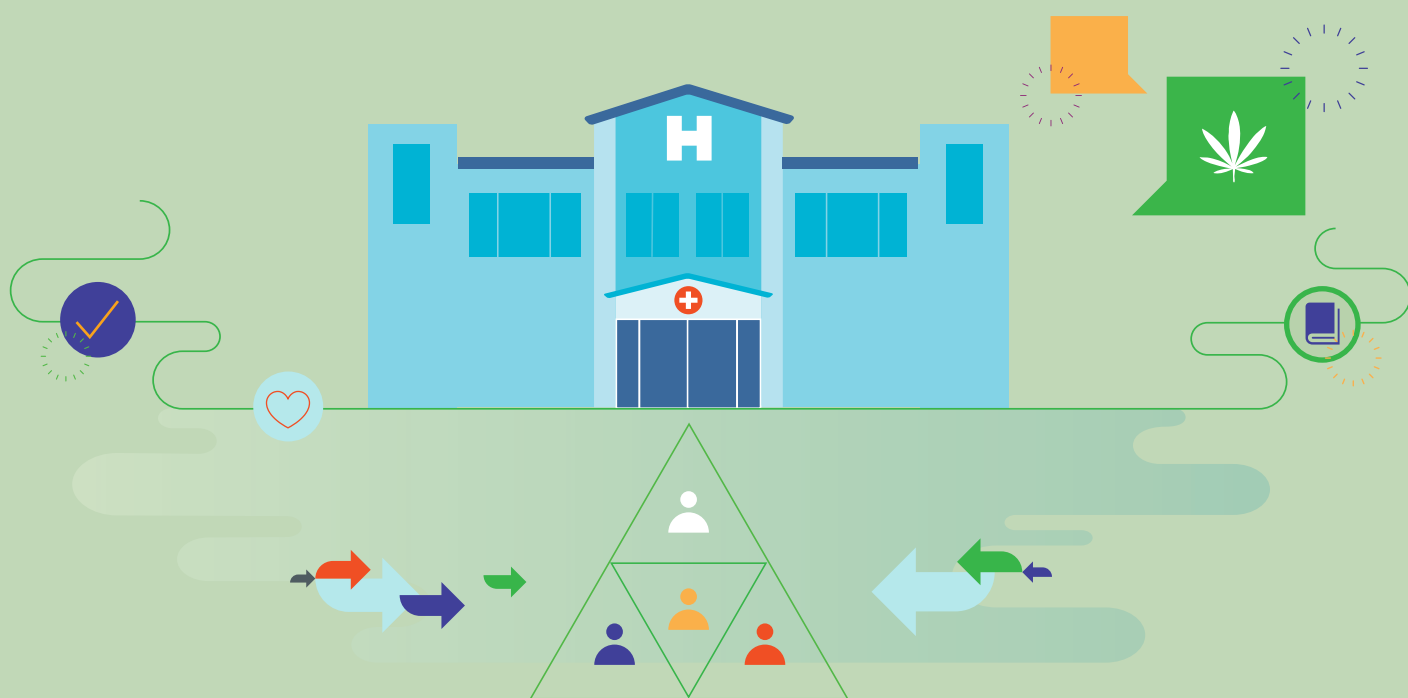


Preparing for Cannabis: Developing and Updating Hospital Policies



Disclaimer

This document was prepared as a general guide to assist hospitals in better understanding the legalization of cannabis and highlight some of the considerations for hospitals when developing their own policies related to cannabis. The information in this resource document is for general use only and should be adapted by hospitals to accommodate their unique circumstances. It is not intended as, nor should it be construed as, a template policy to be adopted by hospitals, or legal or professional advice or opinion. Hospitals concerned about the applicability of the materials are advised to seek legal or professional advice. The Ontario Hospital Association (OHA) will not be held responsible or liable for any harm, damage, or other losses resulting from reliance on, or the use or misuse of the general information contained in this document.

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Introduction

On June 19, 2018, Canada's Senate passed Bill C-45, the *Cannabis Act*, which legalizes the consumption of recreational cannabis across Canada. Subsequently, the federal government announced that the Act will come into force on **October 17, 2018**.

In anticipation of these legal changes, the Ontario Hospital Association (OHA) has created this guidance document to assist hospitals in understanding the new legal landscape and to offer some guidance regarding the development and updating of policies related to medical and recreational cannabis.

This guidance document provides an overview of the legislative landscape and outlines some of the key considerations hospitals should incorporate into their policies, based on feedback from hospital members and existing hospital policies.

Hospitals are encouraged to adapt this guidance document according to their needs, by referring to the sections that apply to them. It was designed as a guide for hospitals looking to develop and/or update policies and as a cross-referencing tool for hospitals that have updated policies in place.

How to Use This Guidance Document

This guidance document is divided into five sections and the content in each is organized according to the various perspectives relevant to each section.

The first section outlines the current legislative landscape, providing an overview of the legislation at the federal and provincial levels, along with other relevant legislation with which hospitals should be familiar.

