill C-38.

Health Canada has established the Office of Cannabis Medical Access for the regulation of cannabis under the MMAR. They process applications authorizing individuals to possess cannabis for medical use and applications authorizing individuals to cultivate or produce marijuana. In addition they are responsible for the distribution of either dried marijuana or marijuana seeds for each of the above.

### **Statistics**

As of January 2, 2004 they reported that 710 persons are currently allowed to possess cannabis for medical purposes.

Regarding cultivation of cannabis under the MMAR, 532 individuals hold a variety of licenses to cultivate marijuana.