



# NOTICE TO MEMBERS – CANNABIS LEGISLATION

As of today, October 17, 2018, the *Cannabis Act* and associated regulations have come into force. The recreational use of cannabis will be legal for adults, with certain conditions. Access to cannabis for medical purposes, which is currently administered under the *Access to Cannabis for Medical Purposes Regulations*, will now be administered under the *Cannabis Act* and associated regulations.

**The use of any drug or substance, whether prescription, over-the-counter, or recreational, has the same implications and considerations in Massage Therapy service delivery**

## 1. Recreational or Medical Use of Cannabis by Patients

***What should Massage Therapists do in cases where a patient seeks Massage Therapy treatment while exhibiting signs of having used, or where they disclose the recent use of, a prescribed drug or recreational substance?***

The MTAA Standards of Practice provide important guidance to support you with the delivery of safe and effective care. The Standards encourage you to interview the patient to discuss treatment goals, record health history, obtain informed consent, perform assessments and re-assessments to determine whether Massage Therapy is a safe and suitable option. Informed consent can only be obtained if the patient has the mental capacity to provide consent. Some drugs and substances, including alcohol, prescription and recreational drugs as well as herbal remedies, may impact the patient's ability to provide proper consent.

Here are some of the ways that patients demonstrate the ability to consent:

- Can the patient understand the possible risks and benefits associated with treatment or not having the treatment?
- Is the patient able to respond appropriately to questions you have asked?

In cases where patient's ability to consent is unclear, it must be assumed that informed consent cannot be obtained at this time, and that treatment must not proceed.

Other factors to consider include whether the side effects of the alcohol, prescribed drugs or recreational substances alter the patient's mental or physical ability to, accurately perceive pain and pressure levels, tolerate and recover from treatment. In cases where this is possible, Massage Therapists should adjust their treatment and assessment applications to reduce potential risks.

**All Massage Therapists are advised that it is not within the Scope of Practice for Massage Therapy to provide information or advice about how cannabis may affect a person's health - advise your patients with these types of questions to discuss with a physician.**

---

The Massage Therapist Association of Alberta leads the practice of its members in Alberta. Contact us for more information on this or other position statements.



## 2. Recreational or Prescribed Use of Cannabis by Massage Therapists

***If a Massage Therapist currently has a medical prescription to personally use cannabis products to manage a health condition, can they continue to use the products as necessary once medical cannabis becomes a 'recreational drug / substance'?***

The use of any drug or substance, whether prescribed or recreational, has the potential to compromise the ability to provide safe and effective care to patients. If the substance affects communication, professional judgment or decision-making skills, then Massage Therapists must refrain from practicing Massage Therapy while taking the drug or substance or while feeling its effects.

It would likely be considered an act of professional misconduct for Massage Therapists to practice in the profession while their ability to do so is impaired. This would apply to all circumstances where a Massage Therapist is either required to take a prescribed drug, or whether they choose to use or ingest recreational substances.

Before using any substance, you are encouraged to consider any side effects to determine whether those side effects have the potential to compromise your ability to provide safe and effective care. If the substance affects communication, professional judgment or decision-making skills, then you should refrain from practicing Massage Therapy while taking the drug or substance or while feeling its effects. For more information about potential side effects of alcohol, prescription drugs or recreational substances, please discuss the matter with your primary care provider(s).

***Further, confirmation has been received from our Professional and General Liability Insurance Carrier that all insurance policies of this nature include an exclusion that outlines there is no coverage if there is injury or damage caused by a member who is under the influence of hypnotics, narcotics, or intoxicants.*** Whether cannabis is legal or not, it is still considered to be an intoxicant. As a health professional, it is imperative that all Massage Therapists conduct themselves in a professional manner. In the context of cannabis use, this applies regardless of whether a Massage Therapist is using cannabis for a prescribed or a recreational purpose.

## 3. Use of Cannabis Oil and/or CBD in Treatment

A number of Massage Therapists have asked whether they may apply cannabis oil or oil/lotion containing cannabidiol (CBD) as part of the provision of Massage Therapy now that legalization has occurred.

- The *Cannabis Act* and associated regulations do not expressly authorize Massage Therapists (or any other health care practitioners) to apply cannabis oil or oil/lotion containing CBD as part of the provision of health care. The MTAA has asked Alberta Health for its position as to whether the application of cannabis oil or a CBD product could be considered within the Scope of Practice for Massage Therapy, in consideration of the fact that we are not yet a regulated health profession. ***Further, most (if not all) insurance policies do NOT cover the use of any cannabis-based or cannabis-related products as a part of any treatment.***

---

The Massage Therapist Association of Alberta leads the practice of its members in Alberta. Contact us for more information on this or other position statements.



The MTAA is advising its members not to apply or administer cannabis oil or a CBD product to a patient unless and until such time that we provide confirmation that it may be considered within the Scope of Practice for Massage Therapy.

### What is Cannabis?

Under section 2 of the *Cannabis Act*:

“cannabis” means a cannabis plant and any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not (other than a non-viable seed of a cannabis plant, a mature stalk without any leaf, flower, seed or branch of such a plant, fibre derived from such a stalk, or the root or any part of the root of such a plant), as well as any substance or mixture of substances that contains or has on it any part of such a plant or any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

The MTAA strongly advises its members to observe the laws related to Cannabis use, sale, and acquisition, and refrain at this time, from using any such products in their practice.

### *The following guidelines apply to ALL MTAA members:*

1. **DO NOT USE** any products, or apply any lubricants, that contain any amounts of CBD or THC (tetrahydrocannabinol), regardless of the source of these compounds, in your clinical environment in the course of providing treatment as a Massage Therapist until such time that clarification has been received from Alberta Health.
2. **DO NOT SELL** any products that contain any amounts of CBD or THC, regardless of the source of these compounds, in your clinical environment. **The sale of these products are limited to an approved Licensed Producer OR an establishment that have acquired a license to sell Cannabis based products by Health Canada.**
3. **DO NOT RECOMMEND** any products that contain any amounts of CBD or THC, regardless of the source of these compounds, to any persons /client in your clinical practice. **Recommending any type of ingestible products is NOT within your Scope of Practice.**

---

The Massage Therapist Association of Alberta leads the practice of its members in Alberta. Contact us for more information on this or other position statements.