The second section outlines considerations for hospitals and is organized into the following three perspectives: the hospital as an organization; the hospital as an employer and an organization with volunteers; and the hospital as a service provider and a public space.

The third section provides an overview of the considerations for staff and volunteers. This section is organized into the following three perspectives: the individual as a staff member/volunteer of the hospital; the individual as a health care worker/volunteer working with patients; and the individual who works/volunteers in the hospital, but not directly with patients.

The fourth section outlines considerations for patients and residents when on hospital grounds.

Finally, the fifth section highlights considerations for visitors and the public when on hospital grounds.

We hope that this guidance document will be useful in hospitals' efforts to address their various issues and concerns on this important topic.

Legislative Landscape

FEDERAL

Cannabis Legislation

The federal *Cannabis Act* and its Regulations, which come into force on October 17, 2018, set out the framework for the production, distribution, sale, import, and export of cannabis by federal license holders in Canada. With the coming into force of this legislation, cannabis will cease to be regulated under the *Controlled Drugs and Substances Act* (CDSA) and will instead be regulated under the *Cannabis Act*.

Additionally, the *Access to Cannabis for Medical Purposes Regulations* (ACMPR) made under the CDSA will be repealed and replaced by the new *Cannabis Regulations* under the *Cannabis Act* ("Cannabis Regulations"). Under the Cannabis Regulations, a distinct system will be maintained for access to cannabis for medical purposes, the production and sale of which is regulated exclusively by the federal government. The rules in the Cannabis Regulations are substantially similar to the current regime under the ACMPR. However, the Cannabis Regulations do incorporate modifications to ensure consistency with the rules for recreational cannabis use, to improve patient access, and to reduce the risk of abuse to the system. Patients will still be able to access medical cannabis, using their medical document to register as customers of a licensed seller or by cultivating cannabis plants themselves.

Under the Cannabis Regulations, registered patients will be permitted to possess an amount of medical cannabis equal to a maximum of 150 grams of dried cannabis in a public place. This is significantly higher than the amount of recreational cannabis permitted under the federal *Cannabis Act*, which allows individuals to possess an amount of cannabis equal to a maximum of 30 grams of dried cannabis in a public place.¹

1 Provincial legislation can impose stricter criteria. For example, Ontario has increased the age at which an individual can use, possess, and grow cannabis from 18 years old (federal law) to 19 years old. At the time of writing, Ontario had not passed any laws modifying the amount of dried cannabis an individual can possess in public.

PROVINCIAL

Cannabis Legislation

Ontario has passed several laws governing where, how, and who can purchase, possess, and consume cannabis. The provincial *Cannabis Act 2017*, which comes into force on **October 17, 2018**, sets out the framework for the sale, distribution, purchase, possession, cultivation, propagation, and harvesting of cannabis. This includes general rules related to: the minimum age to buy, use, possess and grow recreational cannabis (19 years old); where it can be used (in private residences); and where its use is prohibited (any public space, motorized vehicles, and workplaces within the meaning of the *Occupational Health and Safety Act* (OHSA)).

An updated *Smoke Free Ontario Act, 2017* (SFOA 2017) was supposed to come into force on July 1, 2018, but has been put on hold by the Ontario government to re-examine the evidence related to vaping (which is banned in the updated SFOA 2017) as a smoking cessation tool.² Should the SFOA 2017 come into force in its current form, it will be illegal to smoke, vape, or hold lighted medical cannabis in prohibited places such as enclosed public places and enclosed workplaces, which includes hospitals.

The current *Smoke Free Ontario Act* (SFOA 1994) only bans the use of tobacco products that can be smoked, inhaled, or chewed on hospital grounds, while carving out exceptions for any such tobacco products used in nicotine replacement therapy or for cultural purposes.³

Under both the SFOA 1994 and the current version of SFOA 2017, there are exceptions to the prohibition on smoking or holding lighted products on hospital grounds. These exceptions apply to certain residential facilities (such as long-term care homes under the *Long-Term Care Homes Act*), facilities for veterans, and psychiatric facilities that meet the requirements under the SFOA.⁴ These facilities

2 *Smoke Free Ontario Act, 2017*, SO 2017, c 26, Sched 3 [SFOA 2017].

3 *Smoke Free Ontario Act*, SO 1994, c 10 [SFOA 1994].

4 *SFOA 2017*, *supra* note 2 at s 13(1); *SFOA 1994*, *supra* note 3 at ss 9(7)-(9).

may designate a room as a smoking area, provided they adhere to the criteria for such a room established under the SFOA 1994/SFOA 2017.⁵

Occupational Health and Safety Act

The *Occupational Health and Safety Act* (OHSA) sets out the rights and duties of employers and workers. These duties are aimed at protecting the worker and can be applied to workplace impairment that arises from substance use. The employer's duties include ensuring that workers are not impaired while working and taking every reasonable precaution to ensure that workers are protected. The worker's duties include reporting to work fit for duty, assisting in ensuring a safe workplace, and complying with safety policies.⁶

The legalization of recreational cannabis is not expected to result in any changes to the rights and duties under the OHSA. However, the provincial *Cannabis Act* prohibits cannabis use in “workplaces” within the meaning of the OHSA. The definition of “workplace” under the OHSA is “any land, premises, location or thing at, upon, in or near which a worker works”. The caselaw generally demonstrates that the definition of “workplace” is very broad, fluid, and not necessarily fixed. Employers are encouraged to review and update internal occupational health and safety policies to ensure they extend to recreational and medical cannabis use.

