

Introduction to the *Cannabis Act* and its regulations

Objective

This document is intended to orient pharmacists and pharmacy technicians to the basic parameters of the new legislative framework dealing with cannabis as it relates to their roles as health professionals.

This document is not legal advice and is not intended to cover all aspects of the legislative framework or the various nuances within it. Any pharmacist or pharmacy technician contemplating engaging in the sale of cannabis for medical purposes is advised to seek advice from a lawyer. If there is any conflict between this document and the *Cannabis Act* or the Cannabis Regulation, the Act or Regulation prevails.

Background

The federal government's [Cannabis Act](#) comes into force on October 17, 2018, decriminalizing the possession and sale of cannabis for recreational use. The [Cannabis Regulation](#) preserves access to cannabis for medical purposes under a regulatory scheme that closely mirrors the medical cannabis system previously in effect under the Access to Cannabis for Medical Purposes Regulation.

The *Cannabis Act* allows provinces to regulate and facilitate the sale of cannabis for recreational purposes. Alberta has adopted the necessary legislation to create the system under which recreational cannabis can be sold¹.

After October 17, 2018, there will be two distinct systems for cannabis in Canada:

- the system for cannabis for recreational purposes, and
- the system for cannabis for medical purposes.

The legislative framework respecting cannabis is extremely complex, and any individual considering becoming engaged in any aspect of the cannabis industry, whether selling, promoting, cultivating, or processing will need to fully understand the requirements and limitations set out in the legislative framework. The Alberta College of Pharmacy (ACP) will be monitoring regulatory changes, court decisions, the impact of market forces on the professional obligations of pharmacists, and constructive feedback from other professional regulators and members, and will update this document whenever necessary.

Cannabis for recreational use

In their professional practice, pharmacists and pharmacy technicians have no role in the sale or promotion of cannabis for recreational purposes. Cannabis for recreational purposes **must not** be sold in or from a pharmacy².

¹[Gaming, Liquor and Cannabis Act](#), RSA 2000, c G-1., [Gaming, Liquor and Cannabis Regulation](#), Alta Reg 143/1996

²[Gaming, Liquor and Cannabis Act](#), s. 90.09.

Pharmacists and pharmacy technicians

- **must not** sell cannabis for recreational purposes³ (note: “sell” is broadly defined to “include offer for sale, expose for sale, and have in possession for sale”)⁴;
- **must not** promote cannabis or a cannabis accessory or any service related to cannabis for recreational purposes⁵; and
- **must not** direct or recommend that individuals obtain cannabis for medical purposes through retailers licensed to sell cannabis for recreational purposes⁶.

In providing care to patients, pharmacists and pharmacy technicians must consider the possibility of and implications of recreational cannabis use⁷.

Cannabis for medical purposes

Cannabis for medical purposes is regulated very differently than prescription drugs⁸. The role of pharmacists and pharmacy technicians in cannabis for medical purposes will depend on whether they or the pharmacy within which they practice holds a licence from the federal government for the sale of cannabis for medical purposes.

It is important to recognize and abide by the following fundamental principles:

1. A pharmacy licence issued by ACP under the *Pharmacy and Drug Act* does not authorize the sale, possession, or distribution of cannabis for medical purposes. The licences required to sell, possess, or distribute cannabis for medical purposes **must** be obtained from the federal government under the *Cannabis Act* if a pharmacist or pharmacy wishes to engage in those activities.
2. A pharmacist’s authority to sell or dispense drugs under the *Pharmacy and Drug Act* or the Pharmacists and Pharmacy Technicians Regulation does not include the sale or dispensing of cannabis for medical purposes. The sale of cannabis for medical purposes **must** be specifically authorized through a licence to sell cannabis for medical purposes issued under the *Cannabis Act* and Cannabis Regulations⁹. If a pharmacy does not have such a licence, a pharmacy **must not** engage in the promotion or sale of cannabis for medical purposes.
3. Unless a pharmacy holds a licence to sell cannabis for medical purposes, a pharmacist or pharmacy technician
 - a. **must not** sell or offer to sell cannabis for medical purposes¹⁰, and
 - b. **must not** promote cannabis for medical purposes and must not promote a cannabis accessory or any service related to cannabis¹¹.

Note: “Promote” is broadly defined as “in respect of a thing or service, means to make, for the purpose of selling the thing or service, a representation – other than a representation on a package or label – about the thing or service by any means, whether directly or indirectly, that is likely to influence and shape attitudes, beliefs and behaviours about the thing or service.”¹²

3 *Cannabis Act*, s. 10.

4 *Cannabis Act*, s. 2(1).

5 *Cannabis Act*, s.17.

6 Cannabis Regulations, Part 14 and ACP Code of Ethics (COE), principle 1(1), principle 1(12); Standards for the Operation of Licensed Pharmacies (SOLP), Standard 14.

7 A separate document (entitled Guidance for pharmacists, pharmacy technicians, and pharmacy proprietors about cannabis for medical purposes) provides advice on practice issues related to cannabis use by patients.

8 NOTE: in this document we focus on cannabis itself and not drugs that contain THC or cannabinoids that are approved by Health Canada, have DINs and are part of the prescription drug system.

9 Cannabis Regulations, Part 14.

10 *Cannabis Act*, ss. 2(1), 10.

11 *Cannabis Act*, s.17(1).

12 *Cannabis Act*, s. 2(1).

4. Cannabis for medical purposes **must** be authorized by a physician or nurse practitioner in a medical document which is distinct from a prescription¹³. A pharmacist's authority under the *Pharmacy and Drug Act* or the Pharmacists and Pharmacy Technicians Regulation does not include authorizing or adapting an authorization for cannabis for a medical purpose¹⁴.
5. If a pharmacy holds a licence to sell cannabis for medical purposes, a pharmacist or pharmacy technician **may**, subject to the terms of the *Cannabis Act* and Regulations and any conditions on the licence
 - a. engage in the sale of or offering to sell cannabis for medical purposes, and
 - b. engage in the limited informational promotion that is authorized under the *Cannabis Act*¹⁵.
6. Regardless of whether a pharmacy is licensed to sell cannabis for medical purposes or not, a pharmacist or pharmacy technician **must** ensure that they comply with the Code of Ethics (COE), the Standards of Practice for Pharmacists and Pharmacy Technicians (SPPPT), and the Standards for the Operation of Pharmacies (SOLP) in any interactions with patients.
7. Pharmacists and pharmacy technicians **must** always focus on a patient's best interest, and comply with their ethical and professional obligations. This means that they **must not**
 - a. allow their professional judgment to be impaired by personal or commercial benefits, such as monetary or financial gain, or incentive targets; or
 - b. ask for or accept gifts, inducements, hospitality, or referrals that may affect or be perceived to affect their professional judgment¹⁶.

13 Cannabis Regulations, ss. 264(1), 271 and 272.

14 Cannabis Regulations, ss. 264(1), 271 and 272.

15 *Cannabis Act*, s. 17(2).

16 COE, Principle 1.12, SPPPT 1.16