



Hon. Alan Rock
Minister of Health
Parliament of Canada
Ottawa, ON

7-May-2001

in care of:

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Cc: Senator PC Nolin PC, George Smitherman, Lib MPP Rosedale-Center, Bill Graham, Lib MP, Rosedale-Center, David_Hurford@hc-sc.gc.ca

RE: *Canada Gazette* Part I regarding the proposed *Marijuana Medical Access Regulations*
dated April 7, 2001

Mr. Rock,

I am pleased to respond to the proposed Regulations via Mr. Erickson's and Mr. Hurford's office. I wish to thank you for the opportunity to be heard.

Positive Changes Since First Granting Section 56 Exemptions

I would like to commend Health Canada for becoming more aware of what is required to produce an adequate supply of cannabis for potentially hundreds of thousands of Canadians. The Regulations are successful in that access to cannabis can be granted in a timely manner in cases of terminal illness, and the regulations have acknowledged that most medicinal cannabis users will not be able to produce their own supply. Extending cannabis therapy for the treatment of Arthritis, accepting all forms of Spinal Cord Damage as an eligible condition, and no age restrictions are advances that indicate we are moving in the right direction. CALM welcomes the increase in the allowable limits for possession and cultivation, while maintaining that this particular issue will need to be revisited until a reliable supply of high-quality, affordable medicine is attained.

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Position of C.A.L.M.

Despite the shortcomings arising from the haste imposed by your mandate (implementation of Regulations by July 31, 2001), CALM values this opportunity to comment on Canada's emerging and progressive stand on medical marijuana.

After careful consideration of these Regulations and their overall impact it is the opinion of CALM that the most practicable way to deliver continuous, high-quality cannabis of various strains is ultimately in a regulated free market. Regulations similar to those which currently apply to over-the-counter medications are better suited to the administration of medical marijuana than the proposed regulatory regime. Cannabis is more often than not self-prescribed and self-titrated with a physician's 'nod'. Only an enlightened physician-patient relationship can determine strain-symptom correlation, source, quantity, dose and dosing regimen to obtain optimal medical treatment for a specific condition or targeted symptom(s).

Bestowing the government contract to PPS as primary producer of cannabis for potentially hundreds of thousands of sick Canadians. Many individuals and organizations have reservations about the viability of this arrangement. While CALM shares these reservations, we are open to communication and sharing what we know - as well as learning from PPS. An endeavour of this magnitude is an ambitious and progressive undertaking; CALM would be remiss if we did not contribute. .

When the Canada Gazette published the proposed Regulations, many organizations and individuals responded in the few days following. CALM is of the opinion, having read the response written by Mr. Philippe Lucas of the Vancouver Island Cannabis Society, that Mr. Lucas' statements accurately reflect the needs of sick Canadians and of the 'Compassion Clubs' or 'Cannabis Clubs' whose members collectively total into the thousands.

I would like to reiterate some of Mr. Lucas' key points for this very reason - because their urgency must not be overlooked.

- i. The Regulations should ensure a turn around time of 8 weeks for all applications.
- ii. The Regulations should minimize the bureaucracy between doctor and patient.
- iii. The Regulations should be altered to remove or reduce the proposed requirement for 2 specialists (MDs) to approve access of cannabis; approval by a General Practitioner (GPs) would be adequate, as would approval by a Herbalist, practitioner of Chinese Medicine, Naturopath, or Nurse-Practitioners.

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- iv. The Regulations should emphasize the need to re-evaluate role of law enforcement, justice officials, educators, physicians, and related organizations with regards to medical use of cannabis. Specific areas of focus include:
 - a. The launching of a re-education campaign - specifically, de-stigmatization
 - b. The re-evaluation of the current procedure for obtaining warrants
 - c. Anticipation and implementation of change that will be required in several ministries and government agencies.
- v. The slant of the proposed Regulations should be adjusted to focus on regulating cannabis within the health care industry rather than limiting its use via regimented quantities and formulae.
- vi. The only restriction the Regulations need place on potential producers should be to prohibit persons currently on parole for a crime from producing. The Regulations need to reduce the prohibitive level of bureaucratic paperwork required of potential producers and rethink the need for invasive inspections. Police liaison units must be established and trained to protect the rights of legitimate medical users, caregivers, Cannabis Clubs, and their respective gardens.