⁵ *Ibid.*

⁶ *Occupational Health and Safety Act*, RSO 1990, c O.1 [OHSA].

Hospital



This section provides an overview of hospital considerations when developing policies related to cannabis use, organized into three distinct perspectives:

- The hospital as an organization;
- The hospital as an employer and as an organization with volunteers; and
- The hospital as a provider of services and a public place.

UPDATE RELEVANT POLICIES

Hospitals are encouraged to update all relevant policies and procedures to ensure they incorporate cannabis, including those related to drug use, alcohol use, and fitness for duty. Policies should distinguish between medical and recreational cannabis, and hospitals should ensure that policies for both are in place. Clear and concise policies addressing both medical and recreational cannabis will assist hospitals in effectively managing their environment once the new cannabis legislation comes into force. When developing policies and procedures, hospitals may want to address the elements described in the following sections.

Organizational Perspective

Possession and use of medical and recreational cannabis on hospitals grounds

➔ **Hospitals should develop and/or update policies to address the possession of both medical and recreational cannabis (subject to the permitted amounts under federal and provincial legislation).**

- Examples of approaches include:
 - Zero-tolerance approach;
 - Permitted for medical cannabis; or
 - Permitted in all instances.

➔ Use of Medical Cannabis

- Smoking/vaping:
 - Incorporate medical cannabis smoking and vaping into smoke-free policies.
 - Remain informed of changes and updates to the SFOA and incorporate these into policies.
- Other forms of medical cannabis (e.g., pills, oils, edibles)
- Determine the most appropriate approach for addressing medical cannabis use in your organization and develop or update policies accordingly.

➔ Use of Recreational Cannabis

- Institute or update policies to ban recreational cannabis use on hospital grounds (subject to any exemptions that might apply to the facility under the provincial *Cannabis Act*).
 - If an exemption does apply, consider which approach may be most suitable for your organization with respect to the use of recreational cannabis:
 - Zero-tolerance policy; or
 - Permissive policy (within the exemptions set out in the provincial *Cannabis Act* and its Regulations)

➔ Discuss implications of medical and recreational (when permitted and allowed within the organization) cannabis use on hospital grounds, including:

- Scent issues;
- Permitted place(s) of consumption in accordance with the provincial *Cannabis Act* and the SFOA; and;
- Potential health and safety issues.

🗨️ Enforcement of policies

➔ Ensure measures are in place to enforce policies including:

- Enforcement procedures;
- Necessary mechanisms for enforcement; and
- Consequences for non-compliance.

🗨️ Hospital acquisition and dispensing of medical cannabis for in-patient use

➔ Develop procedures for hospital acquisition and dispensing of medical cannabis for in-patient use in accordance with federal and provincial cannabis legislation.



Employer/Volunteer Organization Perspective

🗨️ Workplace policies and procedures

➔ Update relevant workplace policies and ensure that they are:

- Consistent with collective agreements where they exist;
- Reasonable;
- Clear and unequivocal; and
- Clear on potential disciplinary consequences, if any.

➔ Ensure occupational health and safety policies are updated to include:

- An annual review of the policies in collaboration with the Joint Health and Safety Committee (JHSC); and
- A workplace impairment and/or substance abuse section related to cannabis use.⁷

➔ Adapt workplace inspections to incorporate cannabis.

- When conducting workplace inspections, employers should consider assessing and identifying potential hazards related to cannabis.
 - As per section 9(3) of the OHSA, the JHSC is required to inspect the workplace. While there are no legal or regulatory parameters which set out exactly how a workplace inspection should be carried out, employers are encouraged to facilitate a supportive relationship between supervisors, co-workers, and the JHSC member conducting the inspection.

🗨️ Outline possession and use of medical and recreational cannabis by staff/volunteers at work, including when on hospital grounds and when conducting hospital business.

➔ Medical Cannabis:

- The **prescribed use** of cannabis for *Human Rights Code* protected disabilities must be accommodated short of undue hardship, which is assessed individually (accommodation is discussed in more detail below).

⁷ Ontario Ministry of Labour, “Impairment and Workplace Health and Safety” <https://www.labour.gov.on.ca/english/hs/pubs/impairment.php>.

➔ Recreational Cannabis:

- There is no right to use, possess, or be under the influence in the workplace.
- Approaches include:
 - Zero-tolerance for possession and use at work; or
 - Possession permitted but use prohibited at work.

💬 Fitness for Duty

➔ Define impairment and fitness for duty for safety-sensitive and non-safety sensitive roles.

- Approaches include:
 - Zero-tolerance;
 - Setting maximum limit for impairment (keeping in mind that, at this time, there is no test for current cannabis impairment and no medical consensus on the safe limits for cannabis consumption); or
 - Mix of the two approaches.

