



April 21, 2021

Controlled Substances and Cannabis Branch
Health Canada
Address locator 0302B
Ottawa, Ontario
K1A 0K9

Attn: The Honourable Patty Hajdu

Dear Minister:

**Re: Submissions of the Town of East Gwillimbury
Health Canada Consultation on Guidance on Personal Production of Cannabis for
Medical Purposes**

The Town of East Gwillimbury is pleased to have the opportunity to comment on Health Canada's draft "Guidance on personal production of cannabis for medical purposes".

The Town supports this initiative of Health Canada to articulate factors that may be considered by Health Canada, at an administrative level, when it makes the decision to refuse or revoke a registration to produce medical cannabis on the basis of public health and safety grounds pursuant to the *Cannabis Regulations*.

Health Canada's Proposal

In particular, the Town supports Health Canada's proposal to include the following factors in every consideration of whether a registration, renewal, or amendment is likely to create a risk to public health and safety, including the risk of illicit diversion, and whether revocation of a registration is reasonably necessary to protect public health and safety:

1. Amount of daily authorized cannabis by health care practitioner and information to support the amount authorized:

Is the authorized daily amount of cannabis supported by credible clinical evidence and/or published treatment guidelines?

Is the amount of daily authorized cannabis considered reasonable, after taking into account the route of administration?

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2. Non-compliance or history of non-compliance with the *Cannabis Act* and *Cannabis Regulations* by the registered or designated person including the relevant circumstances:

What is the overall history of non-compliance, including the number, nature and severity of previous instances of non-compliance, and how has the person responded to previous non-compliance?

Are the registered- or designated person growing, or have they grown, more than the amount authorized by the registration?

3. Criminal activity and/or diversion of cannabis:

Is the production site linked, or has it been linked, to the diversion of cannabis, a controlled substance, or to criminal activities?

Are the registered or designated person, the owner of the production site or an individual with another direct link to the site or operation involved in the diversion of cannabis, a controlled substance, or have they been involved in or do they contribute, or have they contributed to such diversion?

Is the production site linked, or has it been linked, to organized crime? Are the registered or designated person, the owner of the production site or an individual with another direct link to the site or operation associated with organized crime or have they been associated with organized crime?

4. Health care practitioner is or has been involved with criminal activities or has been subject to disciplinary review or action by a licensing authority in relation to their prescribing practices with cannabis or controlled substances:

Has a provincial licensing authority investigated or disciplined the health care practitioner in relation to their prescribing practices with cannabis or other controlled substances?

Is or has the health care practitioner been involved in or contributed to activities prohibited by or conducted in contravention of the *Cannabis Act* or the *Controlled Drugs and Substances Act*?

Is or has the health care practitioner been a member of a criminal organization, or is or has been involved in, or contributes to, the activities of such an organization?

East Gwillimbury's Proposal

In its own experience, the Town has encountered production sites where the production of medical cannabis has occurred:

- without required zoning approval;
- without required building permits; and
- in contravention of municipal by-laws regulating noxious odour.

Problems relating to noxious odour associated with cannabis production adversely impacting adjacent residential and other sensitive uses is exacerbated when multiple Health Canada registrations issue for a single production site. In the Town's own experience, multiple registrations at a single site have resulted in Health Canada authorizations to grow in excess of 1,000 plants at the site. In the result, production occurs at a scale that is more commercial than personal. Noxious odours emanating from these sites have necessitated municipal compliance orders and enforcement proceedings initiated by the Town.

Accordingly, in addition to the factors already proposed by Health Canada, the Town proposes that the following additional factors be considered in Health Canada's registration and revocation decision making process:

5. Non-compliance with local planning regulations and applicable site plan requirements:

Is the production site compliant with local zoning regulations and site plan requirements including but not limited to regulations regarding use, setbacks, lot coverage, illumination controls, proximity to sensitive uses and site plan obligations?

Is the production site the subject of a municipal compliance order restraining the continued use of the site for cannabis production?

Is the owner/occupant of the production site in default of its municipal site plan obligations?

6. Non-compliance with the Building Code and/or Fire Code:

Are structures erected, or proposed to be erected, at the production site compliant with local permitting requirements and applicable Building Code and Fire Code requirements?

Is the production site the subject of a Building Code or Fire Code compliance or cease and desist order?

7. Non-compliance with the requirements of any public utility or applicable technical standards and safety authority:

Are the premises at the production site operated in accordance with requirements of public utilities providing services to the production site and is equipment at the production site operated in compliance with the requirements of the applicable technical standards and safety authority?

8. Production is a nuisance:

Does cannabis production at the site constitute a common nuisance (i.e. light pollution/noxious odour)?

Has the production site been the subject of municipal compliance orders relating to noxious odour?

Are effective measures in place at the production site to mitigate against light pollution?

Are effective measures in place at the production site to mitigate against the emanation of noxious odours?

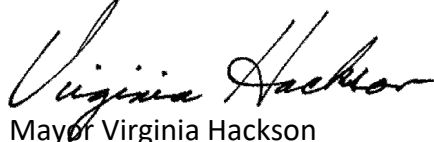
Is there sufficient physical separation between the production site and adjacent residential and other sensitive uses that may be adversely impacted by noxious odours emanating from the production site?

In preparing these submissions for your consideration the Town is hopeful that, in advance of required regulatory reform of the personal medical cannabis production regime, the Town's experience and comments will serve to inform Health Canada's decision making process in the matter of registration refusals and revocations on the basis of public health and safety grounds.

The Town encourages Health Canada to use the administrative discretion available to it to protect the public from production activities that occur at the expense of community health and safety and in contravention of applicable law.

Thank you Minister for providing the Town with this opportunity provide comments.

Sincerely,



Mayor Virginia Hackson