Medical Marijuana

Adopted by the Positive Living Society of British Columbia
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Written by the Positive Living Society of British Columbia, September 2014
Preamble

The Positive Living Society of British Columbia believes that medical marijuana can play a significant therapeutic role in helping some people living with HIV to cope with the symptoms and effects of the virus and its associated maladies. To recognize the therapeutic uses of medical marijuana, Positive Living BC (then the BC Persons with AIDS Society, or BCPWA) adopted the following resolution at its 1999 Annual General Meeting:

BE IT RESOLVED THAT BCPWA call on the federal government to amend the Criminal Code of Canada, and any other pertinent statute, [such as the Controlled Drugs and Substances Act] to permit the use of marijuana for medical purposes when prescribed by a licensed physician.

As stated above, Positive Living BC acknowledges that, at present, there is a legal regime in place in Canada that restricts and/or prohibits access to medical marijuana, except as may be secured through the system of licensing established and administered by Health Canada.

Accordingly, Positive Living BC assists its members to navigate the complex and challenging license application system stipulated by Health Canada. In doing so, Positive Living BC offers no opinion or advice on the dosages sought by individuals, understanding that such dosages may vary appropriately from individual to individual, and that dosage quantity is a matter to be determined by the individual involved in consultation with their advising physician.

Symptoms related to HIV/AIDS and side effects from HIV/AIDS medication, such as those caused by antiretroviral therapy (ART), are plentiful and unpleasant. Such symptoms can include nausea, vomiting, diarrhea, chronic pain such as peripheral neuropathy, abdominal pain, weight loss, insomnia, and mood problems such as depression. [1] Scientific studies and lived experience demonstrate that medical marijuana is effective in treating the aforementioned symptoms and side effects.

Studies show that medical marijuana is particularly effective in treating nausea, appetite loss, chronic pain, and weight loss in people living with HIV. For example, a study conducted at the General Clinical Research Center at San Francisco General Hospital showed that ART patients who used medical marijuana experienced increased appetite and gained more weight than those who received a placebo, [2] while a 2005 study of patients experiencing ART-related nausea showed that those who used medical marijuana experienced less nausea and adhered to their treatment more consistently.[3] In regards to chronic and neuropathic pain, a 2007 study published in the journal Neurology reported that smoked marijuana "effectively relieved chronic pain from HIV-associated sensory neuropathy," with few side effects [4], while a study conducted by the University of California, San Diego School of Medicine, showed that smoking marijuana provided “clinically meaningful pain relief” to 46 percent of participants who were HIV-positive and experiencing HIV-related neuropathic pain. [5] Though medical marijuana has
been demonstrated as an effective option in treating HIV symptoms and medication side effects, people wishing to use it face significant obstacles.

The system through which people can access medical marijuana, as well the cost of the drug, present barriers for those wishing to use it. The Canadian government is moving towards a system whereby consumers must purchase medical marijuana from a licensed supplier. Previously, Canadians were legally permitted to grow small amounts of medical marijuana for personal consumption. However, on April 1, 2014, Health Canada ended home production of medical marijuana. [6] While home production of medical marijuana was ended, a Federal injunction currently allows Canadians with an authorization to possess medical marijuana to continue to grow, though they will only be permitted to carry up to 150 grams. Originally, the number of Canadians with such authorization was about 40,000 people, but technicalities of the injunction have reduced this number.

The system promoted by Health Canada, under which medical marijuana may only be purchased from a license supplier, could potentially increase the cost associated with accessing the drug, thereby limiting the number of people who can access what many consider to be an effective, essential medicine. Problems may also arise if a limited number of licensed suppliers cannot produce enough product to meet the needs and demands of clients. The licensed supplier system may also force people who cannot afford the prices established by Health Canada to purchase medical marijuana from illegal sources. One BC lawyer, John Conroy, QC, of Conroy and Company in Abbotsford, BC, has stated that regarding this potential price increase of medical marijuana, “If the patient can’t afford the medicine at the prices under the program that’s being produced, then they’re placed in a position where they have to choose between their liberty and their health.” [7]

Along with the aforementioned obstacles faced by those wishing to access medical marijuana, the legal application process presents yet another barrier. Legally accessing medical marijuana requires the submission of “a medical declaration made by a licensed medical practitioner treating the individual.” [8] However, to date, marijuana is not a legally approved medicine or drug in Canada. Doctors are therefore in the uncomfortable position of acting as “gatekeepers” for those wishing to obtain the drug. Health Canada’s program for medical access to marijuana has been acutely hindered by the medical community’s reluctance to support a program that contains such ambiguity, and by its complicated, restrictive, and time-consuming application process.

Access to medical marijuana, a process full of uncertainty and obstacles, must be improved and simplified for doctors and patients alike. The Federal government must recognize medical marijuana as a legal drug so that doctors can prescribe it as such. Furthermore, measures must be taken to remove the barriers faced by people living with HIV/AIDS who wish to access medical marijuana. The Federal government must ensure that people living with HIV/AIDS have access, in an efficient manner, to a safe, legal, affordable, and consistently available supply of medical marijuana, a medicine that has been shown to effectively treat the symptoms, medication side-effects, and associated health conditions associated with HIV/AIDS.
Recommendations

1. Positive Living BC offers no opinion or advice on the dosage of medical marijuana sought by individuals, understanding that such dosages may vary appropriately from individual to individual, and that dosage quantity is a matter to be determined by the individual involved in consultation with their advising physician.

2. Scientific evidence demonstrates that medical marijuana can assist with alleviating HIV-related symptoms, medication side effects, and associated health concerns experienced by HIV-positive people. As such, people living with HIV should be able to legally access medical marijuana.

3. Medical marijuana should be recognized by Health Canada as a legal drug so that doctors prescribing it and patients using it have no fear of prosecution for prescribing, purchasing, possessing, and/or consuming the drug.

4. The Controlled Drugs and Substances Act should be amended, via a regulation adopted by the Governor-in-Council, (under section 55 of the Act) exempting marijuana as a controlled drug or substance, when used for medical purposes.

5. A safe, legal, consistent, and federally regulated source of medical marijuana should be made available to those who require it to treat symptoms related to HIV/AIDS and side effects from HIV/AIDS medication.

6. The cost of medical marijuana should be subsidized for patients by the Federal government, or covered in the same way as drugs used to produce similar effects, by a drug treatment plan under Pharmacare.
7. Health Canada’s application process for medical marijuana should be simplified to the extent that members of the public can easily apply for medical marijuana without assistance. If this is not possible, the Federal government should provide publically funded personnel to assist people with their applications for medical marijuana.