Cultivation Framework

CALM is of the opinion that the proposed Regulations need to focus more on regulations pertaining to medicinal quality, rather than on security concerns. Any formula that limits plant numbers is lacking in that it fails to account for, and indeed restricts, the flexibility with which cannabis can be grown. Such a calculation would also be negligent if it did not incorporate the influence that prohibition of marijuana has had on how cannabis is and will be produced, distributed, and consumed.

In order to secure an adequate cannabis supply until the next cultivation cycle – a supply of two months to one year or more – prohibitive circumstances dictate the need for several locations in which to cultivate. Operating several locations offsets the possibility of hazards like theft, police error, failure rates, pests and moulds, etc. Outdoor threats also include raccoons, deer, and other wildlife. Inexperienced growers will also have to account for trial and error.

In order to properly regulate an adequate supply, the Regulations must differentiate between indoor (High Intensity Discharge lighting) and outdoor cultivation (natural lighting). Using the model put forth in the Regulations, I have attempted to explain the variables according to the circumstances of the different grow methods.

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Separation of Indoor and Outdoor Cultivation – A Proposal

Indoors: According to various cultivation sources and depending on strain, one can expect 0.1 to 0.5 grams of dried cannabis flower per Watt of light. The maximum quantity of Wattage devoted to cultivation of cannabis is the amount determined according to the following calculation:

$$A \times 4000W$$

Where A is the maximum (of 6) allowable locations required to adequately supply the license holder, and where 4000W is one ‘Plot’

Outdoors: Outdoor cultivation relies on solar energy and the goal is typically an entire year’s supply. The maximum quantity of outdoor garden space devoted to the cultivation of cannabis would be determined using the follow calculation:

$$B \times 500 \text{ square meters}$$

Where B is the maximum (of 6) allowable locations required to adequately supply the license holder, and where 500 square meters is one ‘Plot’.

The Regulations should permit the license holder to combine all locations into one (or in combination indoor-outdoor) with a registered application or ‘request for modification’ to Health Canada.

CALM recommends increasing the scope of the license to produce, allowing a single producer to grow for a maximum of 25 license holders. Persons licensed to possess should be allowed to obtain cannabis from up to 10 separate producers.

The maximum allowable Plots allowed under the control of one producer is determined according to the calculation:

$$25 \times \text{maximum number of allowable Plots} \times C$$

Where C is the number of license holders the producer is growing for.

The maximum number of allowable Plots destined for each license holder is determined according to the calculation:

$$10 \times D$$

Where D is the maximum number of allowable plots per locations.

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C.A.L.M. Recommendations:

CALM wishes to propose the following amendments and additions to the proposed Regulations:

- 1) First and foremost, that the Regulations extend immediate amnesty to all Cannabis Clubs, their members, staff, and property, until PPS is established as a reliable and consistent provider of cannabis for medical use. Sections 4.6, 20b, and 24d of the Regulations threaten and specifically exclude Cannabis Clubs. In our mutual endeavour to provide for the needs of sick Canadians, Health Canada can benefit enormously from the wealth of experience and networking which the Clubs already have. Local Cannabis Clubs are ideally suited to serve as distribution points, a fact which the Regulations must acknowledge if they are to meet with public acceptance. ‘Grandfathering’ these Clubs into legitimacy is key to the success of the Regulations.
- 2) The Regulations should allow Cannabis Clubs access to analytic testing equipment that can determine cannabinoid profile, presence of mould, fungus, pesticides, potency, etc. CALM, like other Cannabis Clubs, is anxious to obtain technology as a tool for providing better quality cannabis to its members.
- 3) The Regulations must allow for the implementation of a strategy of Harm Reduction, with an emphasis on de-stigmatization.
- 4) The Regulations should model distribution of cannabis after guidelines regulating provincial agriculture.
- 5) The Regulations should allow license holders to cultivate for themselves in addition to having cannabis grown for them by a licenced producer, should they so desire.
- 6) The Regulations should make provision for Stakeholder Meetings to inform and update interested parties. One or two such forums per year would facilitate communication between Cannabis Clubs and their local police officials.
- 7) The Regulations should address the need to develop standards for gauging and obtaining cannabinoid profiles, potency, manicuring quality, percentage of THC, presence of mould, fungus pesticides, etc.
- 8) The definition of ‘Dried Marijuana’ must encompass manicuring quality, minimum humidity, minimum THC content, other relevant cannabinoid profiles, absence of pesticides and mould, and whether the cannabis was properly flushed and labelled as hydroponic, soil grown, indoor, outdoor or organic.
 - a. Define ‘Clean Marijuana’ as dried manicured high-quality cannabis flowers free of mould, fungus, pesticides, of minimum THC content, specific cannabinoid profile, and properly labelled.
- 9) The Regulations should specify that all leaf and shake of ‘clean’ quality may be donated back to Cannabis Clubs for food preparation.

