

November 8, 2001

OPEN LETTER

The Honourable Allan Rock, PC, MP
Minister of Health
Brooke Claxton Building
Tunney's Pasture
Ottawa ON

Dear Minister:

I am writing to you on behalf of Canada's physicians regarding the continuing serious concerns we have about the federal government Marijuana Medical Access Regulations.

The CMA has repeatedly voiced our opinion that the regulations compel physicians to act as a "gatekeeper" to an unproven drug, without any guidelines for its use, while at the same time being exposed to full liability for its use.

Last week, the Canadian Medical Protective Association (CMPA) issued to physicians an Information Sheet entitled, "What to do when patients apply for a licence to possess marijuana for medicinal purposes". The attached information sheet rightly points out that "several aspects of these regulations put an unfair burden on physicians". The CMA fully supports the CMPA's recommendation to physicians who are not or do not feel qualified to make the assessments required by the regulations to refrain from signing a declaration for a patient.

As you know, physicians are not in a position to adequately counsel patients regarding the use of marijuana, nor do we have the necessary information regarding what constitutes the proper dosage, its interaction with other drugs, or its impact on other pre-existing medical conditions.

The CMPA, by advising physicians to be very careful when determining whether to assist a patient in making application under the current regulations is, in fact, confirming the predictions of the CMA in regard to physician liability and the potential impact of the regulations on the physician-patient relationship.

We continue to believe that, under these circumstances, the widespread use of marijuana is inappropriate and we urge you to make regulatory amendments that would make marijuana available to a select group of patients in a controlled, safe and monitored way for compassionate reasons.

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I recognise that Health Canada has taken a number of steps in the right direction. For example, the regulations brought into force were somewhat different from earlier drafts, reflecting changes made based on concerns raised by the CMA. As well, at the request of the CMA, Health Canada announced the creation of an ongoing review process involving key stakeholders, including the CMA. Finally, Health Canada publicly acknowledged the safety concerns raised by the CMA and announced support for additional research but we have yet to see any indication of action on the part of Health Canada on these matters.

I would like to once again stress CMA's willingness to work with Health Canada to amend the regulations to ensure minimal harm to patients and the physician-patient relationship.

Ultimately, we are both motivated by the same impulse: a concern for patients and a genuine desire to alleviate discomfort. However, we must not allow our compassion to cloud our judgement. The regulations as currently written are flawed: they may pose a threat to the health of patients, they have the potential to undermine the patient-physician relationships and they place physicians in a precarious legal position.

For all these reasons, I encourage you to take immediate steps to address the shortcomings of these regulations and implement a meaningful review process immediately, for the good of all Canadians.

I look forward to our next meeting to further discuss the issues outlined in this letter.

Yours sincerely,

Henry Haddad, MD, FRCPC
President

c.c.: Physician MPs and Senators
Federal Party Health Critics