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Santé
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Deputy Minister / Sous-ministre

Ottawa, Canada
K1A 0K9

FOR INFORMATION

OCT 21 2022

Your file / Votre référence

22-110998-499

Our file / Notre référence

MEMORANDUM TO THE MINISTER OF HEALTH

Update on Reducing the Risk of Abuse of Cannabis Personal and Designated Production / Mise à jour sur la réduction du risque d'abus de la production personnelle et désignée de cannabis

RÉSUMÉ

- La présente note de service a pour but de vous informer des mesures que Santé Canada continue de prendre pour renforcer sa surveillance du programme d'accès au cannabis à des fins médicales et de faire le point sur les mesures prises pour lutter contre les abus et de vous indiquer les premiers résultats de ces mesures. Il s'agit notamment de mesures visant à lutter contre les autorisations abusives, à révoquer les inscriptions, à renforcer la conformité des inspections et à collaborer avec les forces de l'ordre.
- Depuis la mise en œuvre de nouveaux processus pour traiter les autorisations élevées, Santé Canada a observé une diminution de plus de 50 % du nombre de personnes s'inscrivant pour produire du cannabis à des fins médicales. En septembre 2021, environ 47 000 personnes s'étaient inscrites auprès de Santé Canada. Ce chiffre est tombé à environ 21 700 au 30 septembre 2021.
- Santé Canada a également refusé ou révoqué plus de 1 400 inscriptions, dont plus de 700 pour des raisons de santé et de sécurité publiques. Cela représente une augmentation de 113 % des refus et révocations, et une augmentation de 423 % du nombre de refus et révocations prononcés pour des raisons de santé et de sécurité publiques depuis mars 2022.
- Le Ministère continue de collaborer avec ses partenaires et les intervenants pour les informer des mesures prises et solliciter leur soutien afin d'atteindre les objectifs communs de réduction de l'utilisation abusive du programme d'accès à des fins médicales.
- Élaborer une stratégie de communication et de mobilisation pour les Canadiens afin d'appuyer les efforts collectifs visant à réduire l'utilisation abusive du programme d'accès au cannabis à des fins médicales.

SUMMARY

- The purpose of this memorandum is to inform you of the measures that Health Canada continues to take to strengthen its oversight of the cannabis for medical purposes program, as well as to provide an update on actions taken to address abuse and early results of these actions. This includes actions to address abusive authorizations, revoke registrations, increase inspections compliance and work with law enforcement.
- Since implementing new processes to address high authorization, Health Canada has observed a decrease of more than 50% in the number of individuals registering to produce cannabis for medical purposes. In September 2021, there were approximately 47,000 individuals registered with Health Canada. As of September 30, 2022, the number of registered individuals has dropped to approximately 21,700.
- Health Canada has also refused or revoked more than 1400 registrations, including over 700 for reasons of public health and safety. This represents a 113% increase in refusals and revocations, and a 423% increase in the number of refusals and revocations made on the grounds of public health and public safety since March 2022.
- The Department continues to work with partners and stakeholders to inform them of the actions being taken and to seek their support to achieve joint goals of reducing misuse of the access for medical purposes program.
- Develop a communications and engagement strategy for Canadians to support collective efforts to address potential misuse of Canada's cannabis for medical purposes framework.

BACKGROUND:

The access to cannabis for medical purposes framework was put in place in August 2016 in response to a federal court decision (*Allard v. Canada*, 2016 FC 236) that found that the government must provide individuals with a medical need with reasonable access to cannabis for medical purposes. The court ruling found that the existing framework, which provided access only through federally licensed sellers of cannabis for medical purposes, did not provide reasonable access.

The *Cannabis Act* and its Regulations provides a legal framework that allows Canadians authorized by their health care practitioner to access cannabis for medical purposes in three ways:

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1. purchase quality-controlled cannabis and cannabis products from a wide variety of federally licensed sellers inspected by Health Canada;
2. produce a limited amount of cannabis for their own medical purposes; or,
3. designate someone to produce it for them.

The majority (91%) of patients who use cannabis for medical purposes access it through a federally licensed seller. The remaining 9% of patients produce cannabis for their own medical purposes or designate someone to produce it for them.

Individuals must first obtain written authorization from their health care practitioner to apply to Health Canada to produce a limited amount of cannabis for their medical purpose. Health Canada does not play a role in determining whether cannabis is appropriate for a patient.

Personal and Designated Production

Individuals who choose to produce their own cannabis for medical purposes or designate someone to produce it for them are limited in the number of plants they are permitted to grow for medical purposes, based on a formula that takes into account both the individual's daily dose and the average yield of a plant.

Individuals are only authorized to produce and possess cannabis for their own medical purposes or for the individual they are designated to produce for. **It is illegal for a person to grow in excess of the number of plants specified by Health Canada on their registration document, and it is illegal for a person to distribute or sell the cannabis they have produced to anyone else.**

All levels of government, industry and stakeholders work together to regulate cannabis in Canada and play a role in maintaining public safety with respect to cannabis. Under the *Cannabis Act*, Health Canada is responsible for administering applications for personal or designated production for medical purposes and for compliance and enforcement of the associated regulatory requirements. Law enforcement agencies are responsible for enforcement of the criminal prohibitions (e.g., production, trafficking and sales).

