



COLLEGE OF
NATUROPATHIC PHYSICIANS
OF BRITISH COLUMBIA

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NOTICE TO REGISTRANTS: MEDICAL MARIJUANA

July 13, 2015

Dear Dr. [LASTNAME]:

Although the College has provided extensive information to registrants regarding their inability to prescribe or otherwise facilitate access to “medical marijuana” in past communications, it appears that some naturopathic doctors remain confused about this issue. The purpose of this letter is to clearly outline again the restrictions on so-called medical marijuana and how this issue may affect your naturopathic medical practice.

It is a criminal offence to possess or distribute marijuana anywhere in Canada under sections 4 and 5 of the *Controlled Drugs and Substances Act* (“CDSA”). There is only one exception to that law. Under the *Marijuana for Medical Purposes Regulation* (the “MMPR”), a medical doctor or a nurse practitioner – **not a naturopathic doctor** – may prescribe marijuana to a patient. Under the MMPR, the marijuana is mailed to the patient by a licensed producer. S/he cannot fill his or her marijuana prescription with a pharmacy or via a storefront retailer, or so-called “marijuana dispensary.”

The Vancouver police department has recently stated that enforcement regarding “medical marijuana dispensaries” is not a priority for the department. The Supreme Court of Canada also recently ruled in *R. v. Smith* that patients with access to marijuana under MMPR must be permitted to obtain it in a liquid or food additive form, and not only in a dried form as originally set out in the MMPR. **In doing so, however, the Court did not remove the requirement for a prescription from a medical doctor or nurse practitioner.** Finally, the City of Vancouver has recently decided to “licence and regulate” some 100 storefront marijuana “dispensaries” and compassion clubs.

Municipal and provincial laws cannot override federal laws. Unless and until the Government of Canada changes the law, “marijuana dispensaries” that sell marijuana from storefront retail operations, individuals and/or patients who purchase marijuana from such “dispensaries,” and healthcare professionals and others who facilitate patients’ or other persons’ access to marijuana through such “dispensaries” are all involved in the illegal distribution and possession of marijuana under the CDSA. Policy regarding enforcement - arrests and prosecutions - in this area may change at any time.

Unlike pharmacies, which are regulated by College of Pharmacists of British Columbia, and licensed distributors, which are subject to strict regulation by Health Canada, street-level marijuana “dispensaries” are illegal. The safety and consistency of the products sold in marijuana “dispensaries” are not subject to government oversight, and may vary widely among dispensaries, and within dispensaries from day to day.

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We bring this to your attention as the College has received information that marijuana “dispensaries” and compassion clubs in Vancouver have been attempting to recruit naturopathic doctors to their staff, and encouraging naturopathic doctors to suggest that patients purchase their products.

To be clear, a naturopathic doctor in British Columbia must not:

- a) locate his or her practice within a marijuana dispensary;
- b) conduct consultations in person, by telephone, or by Skype or other electronic means on behalf of or in connection with a marijuana “dispensary”;
- c) write a letter to a marijuana “dispensary” or to a patient with the intention of assisting the patient in purchasing marijuana from an illegal dispensary; and/or
- d) take any action to facilitate a patient’s illegal access to marijuana.

There are many avenues through which naturopathic doctors opposed to the current state of the law in Canada may express their views (such as through the efforts undertaken by organizations like the BCNA or CAND) but, under the current state of the law, they cannot practice in marijuana dispensaries, provide consultations on behalf of marijuana dispensaries, provide letters to assist patients in obtaining marijuana from illegal dispensaries or take any action to facilitate a patient’s illegal access to marijuana without breaking the law and thereby engaging in professional misconduct.

The College wishes to make it clear that it will not tolerate violations of the law or the *Code of Conduct*, and *Code of Ethics*. Information received regarding a naturopathic doctor’s facilitation of access to marijuana for patients or others will be referred immediately to the College’s Inquiry Committee, and the naturopathic doctor may face consequences up to and including a citation for discipline and the loss of his or her licence to practise naturopathic medicine.

If you are approached by a patient about the potential benefits of medical marijuana, learn that your patient already uses marijuana either recreationally or to self-treat a health condition, or if you believe that your patient would benefit from so-called medical marijuana, you may provide patients with a referral to a medical doctor or a nurse practitioner and general information regarding so-called medical marijuana. The information you provide must include the following:

- a) only a medical doctor or nurse practitioner may prescribe so-called “medical marijuana” under the *MMPR*;
- b) marijuana sold at storefront dispensaries is not regulated or subject to quality control by the government; and
- c) naturopathic doctors may not prescribe, provide, facilitate access to, or supervise treatment with marijuana.

Naturopathic doctors must avoid “slippery slope” scenarios in which a patient may request a so-called “confirmation of diagnosis” letter or record that s/he wishes to submit to an illegal “dispensary” in order to obtain marijuana, admit to self-treating with marijuana purchased illegally and ask that the naturopathic doctor supervise his or her continued self-treatment with or withdrawal from marijuana, or ask a naturopathic doctor to recommend a “good” or “safe” storefront marijuana “dispensary” where s/he may purchase marijuana for the purpose of treating a health condition. **Naturopathic doctors must not prescribe, provide, facilitate access to, or supervise treatment with marijuana.**

Naturopathic doctors who refer a patient to a medical doctor or nurse practitioner should explain that the medical doctor or nurse practitioner will exercise his or her own professional judgment within the standards set by his or her College to determine whether the patient will benefit from treatment with marijuana, and whether or not s/he will issue a legal prescription for marijuana under the *MMPR*. In such circumstances, communication among the naturopathic doctor, the medical doctor or nurse practitioner, and the patient regarding a mutual patient's overall treatment plan is appropriate. However, decisions about changes to the patient's treatment with marijuana should only be made by the medical doctor or nurse practitioner and the patient.

The profession of naturopathic medicine is currently undergoing a period of unprecedented positive change and development in British Columbia. By granting naturopathic doctors prescriptive authority in 2009 and subsequently reducing the number of public members appointed to the College's board, the Government of British Columbia confirmed the public's trust in naturopathic doctors as primary healthcare professionals, trust that has taken generations to earn. Naturopathic doctors must continue to meet a high standard of conduct in order to continue to maintain that trust.

A naturopathic doctor who attempts to prescribe marijuana, suggests that his or her patients purchase marijuana from an illegal marijuana "dispensary," or takes any action to help them to do so, not only commits a criminal offence, but counsels his or her patients to commit a criminal offence. Naturopathic physicians who attempt to prescribe or facilitate patients' access to marijuana for their patients put their patients' health, their own licences to practice naturopathic medicine, and the reputation of the entire profession at risk.

We thank you for reading this message carefully and for your anticipated continued compliance with the law in this area.

Yours truly,

Howard Greenstein, B.Sc., M.A., M.B.A.
Registrar & CEO