VICTORIA CANNABIS BUYERS CLUB
LETTER TO DAVID EBY

Dear David Eby

Hope you are having a fantastic day.

There is a situation in Victoria that requires your urgent attention. We ask that you carefully consider the dilemma we find ourselves in and realize that the courts should be given an opportunity to conduct a judicial review before your government shuts down a critical harm reduction facility. We want justice, not a free pass.

When the Victoria Cannabis Buyers Club was formed in 1996, we used the Charter of Rights and Freedoms to determine the difference between medical and recreational use of cannabis. From the beginning, we built our mandate with a fundamental belief in government and the judicial system. That bold approach has helped us change laws and attitudes.

Precedents regarding medical necessity and access to treatment were established by Dr. Henry Morgentaler as he fought to provide abortions. That Supreme Court of Canada decision clarified that a person with a medical necessity has the right to determine their course of medical treatment, whether their doctor agreed with it or not. This legal right is the basis upon which religious groups inform their members to refuse life-saving medical treatments against their doctors wishes.

Since the late 1990s, courts across Canada have recognized patients suffering from serious medical ailments have a right to access cannabis for medical purposes. Lawyers for patients and compassion clubs used section 7 of the Charter, which guarantees everyone the right to life, liberty, and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice. It ensures legal fairness when state actions threaten physical or psychological integrity.

However, these decisions have been resented by the medical community, which consider cannabis a dangerous, addictive drug. Health Canada reluctantly created a medical cannabis program in 2001, at first only allowing patients to grow cannabis, with no other source available. Many aspects of the program have been successfully challenged in court, including our unanimous victory in 2015 that made cannabis extracts legal for patients. Health Canada has responded with small, incremental improvements.

The medical community had good reason to be upset. Health Canada required doctors to authorize the use of cannabis as medicine with having the same information they have for any other drug they prescribe. Prescription drugs obtain a Drug Identification Number after going through extensive studies to discover potential side-effects and drug interactions. Cannabis does not have a D.I.N.

No plant has ever got a D.I.N. With all of the various strains and possible products made from cannabis, there is no way it will ever get one. Drug companies are not doing research on the potential use of high doses of THC as a replacement for opiates because they can only patent specific chemicals in the plant, not the full-spectrum of essential oils that work synergistically together.

One unchallenged aspect of the program is that legal medical cannabis is only available by mail order, requiring patients to have a mailing address and credit card, as well as a supportive doctor. This is not only unconstitutional, it is unacceptable, unnecessary and unprecedented. Pre-legalization, Health Canada claimed that medical storefronts would encourage diversion to recreational users, but clearly that argument no longer holds weight.

Controlled substances are dispensed in a pharmacy, where a pharmacist can give direction and discuss potential drug interactions. We recently hired a pharmacist, giving us an analysis of each new patient to ensure no potential negative drug interactions occur. They also review the member's medical information to ensure they have a valid reason for using cannabis.

Legalization did nothing for patients. Things have gotten worse. Doctors that previously signed licences are now refusing. Prices are higher for medical patients purchasing the same products on-line, than recreational consumers pay in stores. The only patients using the federal program are people that grow their own or veterans getting it paid for by insurance companies.

Most people that use cannabis as medicine purchase from recreational stores, where the information available is very limited and the product line available is typically for recreational users looking to get high.

Now the province seems intent on shutting down the last standing compassion club. This is despite the fact we have been unable to argue our case before a judge to prove the federal medical cannabis program continues to violate the rights of Canadians. Doing this in the midst of a toxic drug crisis created by poor public policies is cruel, inhumane and even life-threatening, in some cases.

The B.C. Solicitor General, Nina Krieger, should stand down from any further actions against the VCBC until a judicial review is heard. Many Canadians would suffer if the VCBC closed. It would be counter-productive to have the club shut down, only for it to win later in court. Pausing

enforcement to ensure the Cannabis Act is constitutional would cost the province little, but it could save lives and avoid a travesty.

Laws and regulations need to comply with the Charter of Rights and Freedoms.

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