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Third Reading of the Misuse of Drugs (Medicinal Cannabis) Amendment Bill

To: Hon Dr David Clark, Minister of Health

Purpose

This briefing provides you with a speech for the third reading of the Misuse of Drugs (Medicinal Cannabis) Amendment Bill 2017 on 11 December 2018.

Key points

- The Misuse of Drugs (Medicinal Cannabis) Amendment Bill was introduced on 20 December 2017.
- Enclosed as Appendix One is a speech you may wish to use for the third reading to the House.

Recommendations

This report is for your information only and does not request any decisions.

Todd Krieble
Acting Deputy Director-General
Strategy and Policy

Minister's signature:

Date:

Appendix One: Speech for the Third Reading of the Misuse of Drugs (Medicinal Cannabis) Amendment Bill

I move, *that the Misuse of Drugs (Medicinal Cannabis) Amendment Bill now be read a third time.* This Bill amends the Misuse of Drugs Act 1975.

We committed last year to improving access to medicinal cannabis. This Bill is a key milestone in achieving our goal. I would like to thank all submitters for their valuable feedback on the Bill, and the Committee of the Whole House for their recent consideration of the Bill.

The Bill:

- introduces an exception and statutory defence for people eligible to receive palliation to possess and use illicit cannabis, and to possess a cannabis utensil
- provides a regulation-making power to enable the setting of standards that products manufactured, imported, or supplied under licence must meet
- Deschedules cannabidiol, so it is no longer a controlled drug.

Changes have been made to the Bill

I would like to thank the Health Committee for their consideration of the Bill. As a result of their contributions, and those of the New Zealand First Party and the Green Party, we made a number of changes to the Bill through a Supplementary Order Paper.

The key change made is expanding the eligibility for the exception and statutory defence provisions. The SOP removed “terminally ill with less than 12 months to live” from these provisions, and replaced it with “palliation”.

Palliation is an approach that aims to alleviate pain and suffering for a person with an advanced progressive life limiting condition, who is nearing end of life. This a better description of the group of patients the compassionate provisions were designed for.

This change is expected to increase the number of people covered by the exception and statutory defence provisions to the approximately 25,000 New Zealanders who could benefit from palliative care. It is not clear how many would choose to use illicit cannabis.

This Bill means that people eligible for palliation will have an exemption in the Act to the charge of using cannabis. This means they will not be prosecuted for using illicit cannabis. A doctor's certificate will be required to certify that they are eligible for the exception. If they do not have a doctor's certificate, they will have a statutory defence. This means they can get a doctor's certificate afterwards, and they will have a defence in court.

This is a compassionate approach for people nearing the end of life, where the usual concerns around product safety, quality, efficacy, and long-term risks are different.

Medicinal cannabis scheme

The medicinal cannabis scheme is currently being established. The Scheme, overseen by an agency, will result in medicinal cannabis products being able to be commercially produced in New Zealand, and ensure that all medicinal cannabis products meet quality standards. All stages of cultivation, production and supply of medicinal cannabis will be licensed.

The Bill allows quality requirements to be set in Regulations for products produced under the Scheme. Pathways under the Scheme will allow us to ensure that products meet these standards.

The Bill now includes a requirement that these Regulations are made no later than a year after the Bill comes into effect. This change provides assurance for the public and stakeholders that the development of the Scheme is a priority for this Government.

In addition, we propose an amendment to address the use of cannabis varieties that are already established in New Zealand. This change would mean that a person would not be prevented

from getting a licence under the Scheme solely because the variety of cannabis they want to use was brought into New Zealand without authorisation.

The Scheme will require all stages of cultivation and production to be licensed, there is no obvious reason to preclude varieties of cannabis that are established in New Zealand from being used.

Next steps for the Scheme

The Ministry will release a consultation paper on the scheme early next year. This consultation paper will seek feedback on the quality standards, licensing system, and the regulations needed to establish the Scheme.

The Misuse of Drugs legislation already provides a framework for licensing the production of medicinal cannabis products. The Scheme makes use of the existing framework, and does not add unnecessary compliance costs.

The Ministry will develop the quality standards in consultation with experts.

I will be convening a medicinal cannabis oversight panel to provide feedback and expert advice on the development of the Scheme. This panel will include experts, such as medical professionals, and consumer and industry representation.

I commend this Bill to the House.