Possible Changes to Long-term Care Home Regulations Regarding Cannabis

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With the passing of Bill 36, the smoking of cannabis will be permitted in places where smoking tobacco and using e-cigarettes is permitted, including in certain controlled areas of long-term care homes and hospices.

With the passing of Bill 36, it is anticipated that certain amendments will also be made to Regulation 79/10(Regulation) under *the Long-Term Care Homes Act, 2007*, in relation to the use of cannabis in long-term care homes. While such amendments have not yet been tabled in the Legislature, the Ministry of Health and Long-Term Care sought comments over several weeks between September and October on a number of proposals, including:

1. adding definitions of "cannabis", "medical cannabis" and "recreational cannabis" to the Regulation
2. exempting medical cannabis from certain requirements in the Regulation related to purchasing and handling of drugs, packaging of drugs, safe storage of drugs, security of drug supply, administration of drugs, and drug destruction and disposal
3. requiring long-term care homes to have written policies and procedures to govern the cultivation, acquisition, use, administration, possession, storage and disposal of medical cannabis that comply with all applicable laws, including but not limited to, *the Cannabis Act* (Canada)
4. exempting recreational cannabis from the drug rules found in sections 114 to 137 of the Regulation
5. requiring long-term care homes to have written policies and procedures to govern the cultivation, acquisition, use, administration, possession, storage, and disposal of recreational cannabis
6. providing a 60-day transition period after the amendments come into force to allow long-term care homes time to develop the written policies and procedures respecting recreational and medical cannabis referred to above
7. amending the section relating to criminal reference checks that requires long-term care homes to have staff members or volunteers disclose certain offences and orders under any applicable federal law related to cannabis to reflect the title of the federal legislation "the *Cannabis Act (Canada)*"

Long-term care homes would be wise to anticipate such forthcoming legislative change and consider preparations for bringing its operations and policies into compliance with cannabis legalization.

For more information on Bill 36's expected impact on the general workplace, please see the recent article authored by our colleagues in BLG's Labour and Employment Group, Kate Dearden and Brad Hallowell.

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