

Oversight of Cannabis in Canada

June 2019



The Cannabis Act

- The Cannabis Act and supporting regulations came into force on October 17, 2018 with an aim to accomplish 3 goals:
 - Keep cannabis out of the hands of youth
 - Keep profits out of the pockets of criminals
 - Protect public health and safety by allowing adults access to legal cannabis
- The Act creates a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada.
- Regulations to support the Act were published on July 11, 2018 and include:
 - Cannabis Regulations
 - Industrial Hemp Regulations



What is legal?

- Subject to provincial or territorial restrictions, adults who are 18 years of age or older are legally able to:
 - possess up to 30 grams of legal cannabis, **dried or equivalent** in non-dried form in public
 - share up to 30 grams of legal cannabis with other adults
 - buy dried or fresh cannabis and cannabis oil from a provincially-licensed retailer
 - in provinces and territories without a regulated retail framework, individuals are able to purchase cannabis online from federally-licensed producers
 - grow, from licensed seed or seedlings, up to 4 cannabis plants per residence for personal use
 - make cannabis products, such as food and drinks, at home as long as organic solvents are not used to create concentrated products

The Cannabis Regulations

- As set out in the *Cannabis Regulations*:
 - licences are required for
 - cultivating and processing cannabis
 - sale of cannabis for medical purposes
 - analytical testing of and research with cannabis
 - permits are required to import or export cannabis for:
 - scientific or medical purposes, or
 - industrial hemp
 - licence holders are subject to strict physical and personnel security requirements
 - plain packaging is required for cannabis products



Industrial Hemp Regulations

- Industrial hemp is cannabis that contains 0.3% tetrahydrocannabinol (THC) or less in the flowering heads and leaves.
 - The *Industrial Hemp Regulations* set out the requirements for cultivators of industrial hemp.
- *Industrial Hemp Regulations* had previously existed and while the new regulations are generally consistent with the previous regulations:
 - some changes were made, with the goal of aligning licence requirements to the relatively low risk posed by industrial hemp as compared with other varieties of cannabis.
 - the sale of hemp plants (flowers, leaves and branches) to licensed cannabis processors are permitted, to provide a source of low THC, high cannabidiol (CBD) cannabis products.

Amended Cannabis Regulations

- Amended *Cannabis Regulations* will come into force on October 17, 2019, to establish a regulatory framework for new products:
 - edible cannabis
 - cannabis extracts
 - cannabis topicals
- The amended regulations seek to reduce the health risks while providing for a broad diversity of cannabis products, which will help displace the illegal market.
 - These products pose unique health risks and thus appropriate safeguards are required.
- It is expected that a limited selection of products will appear gradually in physical or online stores, and no earlier than mid-December 2019. Federal licence holders will need to provide 60-days notice to Health Canada of their intent to sell new products.



Consultation and Engagement

- Consultation and engagement have been a cornerstone of the approach to date.
- In June 2016 the Government of Canada created a Task Force on Cannabis Legalization and Regulation with a mandate to consult and provide advice on the design of a new legislative and regulatory framework for legal access to cannabis, consistent with the Government's commitment to "legalize, regulate, and restrict access."
 - The Task Force undertook extensive consultations with experts, patients, advocates, employers, industry, provinces/ territories municipalities and indigenous governments and organizations.
 - The Task Force delivered a report on the design of a new system to legalize, strictly regulate and restrict access to cannabis and the advice was considered by the Government of Canada as legislation and regulation was developed.

Medical Cannabis

- The current regime for medical cannabis continues to allow access to cannabis for people who need it for medical purposes.
- The new regulations replaced the *Access to Cannabis for Medical Purposes Regulations* (ACMPR) however existing rules for access to cannabis for medical purposes were maintained.
 - Certain changes were made to create consistency with rules for non-medical use of cannabis, to improve patient access and to reduce the risk of abuse of the system.
- Patients authorized by their health care provider are still able to access cannabis for medical purposes by:
 - buying directly from a federally licensed seller
 - registering with Health Canada to produce a limited amount of cannabis for their own medical purposes
 - designating someone to produce it for them

Cannabis and Health Products

- Health Canada is also continuing to develop its framework for oversight of health products containing cannabis.
 - Manufacturers of prescription drugs containing cannabis, while primarily subject to the Food and Drugs Act and its Regulations, are also subject to certain regulatory requirements set out in the *Cannabis Regulations*.
- As part of consultations in 2017, Health Canada heard about the importance of maintaining existing access to prescription drugs containing cannabis and medical devices for use with cannabis.
 - Under the current framework there is no legal way to sell a health product with cannabis (i.e. a drug that contains cannabis and makes a health claim) without the oversight of a practitioner (e.g., a doctor or a veterinarian).
 - This week the Department launched a consultation on an appropriate regulatory approach for health products with cannabis not requiring practitioner oversight, referred to as Cannabis Health Products (CHPs).