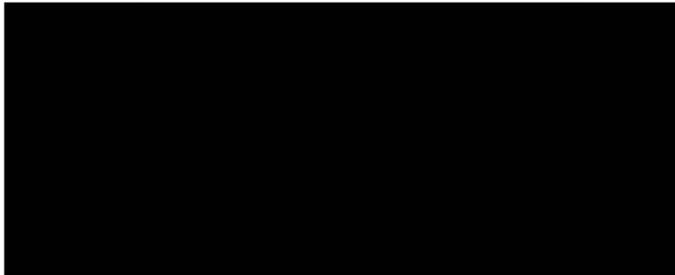


22 MAY 2019

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Response to your request for official information

Thank you for your request for information under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 24 April 2019, for:

1. "Firstly, given that all legal requirements are met (i.e. the person or company importing such products holds a valid license permitting them to import controlled drugs), could cannabis products be imported into New Zealand for wholesale distribution?"

Also, given that:

- New Zealand law permits prescribers to prescribe medicines which are unavailable in New Zealand.*
- The recent Amendment permits the use of cannabis and cannabis products in those with a palliative diagnosis.*
- The law permits the importation of medicines from overseas manufacturers for personal use given that the patient holds a valid prescription and authorities are notified*

2. Is it possible for a person to be prescribed medicinal cannabis in New Zealand for a palliative condition, and what are the barriers to them importing medicinal cannabis products from overseas for personal use?"

In the interest of clarity, I will address each of your questions in turn.

1. In order to supply an answer to the first question there are some important distinctions to be clear about. The term medicinal cannabis products encompasses different types of products. It can involve those with

- Tetrahydrocannabinol (THC) only;
- Or containing THC and Cannabidiol (CBD);
- Or those defined as "CBD products".

Different requirements are needed depending on the different product.

For products containing THC only or THC and CBD

These are classified as controlled drugs. Under regulation 22 of the Misuse of Drugs Regulations 1977, ministerial approval to prescribe is required before any NZ registered medical practitioner could prescribe them. In some cases (depending on the product) only a specialist can apply for approval to prescribe these.

Details on this process can be found on the Ministry website:

<https://www.health.govt.nz/our-work/regulation-health-and-disability-system/medicines-control/medicinal-cannabis/prescribing-medicinal-cannabis-products>

These products cannot be imported into New Zealand without first obtaining a licence to Import Controlled Drugs, and the applicant would need to be either a New Zealand registered medical practitioner, a licensed pharmacy or a holder of an appropriate Licence to Deal in Controlled Drugs. In this group of medicinal cannabis products, the appropriate licence to enable 'wholesaling' of these products would only likely be granted if there were applications granted for an approval to prescribe the product, based upon the requirement under regulation 3(4) of the Misuse of Drugs Regulations 1977 as to the "propriety of the application".

For those products that meet the definition of "CBD products"

It would be possible for these products to be imported into New Zealand for wholesale distribution to pharmacies or NZ registered medical practitioners, as long as the person had the appropriate Licence to Sell Medicines by Wholesale, and obtained certificates of analysis for each batch for each product imported and distributed. More information can be found on the Ministry website:

<https://www.health.govt.nz/our-work/regulation-health-and-disability-system/medicines-control/medicinal-cannabis/cbd-products>

Please note that the only medicinal cannabis product with consent for distribution in New Zealand at this time is Sativex®. No other products can be advertised in any way unless they have consent for distribution.

2. A person cannot import a THC product, or THC and CBD product, into New Zealand for personal use. A Licence to Import Controlled Drugs is required to be obtained prior to any importation of controlled drugs. (Further information regarding these controlled drugs is contained above).

The following website contains consumer information for personal imports, requiring to have a valid prescription from a NZ registered medical practitioner:

<https://www.health.govt.nz/our-work/regulation-health-and-disability-system/medicines-control/medicinal-cannabis/cbd-products>

I trust that this information fulfils your request. Please note that this response, with your personal details removed, may be published on the Ministry website (if applicable).

Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris James', written over a faint circular stamp.

Chris James
Group Manager
Medsafe