➔ Employers must take every precaution reasonable in the circumstances to protect staff/volunteers, including ensuring a safe workplace and ensuring all staff/volunteers are fit for duty.

💬 Incorporate cannabis into existing policies/procedures to ensure staff/volunteers are fit for duty, including procedures for gathering information to support any assessment that a staff member/volunteer is unfit for work.

➔ Consider the following when developing fitness for duty policies:

- Requiring staff/volunteers to report fit for duty for scheduled work and to perform assigned duties safely without any limitations;
- Encouraging staff/volunteers to advise their supervisor if they have concerns about their colleagues' fitness for duty;
- Having supervisors send home staff/volunteers who are deemed unfit for work; and
- Ensuring supervisors adhere to the reporting requirements with the appropriate licensing bodies.

💬 Duty to Accommodate

➔ Review and update policies to ensure they are flexible enough to allow for individual accommodation to occur.

➔ Recall the following principles when developing policies and procedures:

- Employers should not make assumptions about the abilities/restrictions associated with the use of medical cannabis or any cannabis addiction;
- Employers have a right to request enough relevant medical information to inform the accommodation process (what can be required varies on a case-by-case basis);
- Staff/volunteers must alert their employer to the need for accommodation unless the need is reasonably apparent; and
- One consideration in the accommodation process is whether the health and safety risk related to consumption constitutes undue hardship.

Testing

- ➔ Drug testing in the workplace is notoriously difficult to justify and should not be implemented without specific legal advice. While testing may be permissible in certain situations, the inability to test for present impairment (amongst other issues) makes it very difficult, and in some situations, impossible to justify. Testing may be permissible in safety-sensitive workplaces/positions where:
 - There is reasonable cause to believe that an individual is impaired while on duty;
 - The individual has been directly involved in a workplace accident or incident; or
 - The individual is returning to work after treatment for substance abuse (on terms negotiated with the union, if applicable).
- ➔ Random testing is even more difficult to justify considering the inability to prove present impairment. Random testing can theoretically be justified where there is evidence of general problems with substance abuse in the workplace. This threshold is very high and difficult to prove. Random testing will not be justified if there is a less intrusive means available for achieving the goals of testing.

Substance abuse/addiction to cannabis

- ➔ Addiction qualifies as a disability under the *Human Rights Code*. Claims for accommodation with respect to cannabis addiction would need to be assessed on a case-by-case basis and require medical evidence to substantiate.

Provide resources for staff/volunteer dealing with substance abuse/addiction, such as:

- ➔ Family assistance programs;
- ➔ Timely access to confidential and judgment-free treatment; and/or
- ➔ Peer, supervisor, and leadership training.⁸

Enforcement of policies

- ➔ Outline measures to enforce policies and communicate these to staff/volunteers;
- ➔ Ensure staff/volunteers are aware of consequences of not following policies, including disciplinary measures that may be taken up to and including termination of employment; and
- ➔ Ensure that policies are consistently enforced.



Patient/Visitor/Public Perspective

Possession and use of medical and recreational cannabis on hospital grounds

➔ Medical Cannabis:

- Consider developing or updating policies and procedures regarding possession of medical cannabis by patients, visitors, and the public (subject to amounts permitted under federal and provincial legislation, as applicable).
- Consider developing policies and procedures regarding the continued use of medical cannabis once a person has been admitted as a patient. The policies may:
 - Require the patient to declare use of medical cannabis;
 - Require the patient to provide documentation authorizing the use of medical cannabis and evidence/proof that it has been purchased from an authorized licensed producer, where appropriate;

⁸ Monica Haberl, "Blazing the Trail: What Legalization of Cannabis Means for Canadian Employers", *The Conference Board of Canada* (June 19, 2018), <https://www.conferenceboard.ca/e-library/abstract.aspx?did=9742>. Note: Individuals can access the document by creating a free account.

- Assess the impact and interactions medical cannabis may have on the treatment regimen;
- Provide direction as to when to cease use and/or switch to alternative medication;
- Address the forms of medical cannabis permitted (e.g., pills, oils, edibles, etc); and/or
- Set parameters regarding where cannabis is to be used.

➔ Recreational Cannabis:

- Possession
 - Consider developing policies and procedures regarding possession of recreational cannabis by patients, visitors, and the public (subject to amounts permitted under federal and provincial legislation).
- Use
 - Consider whether any exemptions under the provincial *Cannabis Act* and its Regulations (discussed in further detail below) apply to your organization;
 - If an exemption does apply, consider which approach may be most suitable for your organization with respect to the use of recreational cannabis:
 - Zero-tolerance policy; or
 - Permissive policy (within the exemptions set out in the provincial *Cannabis Act* and its Regulations).
 - If an exemption does not apply, ban all use of recreational cannabis on hospital grounds.
- Require patients to declare the use of recreational cannabis and build this requirement into existing policies and procedures.

