



# Cannabis and HIV/AIDS:

## 2. How to Apply to Use Medicinal Cannabis Legally

### Included in this series of fact sheets on Cannabis and HIV/AIDS:

1. The Medicinal Use of Cannabis
2. How to Apply to Use Medicinal Cannabis Legally
3. How to Speak to your Doctor about Medicinal Cannabis
4. Information Sheet for Physicians
5. Where to Find Cannabis for Medicinal Purposes
6. A Few Tips for Safer Use and Better Health
7. Cooking with Cannabis
8. Tips for Growing Cannabis Safely
9. How to Deal with the Stigma and Discrimination of Cannabis Use

### Contact Information:

These fact sheets have been prepared by the Canadian AIDS Society, in consultation with a National Steering Committee and a Legal Consultant. They are easily photocopied. We encourage you to distribute them widely.

For updates on these fact sheets, or for more information, please visit our web site at <[www.cdnaids.ca/cannabis](http://www.cdnaids.ca/cannabis)> or contact us at:

Canadian AIDS Society  
190 O'Connor Street, Suite 800  
Ottawa ON, Canada, K2P 2R3

Tel: 1-613-230-3580  
Toll free: 1-800-499-1986

### Who Can Apply?

Through Health Canada, and according to the *Maribhuana Medical Access Regulations* (MMAR), people with the following medical reasons can apply to obtain an Authorization to Possess under Category 1:

MEDICAL CONDITIONS	SYMPTOM
Cancer; <b>AIDS, HIV Infection</b>	<b>Severe pain, cachexia (wasting), anorexia (appetite loss) weight loss, severe nausea</b>
Multiple Sclerosis; Spinal Cord Injury; or Spinal Cord Disease	Severe pain, persistent muscle spasms
Severe Arthritis	Severe pain
Epilepsy	Seizures
Compassionate End of Life Care	

People who suffer from symptoms of a medical condition other than those stated above fall under Category 2

and will need to get Form B2 filled out by their doctor, who will then need to consult with a specialist.



# What Steps Do You Need to Take to Apply?

1. **Get the forms.** From Health Canada’s web site at <[www.healthcanada.gc.ca/mma](http://www.healthcanada.gc.ca/mma)>, go to “How to Apply”, where you will find all the forms and instructions you need. You can also phone 1-866-337-7705 to request that the forms be sent to you by mail. We suggest that you also print out or obtain the **Applicant’s Guide** which clearly explains the process. It is available on the same web page.
  2. **Fill out Form A to apply for an Authorization to Possess, then get 2 passport photos made.**
  3. **Make an appointment with your doctor.** To prepare for your appointment with your doctor, please refer to the fact sheet on “How to Talk to Your Doctor about Medicinal Cannabis”. When you visit your doctor:
    - Bring in Form B1 for your doctor to sign.
    - You will also need to bring in 2 passport photos, which must be signed by your doctor. These photos will be valid for 5 years.
    - Bring in the Canadian Medical Association’s “Release Form for Medical Practitioners”, available at <[www.cmpa.org](http://www.cmpa.org)>. (**Note:** This form is not applicable in Quebec). Simply search for “Release Form for Medical Practitioners”. This form may help reduce your doctor’s concerns about liability issues and get your doctor’s support for your application.
  4. **You will need to decide on how to obtain your cannabis.** You have 3 legal options:
    - **You can order the government’s cannabis.** For this, you need to complete Form E1 to access the Health Canada supply of dried cannabis.
    - **You can produce your own cannabis.** For this, you need to complete Form C for “Personal Cultivation”. If you want to order seeds from Health Canada, complete Form E2 to access the Health Canada supply of cannabis seeds.
    - **You can designate someone to grow for you, and only you.** For this, your grower must complete Form D for Cultivation by a Designated Person. They must also supply 2 passport photos, which YOU have to sign, and have a Criminal Record Check done at their local police station.
  5. **If you decide to grow your own cannabis or get a designated grower.** If you will be growing cannabis where you live, you DO NOT NEED your landlord’s permission. If you are growing in a place OTHER than where you live, or if your grower is growing in a place other than where he or she lives, permission MUST be obtained by the person who owns the property where the cannabis is grown. For this, Form F must be completed.
  6. **Once you have gathered all of the applicable forms and information, make copies for your own files and make note of when you send the forms in. Mail your application to:**
    - Marihuana Medical Access Division
    - Drug Strategy and Controlled Substances Programme
    - Address Locator # 3503B
    - Ottawa ON K1A 1B9
- Processing times will vary. Be patient, and follow up if you have not heard back after a month. Call the toll free number at 1 (866) 337-7705 to get information about the status of your application. This is a call centre that will most likely take your name and number and get back to you with the requested information.

