Canada’s New Landscape for Cannabis Use

While it has been legal for Canadians to obtain and consume cannabis for medical purposes since 2001, cannabis for recreational purposes became federal law effective October 17, 2018 with the passage of the Cannabis Act.

The Cannabis Act includes regulations for controlling the production, distribution, sale and possession of cannabis, whether medical or recreational, across Canada.

This feature report looks at the legal use of cannabis, for both medicinal and recreational purposes, and how it impacts ONA members in their workplaces, as it relates to their private use and administration of cannabis to their patients, clients or residents. ➤ page 2

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Part 14 of the *Cannabis Regulations* specifically addresses access to cannabis for medical purposes, and replaces the *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, which is no longer in force. As a result, cannabis is no longer a controlled substance under Schedule II of the *Controlled Drugs and Substances Act*.

To obtain medical cannabis, an individual must be evaluated by and receive medical documentation from a physician or nurse practitioner (NP). The individual will then need to register with Health Canada and receive a registration certificate, which grants legal authority to use cannabis for medical purposes.

Individuals who need access to cannabis for medical purposes may do so in three ways: 1) by registering with a licensed producer; 2) by registering with Health Canada to produce a limited amount of cannabis for their own medical purposes; or 3) by designating someone to produce it for them.

No matter how individuals obtain cannabis for medical purposes, their possession limit is the lesser of a 30-day supply or 150 grams of dried marijuana or the equivalent amount if in another form.

**Medical Cannabis**

The production and sale of medical cannabis has been legal since 2001. For those who have been authorized to use cannabis for medical purposes by an authorized healthcare practitioner, their access will not change under the *Cannabis Act*.

In health care, medical cannabis use isn’t new. Doctors are finding that cannabis has a place in the treatment of a number of medical conditions that could replace or cut back on the use of drugs that have debilitating side effects. The science underlying the therapeutic use of cannabis is evolving.

To adults are now able to legally purchase fresh or dried cannabis, cannabis oil, seeds, and plants for cultivation. Other products, such as cannabis edible products and concentrates, will be legal for sale in Fall 2019, approximately one year after the *Cannabis Act* came into force.

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**Recreational Cannabis – What Has Changed?**

The *Cannabis Act* legalized the use of recreational cannabis effective October 17, 2018.

Under this new federal legislation, individuals 18 years or older are able to:

1. Possess up to 30 grams of dried cannabis or the equivalent in non-dried form for personal use.
2. Share up to 30 grams of legal cannabis with other adults.
3. Purchase dried or fresh cannabis oil from a provincially-licensed retailer.
4. Grow, from licensed seed or seedlings, up to four plants per residence, provided they are not more than one metre high (from licensed seeds).
5. Make cannabis products, such as food and drinks, at home (provided that organic solvents are not used).
Strict Legal Framework
The Cannabis Act includes regulations for controlling the production, distribution, sale and possession of cannabis across Canada.

Federal, provincial and territorial governments share responsibility for overseeing the cannabis regulation system. The federal government’s responsibilities are to set:
- Strict requirements for producers who grow and manufacture cannabis.
- Industry-wide rules and standards, including:
  - types of cannabis products available for sale, and
  - packaging, labelling requirements and potency.

Provinces and territories are responsible for developing, implementing, maintaining and enforcing systems to oversee the distribution and sale of cannabis. They are also able to set their own safety measures, such as:
- Increasing the minimum age.
- Lowering the personal possession limit.
- Creating additional rules for growing cannabis at home.
- Restricting where adults can consume cannabis, such as in public or in vehicles.

The Provincial Picture – Ontario Legislation
To support the federal legalization of cannabis for recreational purposes, the Ontario government passed the Cannabis Statute Law Amendment Act 2018 (Cannabis Control Act) on October 17, 2018. The law governs the sale, distribution, possession, cultivating, propagation and harvesting of cannabis in Ontario.

The Cannabis Control Act prohibits persons under 19 years of age from possessing, consuming, and purchasing or attempting to purchase, distributing, cultivating, propagating or harvesting cannabis (or offering to cultivate, propagate or harvest it). Additionally, only Ontario licensed retailers can sell or distribute cannabis. The legislation establishes the following:
- The legal limit: Persons under 19 are prohibited from possessing, consuming and purchasing cannabis.
- The public possession limit: The maximum allowed is 30 grams.
- Smoking cannabis is legal where tobacco smoking is allowed (“controlled areas” in long-term care homes, retirement homes, residential hospices, provincially-funded supported housing, and designated psychiatric or veteran’s facilities).
- Smoking cannabis in workplaces or on hospital property is prohibited.
- Cannabis is sold through private retail stores and online under the regulation of the Alcohol and Gaming Commission of Ontario.