➔ Exemptions for residential facilities, psychiatric facilities, and facilities for veterans:

- Develop policies and an implementation plan if the organization meets the exception criteria in the provincial *Cannabis Act* and its Regulations and SFOA 1994 (or the SFOA 2017 should it come into force).
- For recreational cannabis use, until there is clarification on whether the use of recreational cannabis is permitted in such facilities (because they are a patient's residence), it is unclear whether patients/residents in these facilities are permitted to use recreational cannabis on hospital grounds. Hospitals should consider developing policies for cannabis use in these facilities based on their approach to the use of recreational cannabis on hospital grounds and in consultation with legal counsel.

🗨 Supply of medical cannabis

➔ Hospital to supply; or

➔ Patient to supply.

🗨 Administration of medical cannabis

➔ Hospitals should consider developing procedures to ensure safe administration of medical cannabis.

➔ Approaches to administration of medical cannabis include:

- Staff administration/assistance; and/or
- Self-administration (e.g., by patient, family, support person).
 - Consider drafting and having the patient/family/support person sign a waiver/release from liability if self-administering.

➔ Patient safety considerations when developing administration procedures:

- Document patient use on a medication history form;
- Require staff to note time of administration and amount administered on patient chart;

- Determine whether pharmacy or some other department will provide staff/patients with information about possible drug interactions and/or contradictions to treatment and provide information about alternative regimens for managing symptoms/treatment;
- Understand when security and police services may need to be involved if there is no proof of authorization for medical cannabis; and
- Determine how to address sharing of medical cannabis with others.

Storage of medical and recreational cannabis on hospital grounds

➔ Where the hospital will provide storage, consider developing procedures for storage of patient's cannabis for both medical and recreational cannabis (depending on permitted use of each) addressing:

- Where cannabis will be stored. Examples include:
 - Medication cabinet/room; and/or
 - Pharmacy storage.
- How cannabis will be stored. Examples include:
 - Tamper proof envelope; and
 - Patient belongings envelope.
- When clinical services are not available (after hours), how storage will be managed.
- Which staff should handle storage of medical cannabis. For example:
 - Nurses; or
 - Pharmacists.

➔ Where the patient/family/caregiver will be responsible for the safety and storage, contemplate:

- Where the cannabis will be stored. For example:
 - Patient locker; or
 - Locked drawer in patient room.
- Whether the family or caregiver is to bring cannabis to and from hospital (no storage on-site).
- Developing policies and procedures for patients that are unable to secure their own medical cannabis (e.g., when patient becomes unexpectedly incapacitated).
 - *See considerations under “Where the hospital will provide storage” point above.*

Enforcement of Policies

- ➔ Outline measures to enforce policies and communicate these to patients and the public;
- ➔ Ensure patients and the public are aware of the consequences of not following policies, including any legal consequences that may result; and
- ➔ Ensure that policies are consistently enforced.

PROVIDE EDUCATION AND TRAINING

Hospitals should educate all individuals within the hospital – including staff, volunteers, patients, residents, and the public – on organizational, workplace, and patient policies related to cannabis. Hospitals are also encouraged to provide general education on cannabis so that staff/volunteers can gain a better understanding of the substance as well as its potential effects and impacts.



Organizational Perspective

- 🗨️ Develop and/or identify education and training tools to communicate the hospital’s cannabis policies to staff, volunteers, patients, and the public.



Employer/Volunteer Organization

- 🗨️ Educate staff/volunteers on cannabis policies, including those related to substance use, enforcement, and enforcement mechanisms.
 - ➔ Prior to implementation, new or amended policies should be clearly communicated to staff/volunteers and made available to staff/volunteers for review. This should be done by providing mandatory training to staff/volunteers on new or amended policies; and
 - ➔ Prior to implementation, staff/volunteers should be required to indicate, in writing, that they have read, understood, and agree to be bound by the new and updated policies.
- 🗨️ Ensure staff/volunteers are aware of their rights and responsibilities under the OHSA, including:
 - ➔ The right to know, the right to participate, and the right to refuse unsafe work; and
 - ➔ Their duty to report workplace hazards and impairment.
- 🗨️ Educate staff/volunteers on cannabis.
 - ➔ Provide general information to staff/volunteers on cannabis:⁹
 - The different strains;
 - Tetrahydrocannabinol (THC) versus Cannabidiol (CBD) and the levels of each in products;
 - Effects of consuming cannabis in different ways (e.g., smoking, eating, pill, oils);
 - Impact on functioning and dangers of impairment; and
 - Laws and legal obligations related to cannabis.
 - ➔ Consider educating staff/volunteers on the link between mental health, stress, and substance abuse, including methods for coping and developing resilience.
- 🗨️ Educate staff/volunteers on impairment and addiction, including:
 - ➔ Signs of cannabis impairment;
 - ➔ Signs of substance abuse;
 - ➔ What staff/volunteers should do when they believe someone is impaired at work; and
 - ➔ What staff/volunteers should do when they believe someone may have an addiction.