Health Canada actively supports law enforcement representatives by providing a dedicated service 24 hours a day, seven days a week to confirm, when necessary, that specific individuals are authorized to possess or produce a limited amount of cannabis for medical purposes. Complaints or concerns regarding a cannabis site, product, service, accessory, promotion, or other aspects of laws and regulations can also be reported to Health Canada using the on-line Cannabis Reporting Form.

CURRENT STATUS:

Health Canada continues to strengthen its oversight and reduce the risk of abuse of the medical purposes program, using authorities under the *Cannabis Regulations*, by:

- Proactively requesting information from health care practitioners to support high authorization amounts;
- Revoking or refusing registrations where warranted;
- Working with Provincial and Territorial regulatory bodies to address abusive authorization practices by health care practitioners;
- Conducting inspections of personal registration sites to further verify compliance with the regulations; and,
- Acting on evidence provided by law enforcement that identifies a risk to public health and public safety.

Since implementing new processes to address high authorizations, the number of individuals registering to produce cannabis for medical purposes has decreased more than 50%:

- In September 2021, there were approximately 47,000 individuals registered with Health Canada.
- As of September 30, 2022, the number of registered individuals has dropped to approximately 21,700.

As of September 30, 2022, Health Canada has refused or revoked 1,438 registrations, including refusing or revoking 717 registrations for reasons of public health and public safety. This is a 113% increase in refusals and revocations, and a 423% increase in the number of refusals and revocations made on the grounds of public health and public safety since March 2022. See **Appendix A** for the data on the number of registrations and daily authorized amounts over time.

Health Canada has increased compliance monitoring, including increasing the number of risk-based inspections of personal/designated production sites in 2022-2023 by 40% from the previous year.

Attached is a more detailed summary of actions taken to address misuse of medical purposes program (**Appendix B**) and related key messages (**Appendix C**).

On September 22, 2022, you and the Minister of Mental Health and Addictions announced that an independent Expert Panel will lead a legislative review of the *Cannabis Act*, as required by the legislation. One of the objectives of the legislative review will be to assess the impact of legalization and regulation of cannabis on access to cannabis for medical purposes.

The Expert Panel has a mandate to:

- undertake an assessment of the cannabis legislative framework;
- engage with stakeholders to gather perspectives that will inform the review; and,
- provide expert advice to the Ministers on progress made towards achieving the Act's purpose.

The Panel will focus on providing advice on areas of the legislative framework, or its implementation, that the Government could prioritize for improvement or reform.

NEXT STEPS:

The legislative review of the *Cannabis Act* will be important for understanding the impact of legalization and regulation of cannabis on access to cannabis for medical purposes and the concerns of stakeholders, and for identifying sustainable long term strategies to maintain the integrity of the cannabis medical access framework.

While the review is underway, Health Canada is making good progress on addressing misuse of the medical purposes program using the regulatory authorities that are currently in place. The Department will continue its sustained effort to take action to address high daily authorizations that are not supported by clinical evidence, and using authorities to refuse or revoke authorizations if there is a risk to public health and safety.

The Department will implement an engagement strategy with municipalities, and law enforcement agencies to increase transparency and to support the collective efforts to address potential misuse of Canada's medical purposes framework, while preserving reasonable access for those who need it. In addition, additional communications activities will be implemented to support Canadians and Members of Parliament in understanding what resources and information are available to them with any concerns of misuse or abuse.

APPROVED

Associate Deputy Minister
Health Canada

Deputy Minister
Health Canada

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Telephone: 613-240-8086

Attachments:

- Appendix A - Registration and Daily Authorized Amount Visuals**
- Appendix B - Summary of Actions Taken**
- Appendix C - Key Messages**

Appendix A – Data on Registrations and Daily Authorized Amounts of Cannabis

Table 1: Number of Active Personal and Designated Production Registrations

This table demonstrates the number of active registrations, by quarter, **beginning in October 2018** (coming into force of the *Cannabis Regulations*).