On October 17, 2018, it became legal in Canada to possess and use cannabis for recreational purposes under the federal Cannabis Act.

DID YOU KNOW
Not all forms of cannabis are yet available for legal sale under the Cannabis Act.

Other products, such as edibles and concentrates will be available for legal sale within one year following enactment of the Cannabis Act.

5.3 million
Canadians aged 15 years and older who reported using cannabis in the last three months.

13%
Canadian workers who consumed cannabis before or during work.

646,000
Cannabis users reported trying cannabis for the very first time during the first quarter of 2019.

RESOURCES:
www.cno.org/en/search/?q=cannabis
www.ontario.ca/page/cannabis-laws
www.canada.ca/en/health-canada/services/drugs-medication/cannabis/medical-use-cannabis.html
Cannabis and the Workplace – What You Need to Know

Requirement to Be Fit for Duty
Employees have an existing duty to ensure they report fit for duty. This duty is heightened in the case of regulated health professionals. Although recreational cannabis is now allowed under the law, employees are not permitted to be impaired at work.

They need to consider cognitive impairments and other adverse mental effects that could impact their ability to practice safely at work.

Cannabis use engages both regulatory standards and employer rules to not be impaired or under the influence while at work.

Unlike alcohol, there is no current consensus on safe limits for consuming cannabis. The effects of cannabis on individuals vary widely depending on the THC (delta-9-tetrahydrocannabinol) content (the active ingredient in cannabis), frequency of use, and other factors, such as combined use with alcohol or other drugs.

There are two types of employer policies:

1. Administration of medical cannabis to patients:
The new Cannabis Regulations give all nurses the authority to administer medical cannabis to patients who are authorized to use it, in hospital, home-care, long-term care and hospice settings.

When administering any medication to patients, nurses are accountable for adhering to the College of Nurses’ of Ontario (CNO) Medication Practice standard. Nurses must ensure that they are able to administer the medication safely and competently, and manage the potential outcomes of administering it. The CNO’s Medical Decision Toolkit can assist nurses when faced with decisions regarding medical practices.

If you practice in hospital, long-term care and hospice settings, it is important to note that each can make specific determinations about access to medical cannabis, and nurses are only authorized to administer medical cannabis if hospital, long-term care facility or hospice policy permits and supports this activity. Nurses are accountable for understanding and adhering to employer policies, as well as other legislation that may relate to the administration of medical cannabis.

If you practice in a home-care setting, specific considerations apply. Policies to address the use of cannabis (medical or recreational) in home-care settings must be developed to recognize that the home-care setting is also a workplace.


Note: The Canadian Tobacco, Alcohol and Drugs Survey was initiated as a biennial survey on tobacco, alcohol and drugs in 2013 and replaced the earlier CADUMS (Canadian drug use monitoring survey); therefore, the results of the two are not entirely comparable, in particular, across age groups.
Health and Safety Issues in Home Care

- The Occupational Health and Safety Act requires employers to take all reasonable precautions for the protection of workers.
- It is necessary for employers to protect employees from workplace hazards, such as passive inhalation, potentially resulting in adverse health effects or impairment due to exposure.
- Employees who cannot be exposed to second-hand smoke or vapours due to conditions such as asthma must be accommodated.

Employers have a responsibility to ensure the safety of their employees through appropriate policies, protocols, personal protective equipment and training. If these elements are not in place, nurses may have a right to refuse dangerous work, as laid out in occupational health and safety legislation and collective agreements.

Members are to contact their manager and ONA Bargaining Unit representative if they believe:
- Their health and safety is at risk, and/or
- They are unable to meet their professional obligations due to health and safety concerns.

2. Employer Drug and Alcohol/Fit for Duty policies:

Following the legalization of recreational cannabis, employers are revising these policies to address cannabis use by employees. ONA is currently reviewing these policies and has provided direction to Servicing Labour Relation Officers as they relate to management practices and an employee’s right to privacy.

Medical cannabis should be treated the same in employer policies as all regularly prescribed medication. The employer should have the same expectations for employees who use medical cannabis as other employees who use any other prescribed medication.

Disclosure and the Sharing of Medical Information

There is no mandatory duty in the Regulated Health Professions Act that requires a health-care professional to self-report medical or recreational cannabis use to an employer.

The issue of whether to report this information must be approached on a case-by-case basis as the use of marijuana for medical purposes is considered personal health information, as is the use of other prescribed medications. Such privacy rights must be balanced with the need of the employer to ensure patient safety.

