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4 July 2022

s 9(2)(a) [redacted]

By email: s 9(2)(a) [redacted]
Ref: H202207428

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 3 June 2022 regarding the classification of cannabis sativa. Please find a response below to each part of your request:

> *May I please request all information relating to the classification of Cannabis Sativa as a controlled drug in MoDA?*
> *Given that:*
> *Article 28 of UNSCN 1961 expressly frees C.Sativa "of all controls when grown for horticultural purposes"*

Article 28 of the United Nations Single Convention on Narcotic Drugs (the Single Convention) states that "This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes". Therefore, hemp grown for industrial purposes (industrial hemp) is not subject to the Single Convention. In New Zealand, industrial hemp is controlled under the Misuse of Drugs (Industrial Hemp) Regulations 2006.

The Single Convention only requires the application of control measures over the parts of cannabis that are mentioned in the Schedules (and therefore that are considered drugs). The definitions in Article 1 of the Single Convention include:

a) *"Cannabis" means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.*
b) *"Cannabis plant" means any plant of the genus Cannabis,*
c) *"Cannabis resin" means the separated resin, whether crude or purified, obtained from the cannabis plant.*

> *And that THC had been identified and isolated eleven years prior*
> *I would like all information relating to the process whereby C.Sativa / Hemp was chosen as a controlled drug rather than the intoxicant resin, or THC.*

The Ministry does not hold any information relating to any process whereby cannabis sativa/hemp was "chosen" as a controlled drug. Therefore, this part of your request is refused under section 18(g)(i) of the Act, as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act. It should be noted that cannabis resin and tetrahydrocannabinols are scheduled as Class B controlled drugs.

The classification of Cannabis as a controlled drug rather than THC is a disabling issue for the NZ hemp industry.
Similarly, I would seek to enquire by what process/es might a more appropriate classification of cannabis sativa / Hemp /products of hemp - outside of MoDA - be implemented.

Medsafe's position is that the current definitions and classifications of cannabis sativa, hemp, and products of hemp under the Misuse of Drugs Act are appropriate. The removing or down-scheduling of substances from the schedules in the Misuse of Drugs Act can only be achieved by amending the Misuse of Drugs Act.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

Chris James
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Medsafe