

AIDS Calgary endorses efforts to decriminalize marijuana use for medical purposes. AIDS Calgary believes that people living with HIV/AIDS and their physicians should have access to marijuana for medicinal purposes in the treatment of HIV/AIDS and AIDS Calgary calls upon the Canadian government to ensure such people are not subject to criminal penalties.

While we support the need for more clinical studies on all of the active ingredients in marijuana, traditional scientific proof of clinical benefit should not be required to permit the compassionate use of marijuana by people living with HIV/AIDS.

The federal government should assist people with HIV/AIDS and their physicians to access a stable, quality-assured, affordable supply of marijuana. The Minister of Health should use his/her powers under the Controlled Drugs and Substances Act to establish a legitimate Canadian source for marijuana and a safe, efficient distribution mechanism. Finally, the federal government should take an active role to support research on the medicinal properties of all the active ingredients in marijuana in the treatment of a broad range of health conditions, including HIV/AIDS.

This position statement is compiled from the following sources:

1. **The AIDS Committee of Toronto (ACT) (www.actoronto.org)**
2. **Canadian AIDS Society (www.cdnaids.ca)**
3. **AIDS Calgary Briefing Document #28 “HIV/AIDS and Alternative and Complimentary Therapies**
4. **Calgary Health Region “Marijuana for medical purposes: Information at a glance for palliative home care practitioners” (July 2001)**

The current situation in Canada on the use of marijuana for medical purpose is quite well known and is set out in the Calgary Health Region paper on the new regulations (#4 above). Aside from issues about how well this new system is working, the two position statements found on this topic are quite simple and direct, and may be used by reference in developing a final position statement for AIDS Calgary.

ACT: Position Statement on Medicinal Marijuana

The AIDS Committee of Toronto (ACT) endorses efforts to decriminalize marijuana use for medical purposes. ACT calls upon the Canadian government to ensure that people with HIV/AIDS who use marijuana for medical purposes are safe from legal ramifications.

CAS: Position Statement on Medicinal Marijuana (1998)

The Canadian AIDS Society believes that people living with HIV/AIDS and their physicians should have access to marijuana for medicinal purposes in the treatment of HIV/AIDS.

The Canadian AIDS Society's position on the catastrophic rights of people living with HIV/AIDS to access treatment that may provide some benefit makes it unnecessary to take a position on whether smoking **marijuana** has a proven clinical benefit or not. While we view the anecdotal clinical evidence to be compelling, and support the need for more clinical studies on all of the active ingredients in **marijuana**, traditional scientific proof of clinical benefit should not be required to permit the compassionate use of **marijuana** by people living with HIV/AIDS.

- The federal government must move immediately to stay criminal prosecutions against people living with HIV/AIDS who use **marijuana** as treatment for their disease.
- The federal government, through the Therapeutic Products Directorate, must assist people with HIV/AIDS and their physicians to access a stable, quality-assured, affordable supply of **marijuana**.
- The Minister of Health must use his powers under the Controlled Drugs and Substances Act to establish a legitimate Canadian source for **marijuana** and a safe, efficient distribution mechanism.

The federal government must take an active role to support research on the medicinal properties of all the active ingredients in **marijuana** in the treatment of a broad range of health conditions, including HIV/AIDS.

What's New?

- On December 21, 2000, Health Minister Allan Rock announced a five year contract was awarded to Prairie Plant Systems Inc. of Saskatoon, Saskatchewan to provide Health Canada with a reliable source of affordable, quality, standardized marijuana to meet medical and research needs in Canada. A supply will be available through this company as of this year (2002).
- As a result of the Ontario Court of Appeals decision on July 31, 2000, in the case, *R v. Parker*, the court declared the prohibition of the possession of **marijuana** in the *Controlled Drugs and Substances Act* to be unconstitutional and of no force. In response to this decision, the Office of Controlled Substances was granted 1 year from July 31, 2000, to draft and implement a new regulatory framework for the use of **marijuana** for medical purposes. This new regulatory framework was in place and in effect as of July 30, 2001.
- On January 17, 2002, the Ontario Court of Appeal rendered its decision in *Wakeford v. Canada*. Jim Wakeford, a crusader for the medicinal use of marijuana, wanted the right to produce a reliable supply of marijuana for himself and several others who rely on him (wanted broader access); he also wanted a declaration his caregivers would be exempt from liability while assisting him and an order requiring government to make available to him a safe supply of marijuana. The appeal was dismissed. The court held Wakeford had not shown that his rights were violated by the Act. The failure of the Act to exempt caregivers did not violate Wakeford's right to security of the person because he had no real difficulty in obtaining his marijuana. Wakeford's real complaint was that the provisions of the Act were unconstitutional because they did not exempt caregivers. However, not having given notice to the Attorneys General, this argument was not available to him. The government was not ordered to make available a supply of marijuana to Wakeford, as there had been no breach of his s. 7 rights upon which to base a s. 24(1) order.