

## Options for 100-day legislation: November 2017

The Government has made a 100-day commitment to “Introduce legislation to make medicinal cannabis available for people with terminal illness or in chronic pain”.

### The Current Situation in New Zealand

While there is a legal pathway to prescribe cannabis-based products to patients there are barriers to accessing suitable products. There are a broad range of options to address these barriers in the long term and pathways that will build a regime for better access and supply. The development of legislation that will support a long-term future scheme may take up to two years to develop and implement. However, legislation could be introduced that will support whichever scheme the Government decides to progress over the next few years. This paper sets out some options for discussion with you.

### Discussion Points

### Questions for the Minister

#### Option 1: Statutory defence on compassionate grounds (Appendix One)

This option means that defined patient groups who are, or wish to, self-medicate with cannabis/ cannabis-based products would have a defence against prosecution. There are a number of people with terminal illness who already grow or access their own personal supply. While the Police already take a relaxed approach to prosecution in these circumstances, the law means that the patient is forced into illegal activity, their product can be confiscated, and they may be prosecuted.

Note that this option does not provide any quality control over the products that are cultivated or used, or a legal route for supply.

Given chronic pain is subjective it is very difficult to define. If this option is preferred it may be that the legislation limits this to those with terminal illness in the first instance. A Bill to enable this Scheme can be provided in December 2017.

*Does the Minister want an initial piece of legislation that provides a statutory defence for certain patient to self-medicate?*

*If this options it taken, does the Minister have a view on developing a more comprehensive scheme in the future?*

*What is your view on the idea that patients who are terminally ill could be treated differently from those with chronic pain?*

#### Option 2: Improved access to quality controlled products (Appendix Two)

Currently medical practitioners can prescribe cannabis products for their patients based on clinical judgement. In most cases pre-approval is required from the Ministry of Health prior to issuing the prescription.

The intent of this option is to improve access to product made to a sufficient standard from both overseas and domestic sources.

This option could be achieved through the development of a framework that sets quality requirements and allows for cultivation, manufacturing and supply. Our obligations under the UN Drug Conventions require a government agency to be established. Although this option could be achieved through new regulations, a Bill could signal the policy intent to develop this scheme.

*Does the Minister want a scheme that improves access to quality controlled products only?*

*What role does the Minister want medical practitioners to have in the process?*

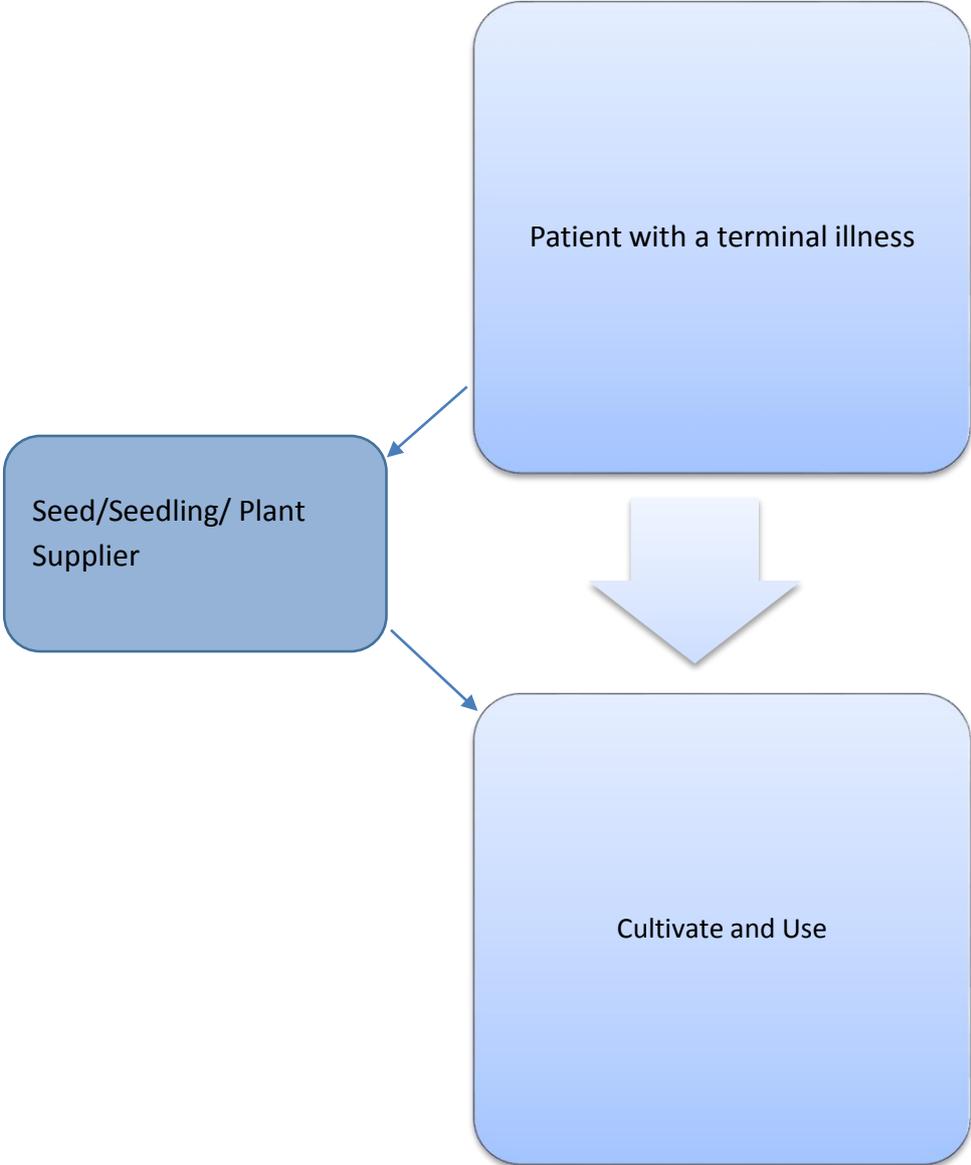
*What are the Minister's thoughts on funding products?*