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- 10) Health Canada should prepare information for potential users that using cannabis is a 'learned medicine' and requires a certain amount of familiarity to obtain optimum results.

Cultivation of Cannabis Using Provincial Agriculture Regulations As A Model

CALM strongly urges Health Canada to adopt an already-established regulatory framework in making adequate cannabis available; systems already put in place by various provincial agriculture departments can address many of the concerns that arise from growing cannabis.

The provincial agricultural regulatory agency in Ontario, for example, is OMAFRA. Their website www.gov.on.ca/OMAFRA contains detailed regulations, orders, and guidelines on all aspects of cultivation of vegetables destined for the consumer market, including safety guidelines, use of specific products, normal farming practices, etc.

(See <http://www.gov.on.ca/OMAFRA/english/crops/hort/vegetable.html> for fact sheets, statistics & publications.) The role of an OMAFRA inspector is to recommend how to increase safeguards, quality, yield and serve as a source of information for subjects like organic cultivation standards. These inspectors, sometimes qualified electricians, are trained to deal with the safe use of high voltage equipment or standards implementation. This group of people is more ideally suited to work with these Regulations than RCMP officers. Each provincial agriculture department differs slightly in its administration due to municipal, regional, or environmental factors.

Cultivation regulations can otherwise be adapted to adhere to modern agricultural standards and normal farming practices in a straight forward, turn-key manner.

There is also an obvious need for guidelines indicating flowering cycles of strains; Sativas are 9-16 weeks of flowering, Indicas are 5-9 weeks of flowering. Sativas should be used for treating seizures, migraines, mood-stability, pain management, glaucoma - and other 'above the neck' symptoms. Indicas should be used to treat nausea, wasting, appetite stimulation, spasms – and other 'below the neck' symptoms.

(note: the stress-relief factor is not acknowledged; this cannot be understated as it plays an integral part of the healing process of many medical conditions like Hepatitis and Multiple Sclerosis)

CALM also strongly agrees with statements made by Ms. Hilary Black of BCCCS, BC (10-Apr-01 available at <http://thecompassionclub.org/campaign/regreact.html> See section: "Categories of Symptoms and Conditions"). It lists several medical conditions, cancer or severe-pain therapies, and other symptoms that may manifest for which cannabis therapy may be appropriate. Dr. Tod Mikuriya MD, a well-known author and physician from California, has intelligently explained which conditions can be treated with cannabis and why.

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Finally, Mr. Rock, as I mentioned in my March 2001 letter to you, your guidance in addressing several of CALM's key regulatory concerns is requested. Mr. Hurford has assured me that in August of this year *Phase II* of these Regulations will deal with access and distribution of cannabis, including Cannabis Clubs. At this time that I will likely communicate with your office again. As it stands, *Phase I* of these proposed regulations does not provide me with adequate guidance. I trust my recommendations will be instrumental in remedying this situation. Should you have any immediate questions or concerns, please do not hesitate to contact me at my office as I very much look forward to working with Health Canada and Prairie Plant Systems in the future.

Most Sincerely,

Neev Tapiero (via the internet)
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