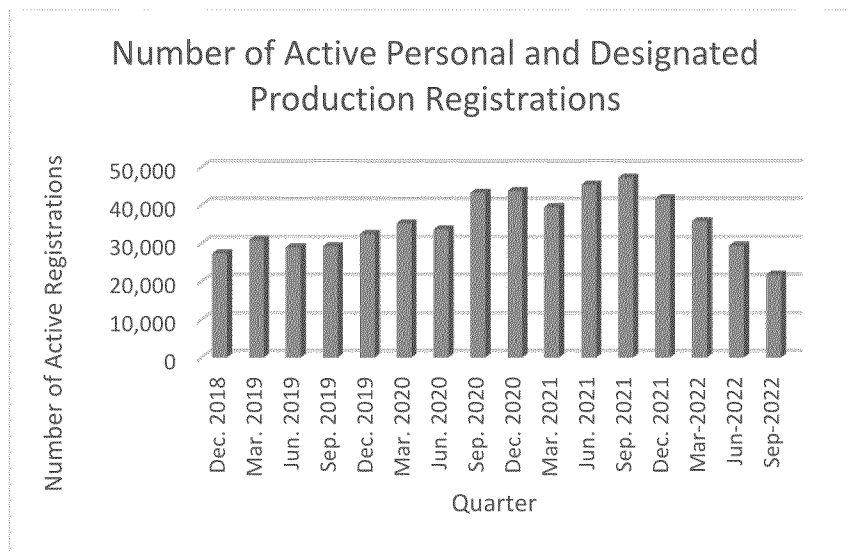


Table 2: Personal and Designated Production Refusals and Revocations

This table demonstrates the increasing trend in refusals and revocations **over the past year** (September 2021 – September 2022).

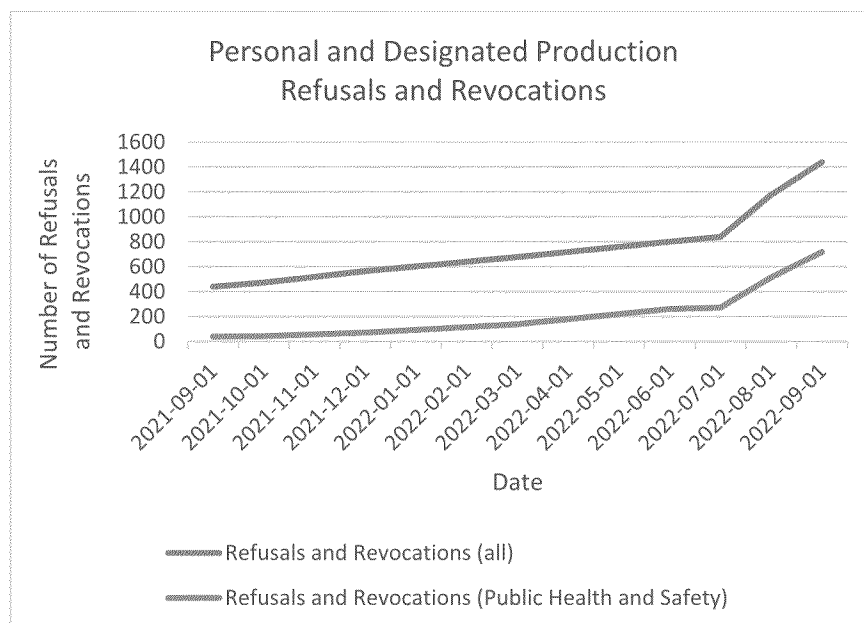
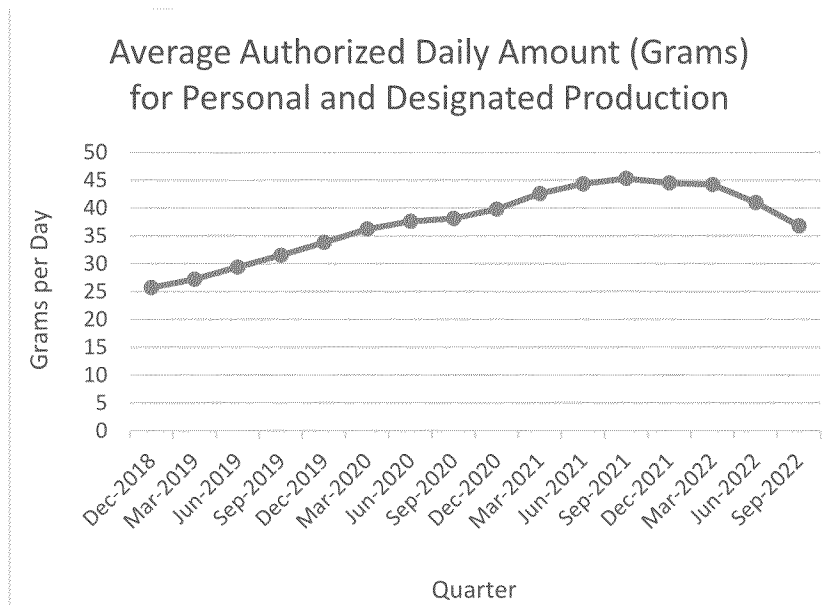


Table 3: Average Authorized Daily Amount (Grams) for Personal and Designated Production

This table demonstrates the trend in average authorized daily amount (grams), by quarter, **since coming into force** of the *Cannabis Regulations*.



Appendix B: Summary of Actions Taken

Health Canada continues to take action to strengthen its oversight of the cannabis for medical purposes program and reduce the risk of abuse using authorities under the *Cannabis Regulations*.

1. Addressing High Authorizations

Health Canada is concerned about the size of some personal and designated production sites. During the registration process, Health Canada actively seeks additional evidence from health care practitioners to substantiate or support high authorizations. To date, Health Canada has sent over 1,000 letters to health care practitioners and applicants requesting more information. If a request is not substantiated and represents a risk to public health and safety, Health Canada uses its authority to refuse a registration.