9 *Ibid.*

- 🗨️ Inform staff/volunteers about available supports and resources.
 - ➔ Communicate to staff/volunteers where policies are located; and
 - ➔ Ensure that staff/volunteers are aware of the resources available, including resources to assist them with dependency, addiction, and accommodation, and that these resources are accessible in a confidential manner.¹⁰
- 🗨️ Supervisors should be trained on the new policies, including potential investigations, potential resulting discipline, and the need to accommodate disability related to medical or recreational cannabis use.
- 🗨️ Supervisors should be trained on how to talk to and direct staff/volunteers and direct who come forward with addiction and/or the need for accommodation as well as how to promptly address those who present as impaired.¹¹
 - ➔ How to respond to situations involving substance use, including use for medical reasons, recreational purposes, dependency, or addiction;
 - ➔ Approaches for broaching the subject with staff/volunteers;
 - ➔ Providing support versus disciplining; and
 - ➔ Basics of accommodation and the process to be followed.



Patient/Visitor/Public Perspective

- 🗨️ Educate patients and the public on cannabis policies, including substance use policies and enforcement policies.
 - ➔ Possession and use of medical and recreational cannabis on hospital grounds;
 - ➔ Storage of cannabis in the hospital; and
 - ➔ Administration of cannabis to patient.
- 🗨️ Implement tools to communicate the hospital's cannabis policies to the public:
 - ➔ Signs/posters; and/or
 - ➔ Brochures/information sheets.

¹⁰ *Ibid.*

¹¹ *Ibid.*

Staff/Volunteers



This section provides an overview of elements staff and volunteers should bear in mind given new and updated policies related to cannabis, divided into three different perspectives:

- As staff/volunteers of the hospital;
- As a health care worker/volunteer providing direct care to patients; and
- As a hospital staff member/volunteer who does not provide direct care to patients.

The first perspective will apply to all staff and volunteers. Depending on their role in the hospital, staff/volunteers will fall into one of the two remaining perspectives, the elements of which will apply to them.

UNDERSTAND AND FOLLOW POLICIES

Staff and volunteers are responsible for informing themselves of workplace policies related to medical and recreational cannabis. It is imperative that staff and volunteers understand and follow these policies, as well as implement and enforce them, as appropriate.



Staff/Volunteer Perspective

Note: Some of the policies applicable to staff may not apply to volunteers. Volunteers should inform themselves of the policies applicable to volunteers at their specific organization.

Understand policies

➔ Hospital policies

- Staff/volunteers should ensure they are familiar with and understand any new or amended hospital policies related to cannabis and ask questions where necessary.
- Staff/volunteers should ensure they know where and how to access hospital policies for reference.

➔ Workplace policies

- Staff/volunteers should ensure they are familiar with and understand any new or amended workplace policies related to cannabis and ask questions where necessary.
- Staff/volunteers should ensure they know where and how to access workplace policies for reference.
- Supervisors should ensure they are familiar with and understand any new or updated policies related to cannabis, including potential discipline and the need to accommodate disability related cannabis use.

Adhere to policies

- ➔ **Staff/volunteers must comply with hospital and workplace policies related to medical and recreational cannabis.**
- ➔ **Failure to follow policies may result in discipline (up to and including termination of employment) and other consequences as outlined in the policies and/or applicable legislation.**



Frontline Health Care Worker/Volunteer Perspective

Understand patient-related policies

➔ Staff/volunteers should ensure they are familiar with and understand any new or amended patient-related policies specific to cannabis and ask questions where necessary.

Inform patients and visitors about policies related to cannabis, consequences of not following policies, and enforcement mechanisms.

➔ Staff/volunteers should ensure they know where and how to access patient-related policies for reference and can direct patients and visitors to such resources.



Other Hospital Staff/Volunteer Perspective

Inform patients and visitors about policies related to cannabis, consequences of not following policies, and enforcement mechanisms.

➔ Staff/volunteers should ensure they know where and how to access policies for reference and can direct patients and visitors to such resources.

SET EXPECTATIONS REGARDING THE USE OF CANNABIS ON HOSPITAL GROUNDS

Staff and volunteers should familiarize themselves with workplace policies related to medical and recreational cannabis use. Staff and volunteers who work directly with patients should also inform themselves about policies related to patient use of medical and recreational cannabis. All staff and volunteers should be aware of hospital policies regarding the use of medical and recreational cannabis on hospital grounds, and implement and enforce these policies with patients, visitors, and the public, as appropriate.



Staff/Volunteer Perspective

Note: Some of the policies applicable to staff may not apply to volunteers. Volunteers should inform themselves on the policies applicable to volunteers at their specific organization.

Staff/volunteers should inform themselves on and understand policies related to accommodation and addiction.

➔ Medical cannabis

- Only staff/volunteers who have been prescribed cannabis by a qualified practitioner for the treatment of a *Human Rights Code* protected disability are entitled to accommodation.
- Staff/volunteers who require medical cannabis must alert their employer where their disability requires them to ingest medical cannabis in a way that might lead to impairment in the workplace and/or where accommodation is necessary.
- Staff/volunteers must accept reasonable offers for accommodation even where the offer is not a perfect or preferred accommodation.
- Staff/volunteers must participate in the accommodation process, including abiding by reasonable requests for medical information by their employers.