## What does an Authorization to Possess allow me to do or not do?

- It allows you to possess, store and carry dried cannabis for a medical purpose.
- It does not allow
  - you to grow cannabis UNLESS you have a “Personal Use Production Licence”;
  - others to use any of your cannabis;
  - you to take your cannabis outside Canada or to otherwise export it from Canada;
- you to carry cannabis with you when entering or leaving Canada;
- you to bring cannabis into Canada or otherwise import it into Canada; nor
- you to sell or give any of your cannabis to others.
- It does not apply to any derivatives of cannabis such as hashish or hash oil.

## Regarding smoking in public and private places

Authorized persons are required to abide by all by-laws restricting smoking in public places and policy restrictions regarding the

use of controlled substances in institutions, or other private or public facilities.

## What does a License to Produce allow you or your grower to do or not do?

- It allows you to cultivate and store cannabis for your own medical purpose (Personal-Use Production Licence), or to cultivate and store cannabis for an authorized person (Designated-Person Production Licence);
- A designated grower can only grow for the authorized person whose name is indicated on their licence, at the location indicated on the licence;
- A designated grower can transport cannabis directly from the production site to the place of residence of the authorized person, and transfer, give or deliver cannabis directly to the person for whom they produce; and
- A Personal-Use Production Licence does not allow others to cultivate cannabis on your behalf. Please note, however, that some people are licensed as designated growers for an authorized person, in which case they would hold a Designated-Person Production Licence to produce cannabis for that person.
- These licenses do not allow
  - others to have any of your cannabis (including seeds) in their possession;
  - you to take cannabis (or seeds) outside Canada or to export it from Canada;
  - you to bring cannabis (or seeds) into Canada or to import it into Canada;
  - you to carry cannabis (or seeds) with you when you enter or leave Canada; nor
  - you to sell or give any of your cannabis (or seeds) to others. Please note that a designated grower may receive some money from the person they are growing for to cover the costs of growing cannabis.
- These licenses do not apply to any derivatives of cannabis such as hashish and hash oil.

# What are some things I should be aware of?

## Building Codes

When you set up a home garden, you will need lighting and ventilation (see the fact sheet on “Tips for Growing Cannabis Safely” for more information). There are safety considerations to keep in mind and you will need to comply with municipal building codes. The electrical supply will need to be adequate for your lighting and ventilation. Moisture barriers may be required to protect the building from structural damage. You can get municipal inspectors to verify your installation to ensure that you are meeting these requirements. These inspections can serve you well in the event that you need to make an insurance claim in the future. Be advised that bringing inspectors in may put you under the police’s attention.

## House Insurance

If you are growing cannabis in a place that you own, you should verify the wording on your home insurance policy. Your policy should have an “exclusion clause” with regard to the production of drugs. It should say something like this: “This policy does not insure against loss or damages directly or indirectly caused, in whole or in part, by an illegal drug operation.” The key word to look for is “illegal”. If you have a License to Produce, then you are growing legally and your insurance should cover you. If the clause does NOT contain the word “illegal”, you could face some problems if you need to submit an insurance claim for any reason. Check your policy.

If you are in the process of getting insurance for a home, then the best advice is NOT to volunteer information about the fact that you are growing cannabis for medicinal purposes. The questions on the application form will not ask you about the production of cannabis. Answer only the questions on the application and volunteer only the information required on the application. Check the wording of the exclusion clause BEFORE you sign up with an insurance company and make sure that it refers to “illegal” drug operations. This will be important if you need to submit an insurance claim in the future.