#### Option 3: Improved access through personal cultivation (Appendix Three)

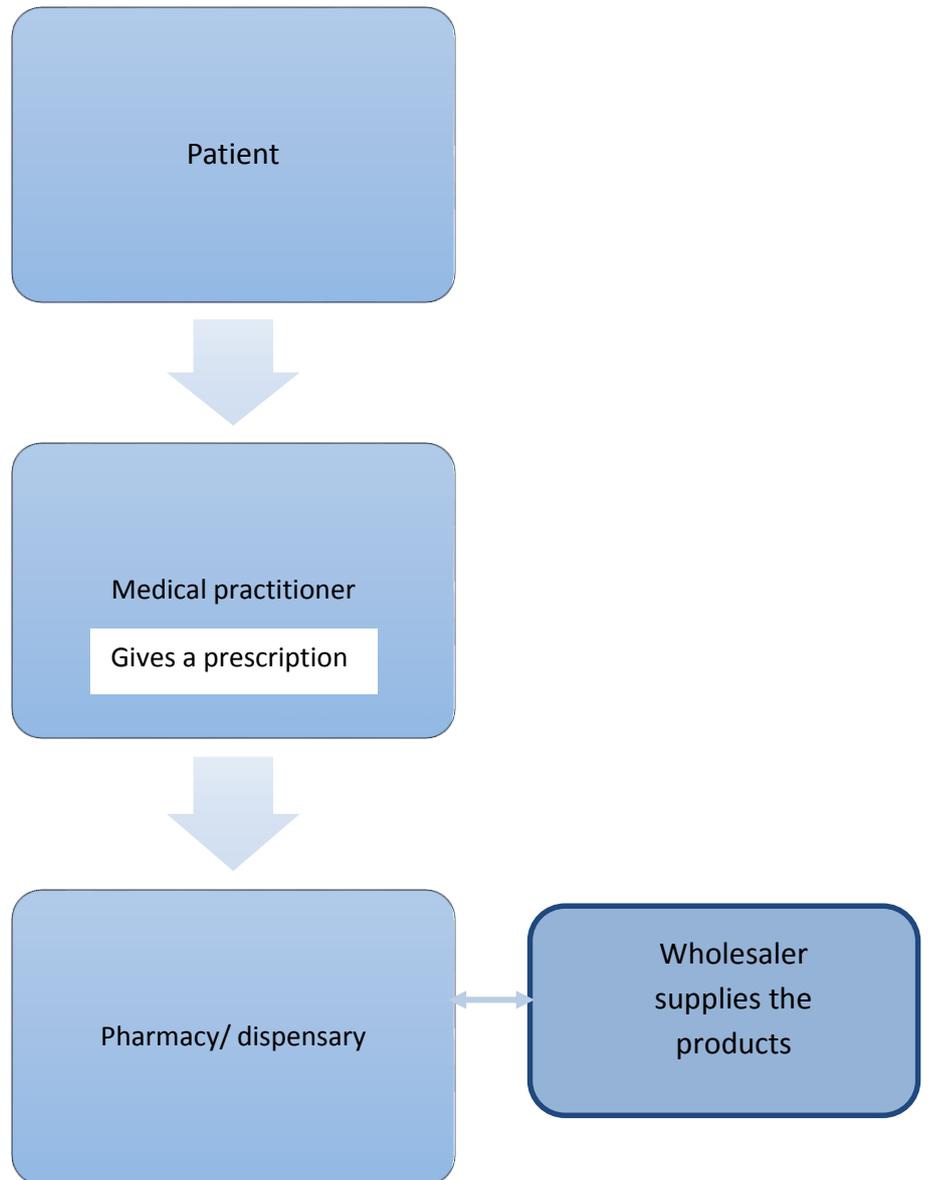
This option would allow defined patient groups to obtain cannabis plants or seedlings for cultivation and personal use. A medical practitioner would certify the patient has a qualifying medical condition. These patients would have access to plants/ seedlings. This option should also allow commercial cultivation and supply to patients who cannot or do not want to cultivate and process cannabis themselves. Our obligations under the UN Drug Conventions require a government agency to be established. Given chronic pain is subjective it is difficult to define. If this option is preferred it may be that the legislation limits this to those with terminal illness in the first instance. A Bill to support the development of this scheme can be provided in December 2017.

*Does the Minister want the initial legislation to provide access for the terminally ill only (on compassionate grounds) while other pathways are explored?*

**Appendix One: Option 1 – Statutory defense on compassionate grounds**



## Appendix Two: Option 2 - Improved access to quality controlled product



**Appendix Three: Option 3 –Improved access through personal cultivation**

