

**QUESTIONS AND ANSWERS
REGARDING AMENDMENTS TO
*MARIHUANA MEDICAL ACCESS REGULATIONS***

Q1. Why did Health Canada recently amend the *Marihuana Medical Access Regulations* (MMAR)?

A1. The second phase of the amendments (Phase one took place in December 2003) is based on a broad review of the MMAR. The main objective was to respond to concerns raised by stakeholders to the medical marihuana program. The amendments are designed to streamline the process for applying; enable police to access information to prevent unnecessary law enforcement action; and move the medical marihuana program toward a more traditional health care model.

Q2. How will the process be streamlined?

A2. The number of Categories has been reduced from three to two, by merging previous Categories 1 and 2. Applicants in the new Category 1 will no longer need to see a specialist for the sole purpose of having their application signed.

For those applicants under the new Category 2, an assessment of the applicant's case by a specialist is still a requirement, but the treating physician, whether a specialist or not, can sign the application form.

In addition to eliminating the requirement for a specialist's signature, the amended MMAR have revised the Applicant's Declaration to enhance the acceptance of risks associated with the use of marihuana for medical purposes. At the same time the physician's Medical Declaration has been revised to include only information necessary to confirm that the applicant suffers from a serious medical condition and that conventional treatments are inappropriate or ineffective.

Q3. Do I still need to renew my authorization every year?

A3. Yes, since marihuana is not an approved drug it is important that every year you have your case reviewed by a medical practitioner to assess the impacts of using marihuana for medical purposes and to discuss whether new, approved treatments have become available that might be more appropriate for your care.

Q4. If the process is streamlined why do my doctor and I have to go through the same paperwork every year?

A4. The renewal process has been streamlined. For example, a new photo is no longer required every second year but every fifth year, just like the requirement for passports. Also the requirement to return expired authorization and licence documentation to Health Canada has been eliminated.

Perhaps the most noticeable change is a Short Form A - Renewal application that can be used if there have been no changes in your circumstances since the previous approved

application or amendment. Under the short form, you and your treating physician will essentially sign a declaration stating that there have been no changes to the information provided in the last approved application.

In addition, if you are using the Short Form A - Renewal because there have been no changes, you will not be required to submit a new application form to renew your *Personal Use Production Licence* (Form C). Also, if you are using the short form and you are currently approved to receive the government supply of dried marihuana, you will not need to complete a new application for dried marihuana (Form E1).

You will, however, be required each year to submit a new application form for a Designated Person (Form D) even if you are using the Short Form A - Renewal.

Q5. Why do I have to complete a new form each year for my Designated Person?

A5. A Designated Person form (Form D) must be completed each year to ensure the information related to the Designated Person has not changed. In addition, a new Criminal Record Check and photograph for the Designated Person is required each year.

Q6. I already have an MMAR authorization. The next time I renew can I use the new Short Form A - Renewal application?

A6. No. You will need to be approved at least once using the new forms that reflect the amendments to the MMAR. After you have been approved at least once using the new forms, and if none of your information has changed, then in subsequent years you and your physician can use the Short Form A - Renewal application.

The reason for asking applicants to have at least one approved application reflecting the amendments is because there have been significant changes, particularly in the applicant and medical practitioner declarations.

Q7. What if the only piece of information that has changed from one year to the next is my address. Will I need to fill out the long form to renew?

A7. No. If the only change is your address, as long as the Marihuana Medical Access Division is notified, you can use the Short Form A - Renewal form if you have already been approved using the new forms.

Q8. I submitted an application form to Health Canada before the amendments came into force, will I have to resubmit my application?

A8. If you submit a **complete application** within 30-days of the amendments coming into force, even if it is an old form, our office will process your application. However, since the applicant declaration has changed under the amended regulations, we will need to send you a letter asking you to sign an amended Declaration for *Authorization to Possess Dried Marihuana* before we can approve your application.

Applications on old forms that are **missing information** will be assessed on a case by case basis. If the information missing is minor, for example no signature on the back of

the photo, we will try to process the old form by sending you a letter, asking for the missing information and asking you to sign the amended Declaration for *Authorization to Possess Dried Marihuana* form so we can approve your application.

Applicants who have submitted old forms that are missing significant pieces of information, may be required to resubmit their application using the new form.

In order to get the new forms in circulation as quickly as possible, we will be sending new application forms out to all current and former applicants the day after the amendments come into force. The new forms will also be up on our web site the day after coming into force.

Q9. How will the amended regulations affect Section 56 exemptees?

A9. Individuals exempted under Section 56 were advised in 2003 that they would be required to transition to the MMAR framework once the Regulations were amended. All but a few individuals have already made the transition. To provide time to complete the transition, letters have been sent to the remaining Section 56 exemptees advising them of the coming into force of the amendments. These letters inform the exemptees that for those whose extension expires within six months after the coming into force of the amended regulations, applications under Section 56 will be considered on a case by case basis for a renewal of up to six months. Individuals whose exemptions expire six months after the coming into force of the MMAR amendments, have been advised that they will need to renew under the MMAR.

Q10. Why is Health Canada taking away my option to decide whether information about me can be shared with police?

A10. Amending the Regulations will enable Canadian law enforcement to access limited information to prevent unnecessary law enforcement action. Your files will be kept by Health Canada, not shared, and information on your medical condition will not be released.

Information will be provided only in the context of a law enforcement activity, for example, if you are stopped in your car and marihuana is found in your possession or if the police visit your home in connection with a break and enter and discover marihuana. Police want to be able to limit the risks to the public by being able to distinguish between persons who are acting within the law and those engaged in illegal activities related to marihuana.

The information provided to law enforcement will be limited to the details found on your photo ID card, for example, name, address, date of birth, date of expiry, amount of marihuana you can possess and, if applicable, number of plants.

Q11. Now that the Regulations have been amended can I get my supply of marihuana from a pharmacy?

A11. The amended Regulations now provide Health Canada with the authority to conduct a pilot project on the feasibility of distribution of marihuana for medical purposes through Canadian pharmacies. Work will need to be undertaken to design the details of how the pilot will be conducted. The project will be conducted over 2005 - 2007.

Q12. Why has the Office of Cannabis Medical Access changed its name to Marihuana Medical Access Division (MMAD)?

A12. The name change reflects a reorganization within the Drug Strategy and Controlled Substances Programme of Health Canada that actually took place over a year ago. There should be no impact on the public. Since all documents had to be changed to reflect the amended regulations, it was decided that the name change should be delayed so all documents could be amended once instead of twice.

Incoming correspondence addressed to OCMA will still be answered and those going to the OCMA website will automatically be referred to the appropriate web site.

Q13. How do I apply or renew my *Authorization to Possess marihuana for medical purposes, Personal-use Production Licence or Designated-person Production Licence*?

A13. Application forms and guidance documents are available on the Marihuana Medical Access Division (MMAD) website:

English: www.healthcanada.gc.ca/mma

French: www.santecanada.gc.ca/amm

Alternatively, you can call toll-free at **1-866-337-7705** and ask for an application kit to be mailed to you.

An application must be submitted in writing to Health Canada by mail:

Health Canada
Marihuana Medical Access Division
Drug Strategy and Controlled Substances Programme
Address Locator: 3503B
Ottawa ON K1A 1B9

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