Caring for Patients Authorized to Use Medical Cannabis

The new cannabis regulations allow all nurses the legal authority to administer medical cannabis to patients who are authorized to use it. Nurses are authorized to administer medical cannabis in all settings, including hospitals, long-term care facilities, hospices and home settings.

When administering any medication to patients, residents and clients, nurses are accountable for adhering to the CNO’s practice standards and legislation. Nurses must ensure they are able to administer medication safely (e.g., labels clearly set out the contents and the dosage) and competently, and manage the potential outcomes of administering it in accordance with the CNO’s Practice Standard - Medication.
About Cannabis

Cannabis and its components
Cannabis refers to the plant Cannabis sativa. The cannabis plant originally comes from Asia. It is now grown around the world, including in Canada.

Chemical substances in cannabis
Cannabis contains hundreds of chemical substances. Over 100 of these are known as cannabinoids. Cannabinoids are made and stored in the plant’s trichomes. Trichomes are tiny, clear hairs that stick out from the flowers and leaves of the plant. Cannabinoids have effects on cell receptors in the brain and body. They can change how those cells behave and communicate with each other.

THC
The most researched cannabinoid is delta-9-tetrahydrocannabinol (THC). THC is responsible for the way your brain and body respond to cannabis, including the high and intoxication. THC has some therapeutic effects but it also has harmful effects. Harmful effects may be greater when the strength of THC is higher.

The potency (concentration or strength) of THC in cannabis is often shown as a percentage of THC by weight (or by volume of an oil). THC potency in dried cannabis has increased from an average of three per cent in the 1980s to around 15 per cent today. Some strains can have an average as high as 30 per cent THC.

Cannabis that contains very low amounts of THC in its flowers and leaves (less than 0.3 per cent) is classified as hemp.

CBD
Cannabidiol (CBD) is another cannabinoid. Unlike THC, CBD does not produce a high or intoxication. There is some evidence that CBD may block or lower some of the effects of THC on the mind. This may occur when the amount of CBD in the cannabis is the same or higher than the amount of THC. CBD is also being studied for its possible therapeutic uses.

Terpenes
Terpenes are chemicals made and stored in the trichomes of the cannabis plant, with the cannabinoids. Terpenes give cannabis its distinctive smell.

How cannabis is used
The cannabis plant is used for its effects on the mind. It is also used for medical, social or religious purposes. Marijuana is a slang term for the dried flowers, leaves, stems and seeds of the cannabis plant.


Note: Not all forms of cannabis are yet available for legal sale under the Cannabis Act that came into force on October 17, 2018. The Cannabis Act currently permits the sale of:
- Cannabis oil,
- Fresh cannabis,
- Dried cannabis,
- Cannabis plant seeds, and
- Cannabis plants.

Edible cannabis, cannabis extracts and cannabis topicals will be available for legal sale, effective October 17, 2019.

Source: www.canada.ca/en/health-canada/services/drugs-medication/cannabis/about.html
Cannabis in the Workplace

Tips for ONA Members and Leaders

**ONA Members**
- Obtain medical documentation to substantiate the need for medical use of cannabis (i.e. prescription) and appropriate registration with Health Canada.
- You must be able to practice safely at work. If you are concerned that your cannabis use is affecting your ability to provide safe patient care, consider taking sick leave and return only when cleared to do so by a treating physician.
- There is no legal obligation to self-report cannabis use to your regulatory college.
- If you have questions regarding cannabis use, contact your Bargaining Unit Representative.

**ONA Leaders**
- Contact your Servicing Labour Relations Officer if:
  - A member uses medical cannabis because of a disability and approaches you regarding a need for accommodation.
  - A member has questions about disclosing any cannabis use to an employer, including for medical purposes.
  - A member discloses to you that they have an addiction to cannabis or you suspect a member has an addiction.
  - Your employer introduces staff policies regarding drug and alcohol use.
For more information

Health effects of cannabis:
www.canada.ca/en/health-canada/services/drugs-medication/cannabis/
health-effects/effects.html

About problematic substance use:
www.canada.ca/en/health-canada/services/substance-use/about-problematic-
substance-use.html

Driving while impaired by a drug:
www.canada.ca/en/health-canada/services/substance-use/talking-about-
drugs/driving-impaired-drug.html

Canadian Tobacco, Alcohol and Drugs Survey 2015:
www.canada.ca/en/health-canada/services/canadian-tobacco-alcohol-drugs-
survey/2015-summary.html

2017 Canadian Cannabis Survey:
epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2017/102-16-e/
index.html

Canadian Student Tobacco, Alcohol and Drugs Survey 2014-2015:
www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-