➔ Use of recreational cannabis at work

- The use of recreational cannabis is strictly regulated and clearly and completely prohibited in the workplace (the definition of which is broad, fluid, and unfixed).

🗨️ Staff/volunteers should inform themselves on and understand policies regarding use of recreational cannabis at work.

➔ The use of recreational cannabis is strictly regulated and clearly and completely prohibited in the workplace (the definition of which is broad, fluid, and unfixed).

🗨️ Staff/volunteers have a role to play in enforcing policies related to cannabis.

➔ Staff/volunteers should advise a supervisor if they witness another staff member/volunteer violating workplace policies, including if they witness another staff member/volunteer who is impaired and unfit for duty or if they observe any contraventions of the OHSA.¹²

➔ Supervisors must carry out their responsibilities under hospital policies, as well as under the OHSA and related workplace safety legislation, including:

- Enforcing policies and applying enforcement mechanisms;
- Informing staff/volunteers of any potential or actual danger to the health and safety of staff members/volunteers; and
- Reporting and communicating that a staff member/volunteer is impaired to any staff/volunteer that may be in danger;¹³
- Engaging in investigations into suspected impairment and/or cannabis related incidents; and
- Following protocol in place for dealing with suspected impairment and/or cannabis related incidents.

➔ Sending home any staff member/volunteer who is suspected to be unfit for duty via arranged transportation.



Frontline Health Care Worker/Volunteer Perspective

🗨️ Outline the use, administration, and storage of cannabis by patients.

➔ Medical cannabis

- Inform patients of hospital policies related to medical cannabis.
- Inform patients where and how to access hospital policies for reference.
- Follow policies and procedures regarding patient use of medical cannabis:
 - Ask patients if they are using medical cannabis;
 - Ask patients to provide documentation authorizing use of medical cannabis and purchase from an authorized licensed producer, where appropriate;
 - Assess the continued use of medical cannabis, including alternative medications that can be prescribed, and speak to patients about this;
 - Assess the potential impact and interactions medical cannabis may have on treatment regimen;
 - Discuss forms of medical cannabis permitted (e.g., pills, oils, edibles, etc.); and
 - Discuss where cannabis can be used and stored.

¹² *Supra* note 6.

¹³ *Supra* note 6.

- Administration
 - Follow hospital policies related to the administration of medical cannabis:
 - Where staff are permitted to assist with administration, assist patient as necessary; and
 - Where administration is to be carried out by the patient, family, or support person, advise patient, family, and/or support person of the relevant policies to follow.
 - Complete any other necessary steps, as per hospital policies, related to the use of medical cannabis by patients. These may include, but are not limited to:
 - Requiring the patient/family/support person to sign waiver of liability for self-administration;
 - Communicating with the patient/family/support person regarding time and amount of dosage; and/or
 - Recording the time and amount of dosage in necessary charts or records.
- Storage
 - Follow hospital policies related to the proper storage of medical cannabis where hospital policy provides for storage by the hospital; or
 - Ensure the patient has everything necessary to properly store medical cannabis where hospital policy provides for self-storage (e.g., locked drawer, locker).

➔ Recreational cannabis

- Inform patients of hospital policies related to recreational cannabis.
- Follow policies and procedures related to patient use of recreational cannabis (where permitted within the exemptions set out in the provincial *Cannabis Act* and its Regulations).
- Storage:
 - Follow hospital policies related to the storage of recreational cannabis by patients, which may include storage by the hospital; or
 - Ensure the patient has everything necessary to properly store recreational cannabis where hospital policy provides for self-storage (e.g., locked drawer, locker).

🗨️ Staff/volunteers have a role to play in enforcing policies related to cannabis.

➔ If staff/volunteers witness the use, possession, administration, or storage of medical or recreational cannabis in contravention of the hospital policies, they should inform patients/visitors/members of the public of the policies/procedures related to medical/recreational cannabis on hospital grounds where staff/volunteers feel comfortable, equipped, and safe.

- In the case of volunteers, policies may suggest that volunteers who observe the use, possession, administration, or storage of medical or recreational cannabis in contravention of hospital policies inform a staff member of the contravention, leaving the staff member to address the issue with the patient/visitor/member of the public.



Other Hospital Staff/Volunteer Perspective

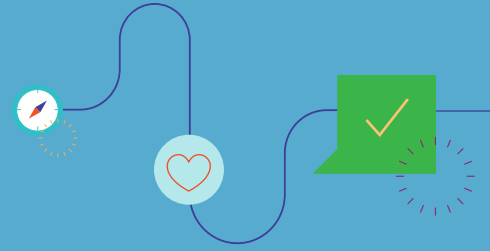
🗨️ Support staff/volunteers have a role to play in enforcing policies related to cannabis.

➔ If staff/volunteers witness the use, possession, administration, or storage of medical or recreational cannabis in contravention of the hospital policies, they should inform patients/visitors/public of the policies/procedures related to medical/recreational cannabis on hospital grounds where staff/volunteers feel comfortable, equipped, and safe.

- In the case of volunteers, policies may suggest that volunteers who observe the use, possession, administration, or storage of medical or recreational cannabis in contravention of hospital policies inform a staff member of the contravention, leaving the staff member to address the issue with the patient/visitor/member of the public.

