



Brief History of Canadian Regulation of Medical Cannabis

1999	<i>Controlled Drugs and Substances Act</i>	<ul style="list-style-type: none">• First exemptions granted under s. 56 of the <i>CDSA</i>
2000	<i>R. v. Parker</i> (Ontario Court of Appeal)	<ul style="list-style-type: none">• Blanket prohibitions on cultivation and possession of cannabis found to infringe the rights to life, liberty and security of person afforded by section 7 of the <i>Charter of Rights and Freedoms</i> and principles of fundamental justice by not containing an exception for personal cultivation or possession for medical use.
2001	<i>Marihuana Medical Access Regulations</i> ("MMAR")	<ul style="list-style-type: none">• Individuals could obtain an Authorization to Possess ("ATP") from Health Canada upon submission of a medical declaration from their medical practitioner (i.e. licensed physician), a specialist, or two specialists, depending on the condition being treated.• An individual with an ATP could obtain dried cannabis by:<ul style="list-style-type: none">○ Growing their own pursuant to a Personal Use Production Licence;○ Designating someone to cultivate for them pursuant to a Designated-Persona Production Licence (limited to production for up to two persons only); or○ Purchasing from Health Canada.
2005	Sativex approved by Health Canada and assigned a Drug Identification Number	<ul style="list-style-type: none">• Sativex is a prescription drug containing 27 mg/mL delta-9-tetrahydrocannabinol (THC) and 25mg/mL cannabidiol (CBD) extracted from cannabis and administered as a buccal spray. It is approved under a Notice of Compliance with Conditions Policy for use in adult patients with multiple sclerosis (MS) neuropathic pain and with cancer pain.
2006	Cesamet (nabilone)	<ul style="list-style-type: none">• Cesamet is a synthetic cannabinoid prescription drug with antiemetic properties administered as an oral capsule. Originally marketed by Eli Lilly as far back as 1982 and withdrawn for "commercial reasons" in 1989, Valeant Pharmaceuticals acquired rights to the drug from Eli Lilly in 2004 and subsequently obtained approval to re-commence marketing Cesamet in Canada.• Cesamet (nabilone) is indicated for management of severe nausea and vomiting associated with cancer chemotherapy.• Several generic versions of nabilone are available in Canada.
2013	MMAR were replaced by the <i>Marihuana for Medical Purposes Regulations</i> ("MMPR")	<ul style="list-style-type: none">• Authorized individuals to obtain and possess dried cannabis from a licensed producer in accordance with a medical document, health care practitioner or hospital – Health Canada no longer involved in issuing ATPs.• A medical document could be issued by a medical practitioner or nurse practitioner, deferring to applicable College regulation and professional discretion rather than federally regulated requirements depending on condition being treated.• Licensed producers ("LPs") could invest in large-scale commercial production facilities, subject to strict requirements for security, personnel, testing, labelling and quality assurance practices consistent.• Individuals could obtain dried cannabis from a licensed producer by submitting their original medical document and ordering product online for delivery by mail.• Individuals could no longer designate a producer, other than a licensed producer, to grow on their behalf.
2015	<i>R. v. Smith</i> (Supreme Court of Canada)	<ul style="list-style-type: none">• Held that the prohibition on possession of non-dried forms of medical cannabis infringed s. 7 rights to liberty and security and principles of fundamental justice.

2016	<i>R. v. Allard</i> (Federal Court of Canada)	<ul style="list-style-type: none"> Held that the requirement to access medical cannabis from LPs and, in particular, the prohibition on personal production for medical purposes was found to be arbitrary and infringe s. 7 rights to liberty and security and principles of fundamental justice.
2016	MMPR replaced by <i>Access to Cannabis for Medical Purposes Regulations</i> ("ACMPR")	<ul style="list-style-type: none"> Extended the authorization for individuals with a medical document to possess fresh or dried cannabis or cannabis oil. Continued the system for commercial production and online sale by LPs authorized under the MMPR. Re-introduced ability for individuals to produce cannabis for their own medical purposes or designate someone to produce for them.

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