## Information Sharing with Police

When you apply for an Authorization to Possess, it is implied that you are agreeing that your information will be shared with the police as needed. What does this mean? The police forces DO NOT have access to Health Canada’s database, nor will Health Canada release any of your medical and health information. They will only confirm to the police, if the police ask, whether or not you have an Authorization to Possess, a License to Produce, your address and the amounts of cannabis that you are allowed to possess and grow. This avoids unnecessary police intervention should you or your grower be under investigation for whatever reason.

## Plans to Phase Out Licenses to Produce

Health Canada’s vision is to phase out issuing Licenses to Produce by 2007, by which time they plan on distributing medicinal cannabis in pharmacies. It is unclear when this process will begin, or how it will happen. The Canadian AIDS Society believes that people should have a choice to produce their own cannabis, and the Society will do what it can to advocate for that.

## Renewals

You must renew your Authorization to Possess and License to Produce every year. However, if your situation does not change, you will be able to complete a quick one-page form, signed by both you and your doctor, in order to renew. The photos you submit with your application are valid for 5 years.

Be sure to start your renewal process early!! Get the forms online or order them from Health Canada. Make an appointment with your doctor months before your Authorization and License expire. **Make sure you submit your paperwork at least 6 weeks before your expiry date.** This will help to ensure that you will receive your new card before your old one expires.

# What are your rights if you are approached by police?

Each situation is different and you must use your common sense to handle the situation. Stay calm, quiet and try to remember everything that happens.

If you are stopped by police and you are authorized to possess cannabis, you must show the police officer your card as proof. If you are not authorized to possess cannabis legally, give the police officer your name, address, birth date and driver's license if it applies. Then, do not say anything until you talk to a lawyer. If they tell you to do something, politely ask why, and then do it silently.

Here are your rights:

- You can refuse to talk to the police or answer their questions.
- You can insist on your right to speak with a lawyer as quickly as possible. You can get help from a lawyer even if you cannot afford to pay for one.
- You can ask the police officer to tell you their name and badge number.
- Before the police search your house, your car, your belongings or your body, you can insist that they show you a search warrant, or explain clearly why they are searching you and what they are looking for.
- You can insist that a strip search be private and seen only by officers of the same sex.
- You can leave unless you are being arrested or detained.

## List of legal aid services by province:

Commission des services juridiques du Québec  
Telephone: (514) 873-3562

Law Society of Nunavut  
Telephone: (867) 979-2330

Legal Aid Commission of Newfoundland and Labrador  
Telephone: (709) 753-7860  
Toll Free: 1-800-563-9911

Legal Aid Manitoba  
Telephone: (204) 985-8500  
Toll Free: 1-800-261-2960  
TTY: (204) 943-1131

Legal Aid New Brunswick  
Telephone: (506) 458-8540

Legal Aid Ontario  
Telephone: (416) 979-1446  
Toll Free: 1-800-668-8258  
TTY: (416) 598-8867  
TTY: Toll Free: 1-866-641-8867

Legal Aid Prince Edward Island  
Telephone: (902) 368-6016

Legal Aid Society of Alberta  
Toll-free in Alberta: 1-866-845-3425  
Direct from Edmonton (780) 644-7777

Legal Services Board of the Northwest Territories  
Telephone: (867) 920-3160, Yellowknife residents only  
Toll Free: (888) 920-3160, NWT wide.

Legal Services Society of British Columbia  
Telephone: (604) 408-2172, Lower Mainland  
Toll Free: 1-866-577-2525, outside the Lower Mainland

Nova Scotia Legal Aid Commission  
Telephone: (902) 420-6578  
Toll-free: 1-877-420-6578

Saskatchewan Legal Aid Commission  
Telephone: (306) 933-5300  
Toll-free: 1-800-667-3764

Yukon Legal Services Society  
Telephone: (867) 667-5210  
Toll Free: 1-800-661-0408 ext. 5210

