

Marijuana Edibles

March 2017

Interest has grown recently around public availability of marijuana edibles and the approach taken by regulatory agencies to their sale and distribution. Within Island Health, the Health Protection, Environmental Health Services department (Health Protection) includes Medical Health Officers, Environmental Health Officers, and others. These individuals have been delegated authority to administer provincial legislation such as the [Public Health Act](#) ([SBC 2008] CHAPTER 28) and the [Food Premises Regulation](#) (B.C. Reg. 210/99 O.C. 774/99), and to take action intended to facilitate compliance.

The following questions have commonly been posed to Health Protection:

1) What products are considered to be marijuana edibles?

Marijuana edibles are food which may include any of the following examples:

- Is composed of marijuana (i.e. teas);
- Includes marijuana as an ingredient (i.e. baked goods, chocolate); or
- Has been infused with marijuana or marijuana oils (i.e. gummies, liquor).

2) What actions has Health Protection taken to date with regard to the sale of marijuana edibles?

Actions to date have been complaint based. We have inspected some dispensaries reported to be selling edibles and have required that these products be removed from the premises and no longer be available for sale or distribution. We have contacted other dispensaries within our service delivery area to advise operators that the sale or distribution of edibles is a contravention of the Food Premises Regulation.

3) Why is Health Protection taking this approach with marijuana edibles?

We have received complaints that prompted us to investigate. As our responsibility is to enforce the Food Premises Regulation, it is appropriate that we take action against any food from an unapproved source. This would include marijuana edibles. For the sake of comparison, dispensaries in Vancouver are not permitted to sell or distribute offering edibles as a condition of their business licence.

4) Is there any indication that marijuana edibles may be harmful?

Marijuana edibles present some risk due to challenges with determining accurate dose, the delayed and variable onset of psychotropic effects, and the appeal many of the products appear to have to children or others who may not know they are consuming a food item that contains marijuana.

5) What will Health Protection do next with regard to the sale of marijuana edibles?

We anticipate that action will continue to be complaint based. We recognize that the regulatory environment surrounding marijuana is changing quickly and we will continue to monitor and ensure that edible products are prepared and distributed in accordance with the BC Food Premises Regulations.

6) What will Health Protection do when recreational marijuana is legalized in Canada?

Health Protection will work with anyone preparing, selling, or distributing marijuana edibles to ensure compliance with the Food Premises Regulation, including that foods must come from an approved source.

7) How might Health Protection influence the establishment of new businesses which would sell or distribute marijuana edibles?

Where business licensing is currently underway, Health Protection will work with local government who are issuing licenses and advise that, under the BC Food Premises Regulation, the production, sale, or distribution of marijuana edibles is not permitted. Noncompliance with any provincial legislation could impede the issuance of a business license.

8) How will Health Protection address the online sales of marijuana edibles?

Because the distribution of marijuana to the public is not currently legal, Health Protection will refer the matter to Health Canada and/or to local law enforcement upon becoming aware of any particular business associated with the online sales of marijuana edibles.

9) How will Health Protection address marijuana edibles at temporary markets and special events?

Market managers are responsible to ensure that foods meet regulatory guidelines. Food vendors at special events are required to obtain a special event permit from Health Protection prior to the event and to comply with the Food Premises Regulation. Any vendor proposing marijuana edibles will be required to remove them from the proposed menu before consideration will be given to issuing a special event permit. Health Protection will respond to complaints of marijuana edibles being available for sale or distribution at special events and temporary markets and will require compliance with the Food Premises Regulation.

10) How will Health Protection address the sales of marijuana edibles from private residences?

The distribution of marijuana to the public is not currently legal. Consequently, allegations of home preparation, storage, sale, or distribution of marijuana edibles will be referred to local law enforcement.

11) Why is Health Protection preventing access to marijuana prescribed by doctors?

Health Protection has no role in decisions between individuals and their physicians. We administer the Food Premises Regulation, which requires that foods be from an approved source. Foods from unapproved sources, including marijuana edibles, are not permitted for sale or distribution to the public. Individuals may prepare their prescribed medicinal marijuana for personal consumption in any manner they choose.

12) What might prompt Health Protection to take action against a dispensary selling marijuana edibles?

Health Protection may contact or visit a dispensary whenever a complaint is received that marijuana edibles are being produced or distributed at a dispensary. We may follow up with a dispensary whenever edibles found in another food premises appear to have originated from that dispensary. Action may be initiated through a request related to the application for a business license.

13) Do the Food Premises Regulations restrict access to medicinal marijuana?

No. The current federal regulatory framework for medicinal marijuana only permits the sale of cannabis oils and fresh buds and leaves. It does not include provisions for the sale of food products containing marijuana.

14) Where can I find more information regarding the sale of marijuana in Canada and what is and is not permitted under our existing regulatory framework?

For additional information, you can [contact the Office of Medical Cannabis](#).

If you require further information, please [contact your local Health Protection Office](#)