

VICTORIA CANNABIS BUYERS' CLUB: EXEMPTION ANALYSIS

Summary: The Victoria Cannabis Buyers Club (hereafter VCBC) requires temporary exemptions from both provincial and federal governments in order to continue providing critical products and services far superior to what is legally available. **The Cabinet of the Province of British Columbia needs to first grant a temporary exemption under Section 130 of the Cannabis Control and Licensing Act.**

BACKGROUND

The oldest compassion club in Canada, the VCBC has provided a range of cannabis products to over 8,000 patients since January 1996. For the last 20 years, the VCBC has operated out of 826 Johnson St, surviving a total of seven raids on its facilities over that 25-year span. After the club's kitchen was raided in 2009, we took the case to the Supreme Court of Canada and won a unanimous decision that made cannabis extracts and edibles legally available to patients.

Membership to the club is granted only upon written proof of diagnosis of a serious health problem made by a qualified medical professional.. Patients with a chronic medical condition have Charter Rights to choose their course of medical treatment. Patients consistently report substituting cannabis in place of opiates and other prescription medications, if the price and potency are reasonable.

ANALYSIS

There is substantial evidence that granting the VCBC an exemption is in the public interest and should be considered for medical and research purposes as well. The public health crisis of opiate use currently killing people at record rates demands immediate and affirmative action. The opiate problems, combined with the long-standing valuable contributions the club has made

over decades, warrant the creation of a pilot project that studies the benefits of the organization's products and services against what is legally available.

Mounting deaths from the opiate crisis call for emergency measures. Granting the VCBC an exemption is not starting something new but rather it would be a means to include an existing harm reduction facility into the continuum of care offered by Island Health.

There are many reasons why the VCBC cannot immediately comply with federal and provincial regulations, including the fact that it would cut off our patients' access to low cost, high dosage cannabis products that are unavailable in the legal industry. Around 90 of the club's capsules, edibles, creams, suppositories and other cannabis products are made in the VCBC kitchen. However, the laws do not let the group to own and operate both retail and production facilities.

The over-prescription of opiates encouraged by the pharmaceutical industry has induced an out-of-control medical crisis affecting all walks of life. Cannabis has been proven to reduce opiate use in three important ways:

1. Hard drug use is reduced when access to high dose, low cost cannabis products are easily available as an alternative.
2. Former addicts using methadone often prefer cannabis products and can slowly withdraw themselves off prescription opiates entirely with high-THC medication.
3. Patients using pain-killing opiate drugs like Tylenol 3 and fentanyl can reduce or eliminate their use with strong THC products, if they can afford them.

A clear example of the differences in price and quality can be seen in a comparison of cannabis cookies. Current regulations limit the amount of THC per serving to 10 mg, and cookies from the legal cannabis store down the street, FARM, cost \$14.50 each. This is compared to a 75 mg cookie the VCBC charges \$2.50 for. For the same amount of THC, patients would be forced to purchase over \$100 worth of legal cookies, compared to \$2.50.

Furthermore, the club's beloved lounge would also not be allowed under current regulations. This lounge, when COVID is not active, provides a safe space for patients to use their medication away from the public and weather. For many members isolated in pain, and/or with severe anxiety, this space is the only public place they feel safe, welcome, and like they belong.

TIMELINE

The Cabinet of British Columbia needs to grant the temporary exemption immediately as the club faces an eviction from 826 Johnson Street on March 31, 2021. The VCBC must continue operating out of 826 Johnson Street in order to avoid seriously disrupting the quality of the services we provide.

This temporary exemption will halt further punitive measures by the CSU while the terms of the exemption from Health Canada are determined. The exemption application to Health Canada will be completed very soon by JFK Law Corporation. That document will contain a comprehensive package of expert reports, patient testimonials, affidavits, letters of support from politicians and other community organizations, court transcripts and a more robust explanation of how these exemptions can work.

OUTCOME

The Cabinet of British Columbia has the power to grant exemptions in the Cannabis Control and Licensing Act under Section 130. Health Canada has the authority to give exemptions under Section #56 of the Controlled Drugs and Substances Act and Section 140 of the Cannabis Act.

Once these exemptions are in place, the VCBC will work with all stakeholders towards full compliance with all regulations over the next few years. This will give time for some regulations to change and for the club to adapt without seriously disrupting the activities of the organization.