Health Canada is sharing data and meeting with the provincial regulatory authorities to discuss concerning trends with high authorizations. The Department also meets individually with health care practitioners, as needed, to discuss concerning prescribing practices.

If Health Canada becomes aware that a health care practitioner has been subject to disciplinary action by their regulatory college or the Department has concerns with their authorization practices, the Department will put applications on hold and review active registrations to assess whether compliance and enforcement actions are necessary to reduce public health and safety risks.

2. Supporting Health Care Practitioners

The regulation of health care practitioners and the practice of medicine are the responsibility of provinces and territories, professional colleges, or law enforcement, as applicable.

Health Canada has published documents on its website for health care practitioners that provide [information on research into the medical use of cannabis](#), dosing and administration, and information for patients. Many provincial and territorial licensing bodies, as well as the College of Family Physicians of Canada, have published their own guidance for health care practitioners.

Cannabis research is fundamental to understanding the potential therapeutic and non-therapeutic benefits and risks of cannabis use. The Government of Canada and the Canadian Institutes of Health Research through the [Integrated Cannabis Research Strategy](#) are investing in research to understand the potential therapeutic and non-therapeutic benefits and risks of cannabis use, and the research findings are being shared with stakeholders to help inform decision making. Over the last five years, the Government of Canada, through the CIHR, has invested nearly \$49 million in cannabis research.

3. Working with Law Enforcement

Health Canada actively supports law enforcement representatives by providing a dedicated service 24 hours a day, seven days a week to confirm, when necessary, that specific individuals are authorized to possess or produce a limited amount of cannabis for medical purposes. The Department also provides information, where appropriate, to law enforcement and other authorities to assist with active investigations. Health Canada may disclose this information in the context of an active law enforcement investigation, and on the condition the information is only used for the purposes of the investigation or the administration and enforcement of the Act or the Regulations.

Health Canada is prepared to act on any evidence received that individuals who are registered to grow a limited amount of cannabis for medical purposes are not respecting the terms and conditions of their registration or the regulatory requirements. As of September 30, 2022, Health Canada has received 198 law enforcement reports for personal or designated production sites and 140 of these sites no longer have active registrations.

4. Addressing Public Health and Safety Risks

Under the *Cannabis Regulations*, Health Canada may refuse or revoke a registration on public health or public safety grounds, including the risk of cannabis being diverted to an illicit market or activity. The authority to refuse or revoke a registration is exercised on a case-by-case basis.

In 2022, in an effort to address potential misuse and preserve the medical purposes program's integrity, Health Canada published Guidance on Personal Production of Cannabis for Medical Purposes. The document outlines proposed factors Health Canada may consider when making a decision to refuse or revoke a registration for personal or designated production of cannabis for medical purposes on public health or public safety grounds, including the risk of cannabis being diverted to an illicit market or activity.

Examples of factors that may be considered include, but are not limited to:

- Amount of daily authorized cannabis by the health care practitioner and information to support the amount authorized;
- Non-compliance or history of non-compliance with the *Cannabis Act* and Regulations by the registered or designated person, including the relevant circumstances;
- Criminal activity relevant to public health and public safety and / or diversion of cannabis (for example, selling or transferring cannabis produced under a registration to an illegal market); and,
- Health care practitioner is or has been involved with criminal activities in relation to their prescribing practices with cannabis or controlled substances, or has been subject to disciplinary review or action by a licensing authority in relation to their prescribing practices with cannabis or controlled substances

As of September 30, 2022, Health Canada has refused or revoked over 1,438 registrations, including refusing or revoking over 717 registrations for reasons of public health and safety. Additional refusals and revocations may result as the department continues to review applications and registrations to ensure compliance with the *Cannabis Regulations*.

Health Canada has also increased compliance monitoring, including increasing the number of risk-based inspections of personal/designated production sites in 2022-2023 by 40% from the previous year.

5. Acting on Complaints

Health Canada takes all complaints seriously. The Department is prepared to act on any evidence received that individuals who are registered to grow a limited amount of cannabis for medical purposes are not respecting the terms and conditions of their registration or the regulatory requirements. If warranted, after further investigation, Health Canada will take appropriate action to correct any potential non-compliance with the *Cannabis Regulations*.

As with all complaints, Health Canada reviews the information provided and determines the appropriate course of action. If non-compliance is found, Health Canada has a range of enforcement tools at its disposal, from sending a compliance letter with a reminder of legal obligations up to and including sending notice of intent to revoke a registration.

The Department uses a centralized approach to track complaints to improve program oversight — 568 complaints have been tracked since November 9, 2020 and 384 compliance promotion letters have been sent based on complaints. These letters remind registrants of:

- *Cannabis Act* and *Regulations* obligations (e.g., registration limits, prohibition of sale, zoning, and bylaws)
- compliance and enforcement actions that can be taken based on non-compliance.

6. Engagement and Transparency

Over the last two years, Health Canada has proactively engaged with key stakeholders, including with federal, provincial/ territorial (FPT) and municipal law enforcement and public safety partners, FPT senior officials, provincial medical regulatory colleges, and with municipalities to discuss challenges or complaints related to the medical purposes program.

