



SAFE AND CONVENIENT ACCESS: CANNABIS MEDICINE CENTRES

A FREEDOM PARTY OF ONTARIO 2011 ELECTION PLANK

On July 31, 2000, Ontario's Court of Appeal held that Canada's law against the cultivation and possession of cannabis violates an individual's Charter rights of liberty and security of the person if he is using cannabis as a medicine for an illness. The federal government was ultimately compelled by the courts to make changes to the law that would ensure patients had access to cannabis for medical purposes.

Despite the court Order, the federal government has remained worried both about the electoral implications of facilitating cannabis access, and about offending other countries in which it remains illegal to use cannabis even for medical purposes (especially the USA, which continues its "war on drugs"). As a result, the government has created a system in which just barely complies with the court's Order, but which does not work well.

Patients find it difficult to obtain legal permissions to purchase, possess or cultivate cannabis for their medicinal needs and, even if patients obtain the legal permissions, the government forces them to buy poor-quality cannabis from government cultivators. Other political and legal pressures put physicians at risk of losing their licenses or insurance coverage if they prescribe cannabis, which makes it difficult for individuals to obtain the prescriptions they need to prove they are exempt from the prohibition on cannabis. In short: both federal and provincial governments have failed to create the legislative framework and infrastructure necessary to ensure that patients have a safe and reliable way to obtain the cannabis medicines they need without risking fines or imprisonment.

Instead, both federal and provincial governments have focused their efforts on choking-off the cultivation and supply of cannabis. In 2001, the Progressive Conservative government of Ontario introduced "asset forfeiture" legislation (now titled the *Civil Remedies Act, 2001*, the legislation was introduced by Canada's current Finance Minister, Jim Flaherty). Freedom Party opposed the legislation,

because it allows the government to seize and keep a person's property without even charging him or her with an offense, and without even proving a person to be guilty of an offense. According to a 2007 report by then Liberal Attorney General Michael Bryant:

"...13 properties along with marijuana grow equipment and other assets linked to marijuana grow ops, worth more than \$500,000, have been forfeited. Fifty-two properties associated with marijuana grow operations are currently frozen under the act." (Source: "An Update On the *Civil Remedies Act, 2001*")

In response to the government's failures, "compassion clubs" or "cannabis dispensaries" have opened in numerous cities across the country to help patients obtain the cannabis medicines they need. Until recently, police have let the dispensaries operate, because many sympathetic police officers understand that the sick and the dying need them. However, from time to time, police face political pressure to raid the dispensaries. Specifically, if a citizen makes a complaint or if news media claim that the police are failing in their duties with respect to cannabis, police forces sometimes feel obliged to raid dispensaries and lay charges so as to keep-up appearances and protect the public's confidence in police competence. As a result, police have advised dispensary owners to try to "stay under the radar" so that public complaints do not force the police into a situation where they feel politically compelled to raid the dispensaries.

Due to governmental dithering, delay, and outright refusals to get on with facilitating an infrastructure to provide patients with access to cannabis medicines, cannabis dispensaries currently exist in a legal "grey zone". They are constantly at risk of being shut down by people who do not want cannabis to be used even to relieve the agony of the sick and dying. Being in a grey zone, they are also under a higher risk of being burglarized or robbed, because thieves know that

cannabis dispensary owners are not likely to report such burglaries or robberies to the police.

In 2010, the federal Conservative government of Canada continued to ramp up its war on cannabis. It had Health Canada issue a statement on June 7, 2010 condemning cannabis dispensaries and giving police implicit orders to crack down on them. Canada's oldest dispensary - the Cannabis As Living Medicine ("C.A.L.M.") dispensary, in Toronto - was raided both in the spring and in the summer of 2010. In a show of force caught on videotape, patrons or employees were thrown to the floor, cuffed, and even physically beaten. Numerous other coordinated raids were conducted on dispensaries in Quebec. If the raids continue, the cannabis dispensaries may be permanently closed, leaving the sick and the dying with even less access to the medicine they need.

Clearly, there is a need to remedy this situation. **A Freedom government will begin the process of creating the necessary medical infrastructure in Ontario to implement the Court of Appeal's 2000 decision in respect of the medicinal use of cannabis.** Specifically:

1. A Freedom government will introduce legislative changes to make properly operated, safe, and clean cannabis centres provincially-registered/recognized health care facilities. Police raids on such health facilities will be prohibited, except where the facility management calls upon police to deal with such matters as burglaries, theft or violent disturbance.
2. A Freedom government will introduce legislation providing that physicians who recommend the use of cannabis for medical treatment shall not for that reason be punished or denied any licence, insurance, right or privilege.
3. To gradually educate the public about the legality of growing, purchasing, and using cannabis for medical purposes, and to ensure the public that the police are upholding the law in respect of cannabis, a Freedom government will require police forces to direct all calls concerning cannabis matters to officers having the particular responsibility of ensuring that patients continue to have safe and reliable access to provincially-recognized cannabis centres. All complaints concerning cannabis or cannabis centres will be forwarded to those officers, who can then explain that the police have a responsibility to defend the lives, liberty, and property of patients who use cannabis centres and of those who cultivate or produce cannabis medicines for patients. The officers will also respond to calls from patients and from cannabis centres in respect of such things as vandalism, burglaries, robberies, or other crimes affecting them.
4. A Freedom government will amend the *Civil Remedies Act, 2001* to require all proceeds from the sale of property received in relation to a cannabis offence to be paid into a Compassion Fund to subsidize the medical and legal expenses of medical cannabis patients and providers.