➔ Security staff should enforce policies as part of their responsibilities.

Patients and Residents



This section provides an overview of considerations patients and residents should keep in mind when on hospital grounds given the legalization of cannabis.

UNDERSTAND AND FOLLOW HOSPITAL POLICIES

Patients and residents at hospitals, long-term care facilities, psychiatric facilities, and facilities for veterans are responsible for informing themselves of the policies in place regarding medical and recreational cannabis in these facilities. It is imperative that patients and residents understand and follow these policies.

At a Hospital

 Patients should, where possible, inform themselves of hospital policies related to medical and recreational cannabis use.

Medical Cannabis

- If a patient is using medical cannabis prior to hospitalization, they should bring the following supporting documentation:
 - Valid prescription for medical cannabis; and
 - Evidence/proof that their medical cannabis comes from an authorized licensed producer, where appropriate.
- The patient may be required to provide their own medical cannabis. Where possible, they should confirm the hospital's policy on this before going to a hospital.
- Once at the hospital, the patient should inform staff that they use medical cannabis and provide the required documentation.
- Once admitted, the patient should follow all hospital policies related to medical cannabis.

Recreational Cannabis

- Where possible, a patient should determine whether recreational cannabis possession and use is permitted in the hospital prior to bringing it with them.
- Once at the hospital, the patient should inform staff if they have recently used recreational cannabis as this may impact their treatment regimen.
- Once admitted, the patient should follow all hospital policies related to recreational cannabis.

 Adhere to policies

 Patients must comply with policies related to medical and recreational cannabis including policies relating to possession, use, storage, and administration.



At a Long-term Care Facility, Psychiatric Facility, and Facility for Veterans

🗨️ Patients/residents should, where possible, inform themselves of the facility's policies related to medical and recreational cannabis use.

➔ Medical Cannabis

- If a patient/resident is using medical cannabis prior to being admitted to a facility, they should bring the following supporting documentation and provide it to the facility:
 - Valid prescription for medical cannabis; and
 - Evidence/proof that their medical cannabis comes from an authorized licensed producer, where appropriate.
- The patient/resident may be required to provide and store their own medical cannabis. Where possible, they should confirm the facility's policies on this before going to a facility.
- Once admitted, the patient/resident should follow all facility policies related to medical cannabis.

➔ Recreational Cannabis

- Where possible, before going to a facility, a patient should determine whether recreational cannabis is permitted in the facility.
- Once at the facility, the patient should inform staff if they have recently used recreational cannabis as this may impact their treatment regimen.
- Once admitted, the patient should follow all facility policies related to recreational cannabis.

🗨️ Adhere to policies

➔ Patients/residents must comply with policies related to medical and recreational cannabis, including policies relating to possession, use, storage, and administration.

Exemptions for facilities under the *Smoke Free Ontario Act*

Long-term care facilities, psychiatric facilities, and facilities for veterans that meet the requirements under the Act, may be exempt from the prohibition on smoking under the SFOA 1994 (and the SFOA 2017 if it comes into force).

Patients/residents should ensure that they are aware of, understand and comply with the policies in place at their specific facility.

In facilities where patients are residents, seek legal counsel regarding whether the use of recreational cannabis is permitted under the exceptions set out in the provincial *Cannabis Act* and its Regulations. Patients/residents should inform themselves of the policies in place at their specific facility and comply with those policies.

SET CLEAR EXPECTATIONS FOR PATIENTS AND RESIDENTS REGARDING POLICIES

Patients and residents must comply with policies related to medical and recreational cannabis or risk facing the consequences under hospital/facility policies and/or applicable legislation.



At a Hospital, Long-term Care Facility, Psychiatric Facility, and Facility for Veterans

🗨️ Patients and residents who do not comply with medical and recreational cannabis policies may be subject to enforcement measures under hospital/facility policies and/or applicable legislation.

Visitors and the Public



This section provides an overview of considerations visitors and the public should bear in mind when on hospital grounds given the legalization of cannabis.

UNDERSTAND AND FOLLOW HOSPITAL AND FACILITY POLICIES

Visitors and the public should, where possible, inform themselves of the hospital's and/or facility's policies and procedures regarding medical and recreational cannabis on their grounds. It is imperative that visitors and the public understand and follow these policies.



Visitors/Public

🗨️ Visitors and the public should inform themselves of hospital/facility policies.

➔ Visitors and the public are encouraged to review and be informed of hospital/facility policies regarding medical and recreational cannabis.

🗨️ Adhere to policies

➔ Visitors and the public must comply with policies related to medical and recreational cannabis.

SET CLEAR EXPECTATIONS FOR VISITORS AND THE PUBLIC REGARDING POLICIES

Patients and residents must comply with policies related to medical and recreational cannabis or risk facing the consequences under hospital/facility policies and/or applicable legislation.



Visitors/Public

🗨️ Visitors and members of the public who do not comply with medical and recreational cannabis policies may be subject to enforcement measures under hospital/facility policies and/or applicable legislation.

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