During these engagements, Health Canada has provided information on the actions it has taken to reduce the risk of abuse of the medical purposes and discussed collective efforts that could be implemented to achieve results.

Engagement with federal, provincial/ territorial and municipal law enforcement partners

Health Canada values the partnerships it has built with federal, provincial/ territorial and municipal law enforcement partners. Since 2019, Health Canada officials have met to discuss the collective challenges both Health Canada and law enforcement and public safety partners face in regulating and enforcing the medical purposes program. For example, Health Canada has met on several occasions with the Royal Canadian Mounted Police (2019, 2020, 2021, and 2022), the Ontario Provincial Police (2019, 2020, 2021, and 2022), Longueuil Fire Department (2019), York Regional Police (2019), la Sûreté du Québec (2019, 2020, 2021 and 2022), Winnipeg Police Services (2019).

In addition, Health Canada has participated in meetings and conferences with the Canadian Association of Chiefs of Police (2019 and 2022), and the Department of Public Safety's Online Illegal Cannabis Sales Working Group (OICS WG). During these meetings, Health Canada officials provided updates on the actions it has taken to reduce the risk of the medical purposes program and responded to questions and concerns law enforcement stakeholders raised. These meetings help to support and strengthen the partnerships Health Canada has built over the last three years.

On January 28, February 17 and March 25, 2021, Health Canada worked in partnership with the Department of Public Safety to host the Cannabis Compliance and Law Enforcement Series, which was held over three virtual sessions. This series brought together FPT cannabis compliance and law enforcement professionals to discuss common issues, opportunities and strategies in support of the strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada.

FPT senior officials working groups

The FPT Senior Officials Working Group (SOWG) on Cannabis Legalization and Regulation was established in 2016 during the nascent stages of the development of Canada's cannabis regime. The mandate of the SOWG is to enable governments to exchange information on important issues about the legalization and regulation of cannabis. Meetings currently occur every 8 weeks, and continue to serve a vital function as an opportunity to connect with PTs on current or on-going issues related to cannabis legalization and regulation across the country. The personal and designated production of cannabis for medical purposes has been discussed at this committee on Nov 14, 2019, Oct 29, 2020, June 10 and Nov 25, 2021.

In addition, Health Canada officials have participated in the FPT Deputy Ministers Responsible for Justice and Public Safety meeting (December, 2021), and the FPT Ministers Responsible for Justice and Public Safety meeting (February, 2022) to provide an overview of the actions Health Canada is taking to address abuse of the medical purposes program. These updates helped increase FPT senior official awareness of the progress Health Canada has made in addressing abuse of the medical purposes program and supporting FPT partners with the challenges they face with the program.

Engagement with provincial medical regulatory colleges

In an effort to support provincial/territorial medical regulatory (licensing) authorities in their oversight of authorizing practices in their jurisdiction, Health Canada began proactively sharing data on the number of health care practitioners and the daily amounts authorized with these regulatory authorities in 2019. Data is shared biannually and includes the daily amounts by jurisdiction, including amounts of cannabis authorized over 25 grams per day and 100 grams per day. This proactive outreach has encouraged transparency and has increased scrutiny of health care practitioners who regularly authorize high amounts of cannabis.

Health Canada also meets periodically with the provincial medical regulatory colleges to discuss data disclosed on concerning trends with high amounts of cannabis being authorized in authorizing practices of health care practitioners in their jurisdictions. For example, the Department has met with 15 different medical colleges, including the College of Physicians and Surgeons of Alberta (2019, 2020, 2021 and 2022), the College of Nurses of Ontario (2021 and 2022), and the College of Physicians and Surgeons of British Columbia (2019, 2020, 2021 and 2022). These discussions have increased information sharing with Health Canada, including areas of follow-up investigation and outcomes.

Engagement with municipalities

Since 2019, Health Canada has participated in over 40 meetings with municipalities both proactively and in response to requests to meet. Some of these municipalities include the Municipality of Squamish, British Columbia (2019), Mountain View Country, Alberta (2019), Town of Delisle, Saskatchewan (2020), City of Winnipeg, Manitoba (multiple meetings in 2020, 2021 and 2022), City of Toronto, Ontario (multiple times since 2019), Norfolk County, Ontario (2020), City of Laval (Quebec), City of Montreal, Quebec (2021), and the Town of Sidney, Nova Scotia (2020).

During these meetings, Health Canada discussed the medical purposes program and the challenges municipalities face, the roles and responsibilities of different levels of government, and the actions Health Canada and its partners are taking to reduce abuse of the program. These engagements resulted in Health Canada having a greater understanding of challenges faced by municipalities, as well as municipalities having a better understanding of the medical purposes program and the tools available at each jurisdictional level to mitigate challenges municipalities face.

Public outreach

A coordinated approach highlighted the efforts of the Department to address the risks of misuse of the medical purposes program leading up to the launch of the legislative review and continuing into the fall. These efforts aimed to:

- Explain the medical purposes program and how it operates within the broader *Cannabis Act* Framework
- Highlight regulatory requirements, compliance promotion and enforcement actions HC has taken to address misuse of the medical purposes program

- Disseminate messaging to cannabis users on problematic and high risk use

As part of these efforts, social media was published highlighting messages regarding updated data on prescribers and high dose prescriptions, final Guidance on Personal Production for Medical Purposes and the Lower risk use guidelines.

