

Misuse of Drugs (Medicinal Cannabis and Other Matters) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The medical use of cannabis should be legal, accessible and affordable.

The purpose of this Bill is to make it legal for New Zealanders who are suffering from terminal illness or any debilitating condition to use cannabis or cannabis products with the support of a registered medical practitioner.

The Bill amends the Misuse of Drugs Act to make a specific exemption for any person with a qualifying medical condition to cultivate, possess or use the cannabis plant and/or cannabis products for therapeutic purposes, provided they have the support of a registered medical practitioner. The exemption for cultivation and possession would also apply to an immediate relative or any other person nominated by the person with such a diagnosis, for the sole purpose of administering or supplying cannabis or its related products to the person.

The Bill also ensures that non-psychoactive cannabis plants and products are not controlled substances under the Misuse of Drugs Act. It clarifies that a non-psychoactive compound, Cannabidiol (CBD), is excluded from the definition of cannabis, and therefore exempt.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the Bill amends the Misuse of Drugs Act 1975 (the **principal Act**).

Clause 4 amends section 2, which relates to the interpretation, by inserting definitions of terms, such as medicinal cannabis, that are used in *clause 5*.

Clause 5 inserts *new section 9A*, which creates an exemption from the Act and other enactments for medicinal cannabis in the circumstances specified in that section.

Clause 6 amends *section 37*, which concerns the making of regulations. The amendments provide for the making of regulations that—

- prohibit, limit, restrict, and impose conditions on the cultivation, administration, supply, use, or possession of medicinal cannabis;
- prescribe information to be contained in the supportive medical report.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Misuse of Drugs (Medicinal Cannabis and Other Matters) Amendment Act **2017**.

2 Commencement

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This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Misuse of Drugs Act 1975 (the **principal Act**).

4 Section 2 amended (Interpretation)

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(1) In section 2(1), insert in their appropriate alphabetical order:

medicinal cannabis means any form of cannabis referred to in this Act, including (without limitation) any cannabis plant, preparation, or derivative, that is cultivated, supplied, or possessed (as the case may be) solely in order that it may be used by a person with a qualifying health condition for therapeutic purposes

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nominated support person means any person—

(a) nominated by person A to cultivate, administer, supply, or possess medicinal cannabis for the purposes of person A’s lawful use in accordance with this section: and

(b) whose name and other identifying details have been notified by person A to the medical practitioner who issued the supportive medical report

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qualifying health condition includes—

(a) any terminal illness: and

(b) any severe chronic disorder of the immune or nervous system: and

(c) chronic back or other pain: and

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(d) any other medical condition that a medical practitioner certifies may benefit from supplementary plant cannabinoids

supportive medical report means a report from a medical practitioner, containing all the prescribed information (if any), supporting a person with a qualifying health condition to use medicinal cannabis for therapeutic purposes

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terminal illness means an illness that a medical practitioner certifies, in relation to a person with the illness, is likely to cause the death of the person within the following 6 months

therapeutic purpose has the same meaning as in section 4 of the Medicines Act 1981

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(2) In section 2(1), replace the definition of **controlled drug** with:

controlled drug means—

(a) any substance, preparation, mixture, or article specified or described in **Schedule 1, Schedule 2, or Schedule 3**; and

(b) includes any controlled drug analogue; but

(c) does not include Cannabidiol (CBD)

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5 New section 9A inserted (Exemption for medicinal cannabis)

After section 9, insert:

9A Exemption for medicinal cannabis

(1) A person with a qualifying health condition (**person A**) may use medicinal cannabis in accordance with a supportive medical report.

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- (2) Person A, or person A's nominated support person, can cultivate, administer, supply, or possess medicinal cannabis for the purposes of person A's lawful use in accordance with **subsection (1)**.
- (3) **Subsection 2** is subject to any regulations made in accordance with **section 37(1)(ea)**. 5
- (4) This section applies despite any contrary provision of this Act or any other enactment.

6 Section 37 amended (Regulations)

- (1) After section 37(1)(e), insert:
 - (ea) prohibiting, limiting, restricting, and imposing conditions on, either generally or in relation to particular cases or classes of case or particular classes of person, the cultivation, administration, supply, use, or possession of medicinal cannabis pursuant to any provision of **section 9A:** 10
- (2) After section 37(1)(k), insert:
 - (ka) prescribing information to be contained in supportive medical support for the purposes of **section 9A:** 15