APPENDIX C – KEY MESSAGES

KEY MESSAGES PERSONAL AND DESIGNATED PRODUCTION OF CANNABIS FOR MEDICAL PURPOSES

Key messages:

- Individuals who are registered with Health Canada are only authorized to produce and possess cannabis for their own medical purposes or for the individual they are designated to produce for.
- **It is illegal for a person to grow in excess of the number of plants specified by Health Canada on their registration document, and it is illegal for a person to distribute or sell the cannabis they have produced to anyone else. These are criminal offences and may be subject to law enforcement.**
- Since implementing new processes to address high authorizations, Health Canada has observed a decrease of more than 50% in the number of individuals registering to produce cannabis for medical purposes.
 - In September 2021, there were approximately 47,000 individuals registered with Health Canada.
 - As of September 2022, the number of registered individuals has dropped to approximately 21,700.

Actions Health Canada is taking to address misuse of the medical purposes program

- In December 2020, Health Canada implemented a new process of requesting additional evidence from health care practitioners to substantiate or support any authorization amounts over 100 grams per day.
 - Since the process was implemented, Health Canada has sent over 1000 letters to health care practitioners and applicants requesting more information.
 - To date, most physicians have not responded to the request for more information or have provided insufficient information.
 - In situations where the department is not satisfied with the information provided to substantiate the amount authorized per day, Health Canada will issue a notice of intent to refuse to register.
- As of September 30, 2022, Health Canada has refused or revoked 1,438 registrations, including refusing or revoking 717 registrations for reasons of public health and public safety. This is a 113% increase in refusals and revocations, and a 423% increase in the number of refusals and revocations made on the grounds of public health and public safety since March 2022.

APPENDIX C – KEY MESSAGES

- Health Canada has also increased compliance monitoring, including increasing the number of risk-based inspections of personal/designated production sites in 2022-2023 by 40% from the previous year.

Legislative Review

- On September 22, 2022, the Minister of Health and the Minister of Mental Health and Addictions announced that an independent Expert Panel will lead a legislative review of the *Cannabis Act*, as required by the legislation, including assessing the impact of legalization and regulation of cannabis on access to cannabis for medical purposes.
- The Expert Panel has a mandate to:
 - undertake an assessment of the cannabis legislative framework
 - engage with stakeholders to gather perspectives that will inform the review
 - provide expert advice to the Ministers on progress made towards achieving the Act's purpose
- The legislative review will be important to understanding the impact of legalization and regulation of cannabis on access to cannabis for medical purpose, and the concerns of stakeholders.
- While the review is ongoing, Health Canada is taking action to strengthen its oversight to address this situation, including:
 1. Proactively requesting information from health care practitioners to support high authorization amounts
 2. Revoking or refusing registrations where warranted
 3. Working with Provincial and Territorial regulatory bodies to address abusive authorization practices by health care practitioners; and,
 4. Acting on evidence provided by law enforcement.

BACKGROUND

- The right of individuals to have reasonable access to cannabis for medical purposes was established through successive court decisions, which have emphasized repeatedly that the government may only restrict an individual's access to cannabis for medical purposes when such action is justified and consistent with the objective of protecting public health and safety.
- In response to these court decisions, the *Cannabis Act* gives Canadians three ways to access cannabis for medical purposes with the authorization of their health care practitioner:
 1. purchase quality-controlled cannabis from a wide variety of federally licensed sellers inspected by Health Canada;
 2. produce a limited amount of cannabis for their own medical purposes; or
 3. designate someone to produce it for them.

APPENDIX C – KEY MESSAGES

- The majority (91%) of patients who use cannabis for medical purposes access it through a federally licensed seller. The remaining 9% of patients produce cannabis for their own medical purposes or designate someone to produce it for them.
- As in any regulatory framework, there will be instances where individuals choose to operate outside of the law. Anyone who suspects activity that may violate a law or a by-law, including the Cannabis Act and the Criminal Code, should immediately contact their local law, or municipal by-law, enforcement authority.
- Health Canada actively supports law enforcement representatives by providing a dedicated service 24 hours a day, seven days a week to confirm, when necessary, that specific individuals are authorized to possess or produce a limited amount of cannabis for medical purposes.
- Complaints or concerns regarding a cannabis site, product, service, accessory, promotion, or other aspects of laws and regulations can also be reported to Health Canada using the on-line [Cannabis Reporting Form](#).

Appendix D: Engagement Strategy to advance outreach with partners and stakeholders on the medical purposes program

Activity	Description	Stakeholder Group	Status and Next Steps
MP Kit Update	<p>An MP Kit was drafted and sent to MP offices with information on:</p> <ul style="list-style-type: none"> • Key Messages • MP Sample Response Letter to Constituents • How and Where to Report a Concern • Accessing Cannabis for Medical Purposes in Canada • Personal and Designated Production of Cannabis for Medical Purpose • What Health Canada is Doing to Address Misuse 	Members of Parliament	<p>MP kit provided to all MPs in June 2022.</p> <p>Health Canada will update the data, actions, results and key messages for redistribution to Members of Parliament.</p>
Joint Meeting with FPT Senior Officials, Chiefs of Police and the Federation of Canadian Municipalities	Health Canada will organize a joint meeting of FPT Senior Officials for Cannabis Legalization and Regulation, Chiefs of Police, and the Federation of Canadian Municipalities	Law enforcement agencies Municipalities Provincial officials	Planning is underway for Q4 2022-23
Presentation to law enforcement representatives on actions being taken to address misuse of the medical purposes program	Health Canada participates in a working group focused on online illicit sales of cannabis, which is led by Public Safety, and includes law enforcement representatives from RCMP, OPP and Surete du Quebec.	Law enforcement agencies	Planning is underway for Q1 2022-23

	<p>Health Canada will present to the working group on actions being taken to address misuse of the medical purposes program.</p>		
<p>Consultation with law enforcement agencies on the Police Services Line</p>	<p>Health Canada actively supports law enforcement representatives by providing a dedicated service 24 hours a day, seven days a week to confirm, when necessary, that specific individuals are authorized to possess or produce a limited amount of cannabis for medical purposes.</p> <p>Health Canada will consult with law enforcement agencies on additional ways to improve information sharing through Health Canada's police services line, to disclose information relating to registrations to produce cannabis for medical purposes to support investigations under the <i>Cannabis Act</i>.</p>	<p>Law enforcement agencies</p>	<p>Planning is underway for Q1 2023-24</p>



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MEMORANDUM TO THE MINISTER OF HEALTH

Update on Reducing the Risk of Abuse of Cannabis Personal and Designated Production / Mise à jour sur la réduction du risque d'abus de la production personnelle et désignée de cannabis

RÉSUMÉ

- La présente note de service a pour but de vous informer des mesures que Santé Canada continue de prendre pour renforcer sa surveillance du programme d'accès au cannabis à des fins médicales et réduire le risque d'abus en utilisant les pouvoirs prévus par le *Règlement sur le cannabis*. En plus, de faire le point sur les mesures prises pour lutter contre les abus et de vous indiquer les premiers résultats de ces mesures. Il s'agit notamment de mesures visant à lutter contre les autorisations abusives, à révoquer les inscriptions, à renforcer la conformité des inspections et à collaborer avec les forces de l'ordre.
- Depuis la mise en œuvre de nouveaux processus pour traiter les autorisations élevées, Santé Canada a observé une diminution de plus de 50 % du nombre de personnes s'inscrivant pour produire du cannabis à des fins médicales. En septembre 2021, environ 47 000 personnes s'étaient inscrites auprès de Santé Canada. Ce chiffre est tombé à environ 21 700 au 30 septembre 2021.
- Santé Canada a également refusé ou révoqué plus de 1 400 inscriptions, dont plus de 700 pour des raisons de santé et de sécurité publiques. Cela représente une augmentation de 113 % des refus et révocations, et une augmentation de 423 % du nombre de refus et révocations prononcés pour des raisons de santé et de sécurité publiques depuis mars 2022.
- Le Ministère continue de collaborer avec ses partenaires et les intervenants pour les informer des mesures prises et solliciter leur soutien afin d'atteindre les objectifs communs de réduction de l'utilisation abusive du programme d'accès à des fins médicales.
- Communiquer la stratégie de mobilisation et d'engagement pour les Canadiens.

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SUMMARY

- The purpose of this memorandum is to inform you of the measures that Health Canada continues to take to strengthen its oversight of the cannabis for medical purposes program and reduce the risk of abuse using authorities under the *Cannabis Regulations*. As well as to provide an update on actions taken to address abuse and early results of these actions. This includes actions to address abusive authorizations, revoke registrations, increase inspections compliance and work with law enforcement.
- Since implementing new processes to address high authorization, Health Canada has observed a decrease of more than 50% in the number of individuals registering to produce cannabis for medical purposes. In September 2021, there were approximately 47,000 individuals registered with Health Canada. As of September 30, 2022, the number of registered individuals has dropped to approximately 21,700.
- Health Canada has also refused or revoked more than 1400 registrations, including over 700 for reasons of public health and safety. This represents a 113% increase in refusals and revocations, and a 423% increase in the number of refusals and revocations made on the grounds of public health and public safety since March 2022.
- The Department continues to work with partners and stakeholders to inform them of the actions being taken and to seek their support to achieve joint goals of reducing misuse of the access for medical purposes program.
- Communications and engagement strategy for Canadians.

BACKGROUND:

The access to cannabis for medical purposes framework was put in place in August 2016 in response to a federal court decision (*Allard v. Canada*, 2016 FC 236) that found that the government must provide individuals with a medical need with reasonable access to cannabis for medical purposes. The court ruling found that the existing framework, which provided access only through federally licensed sellers of cannabis for medical purposes, did not provide reasonable access.

The *Cannabis Act* and its Regulations provides a legal framework that allows Canadians authorized by their health care practitioner to access cannabis for medical purposes in three ways:

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2. produce a limited amount of cannabis for their own medical purposes; or,
3. designate someone to produce it for them.

The majority (91%) of patients who use cannabis for medical purposes access it through a federally licensed seller. The remaining 9% of patients produce cannabis for their own medical purposes or designate someone to produce it for them.

Individuals must first obtain written authorization from their health care practitioner to apply to Health Canada to produce a limited amount of cannabis for their medical purpose. Health Canada does not play a role in determining whether cannabis is appropriate for a patient.

Personal and Designated Production

Individuals who choose to produce their own cannabis for medical purposes or designate someone to produce it for them are limited in the number of plants they are permitted to grow for medical purposes, based on a formula that takes into account both the individual's daily dose and the average yield of a plant.

Individuals are only authorized to produce and possess cannabis for their own medical purposes or for the individual they are designated to produce for. **It is illegal for a person to grow in excess of the number of plants specified by Health Canada on their registration document, and it is illegal for a person to distribute or sell the cannabis they have produced to anyone else.**

All levels of government, industry and stakeholders work together to regulate cannabis in Canada and play a role in maintaining public safety with respect to cannabis. Under the *Cannabis Act*, Health Canada is responsible for administering applications for personal or designated production for medical purposes and for compliance and enforcement of the associated regulatory requirements. Law enforcement agencies are responsible for enforcement of the criminal prohibitions (e.g., production, trafficking and sales).

Health Canada actively supports law enforcement representatives by providing a dedicated service 24 hours a day, seven days a week to confirm, when necessary, that specific individuals are authorized to possess or produce a limited amount of cannabis for medical purposes. Complaints or concerns regarding a cannabis site, product, service, accessory, promotion, or other aspects of laws and regulations can also be reported to Health Canada using the on-line [Cannabis Reporting Form](#).

CURRENT STATUS:

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Health Canada continues to strengthen its oversight and reduce the risk of abuse of the medical purposes program, using authorities under the *Cannabis Regulations*, by:

- Proactively requesting information from health care practitioners to support high authorization amounts;
- Revoking or refusing registrations where warranted;
- Working with Provincial and Territorial regulatory bodies to address abusive authorization practices by health care practitioners;
- Conducting inspections of personal registration sites to further verify compliance with the regulations; and,
- Acting on evidence provided by law enforcement that identifies a risk to public health and public safety.

Since implementing new processes to address high authorizations, the number of individuals registering to produce cannabis for medical purposes has decreased more than 50%:

- In September 2021, there were approximately 47,000 individuals registered with Health Canada.
- As of September 30, 2022, the number of registered individuals has dropped to approximately 21,700.

As of September 30, 2022, Health Canada has refused or revoked 1,438 registrations, including refusing or revoking 717 registrations for reasons of public health and public safety. This is a 113% increase in refusals and revocations, and a 423% increase in the number of refusals and revocations made on the grounds of public health and public safety since March 2022. See **Appendix A** for the data on the number of registrations and daily authorized amounts over time.

Health Canada has increased compliance monitoring, including increasing the number of risk-based inspections of personal/designated production sites in 2022-2023 by 40% from the previous year.

Attached is a more detailed summary of actions taken to address misuse of medical purposes program (**Appendix B**) and related key messages (**Appendix C**).

On September 22, 2022, you and the Minister of Mental Health and Addictions announced that an independent Expert Panel will lead a legislative review of the *Cannabis Act*, as required by the legislation. One of the objectives of the legislative review will be to assess the impact of legalization and regulation of cannabis on access to cannabis for medical purposes.

The Expert Panel has a mandate to:

- undertake an assessment of the cannabis legislative framework;
- engage with stakeholders to gather perspectives that will inform the review; and,

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- provide expert advice to the Ministers on progress made towards achieving the Act's purpose.

The Panel will focus on providing advice on areas of the legislative framework, or its implementation, that the Government could prioritize for improvement or reform.

NEXT STEPS:

The legislative review of the *Cannabis Act* will be important for understanding the impact of legalization and regulation of cannabis on access to cannabis for medical purposes and the concerns of stakeholders, and for identifying sustainable long term strategies to maintain the integrity of the cannabis medical access framework.

While the review is underway, Health Canada is making good progress on addressing misuse of the medical purposes program using the regulatory authorities that are currently in place. The Department will continue its sustained effort to take action to address high daily authorizations that are not supported by clinical evidence, and using authorities to refuse or revoke authorizations if there is a risk to public health and safety.

The Department will implement an engagement strategy with municipalities, and law enforcement agencies to increase transparency and to support the collective efforts to address potential misuse of Canada's medical purposes framework, while preserving reasonable access for those who need it. In addition, a communications strategy will be implemented to support Canadians and Members of Parliament in understanding what resources and information are available to them.

Associate Deputy Minister
Health Canada

Deputy Minister
Health Canada

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Attachments:

Appendix A - Registration and Daily Authorized Amount Visuals
Appendix B - Summary of Actions Taken

Appendix C - Key Messages