



New South Wales

Road Transport Amendment (Medicinal Cannabis) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to create a defence for users of medicinal cannabis for the offence relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends the *Road Transport Act 2013* to provide that it is a defence to the offence relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine if the only drug present was delta-9-tetrahydrocannabinol, also known as THC, that the person obtained and administered for medicinal purposes.



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Road Transport Amendment (Medicinal Cannabis) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Road Transport Act 2013* to provide that the offence relating to driving with the presence of certain drugs in a person's oral fluid, blood or urine does not apply to users of medicinal cannabis; and for related purposes.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Road Transport Amendment (Medicinal Cannabis) Act 2023</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Road Transport Act 2013 No 18	6
(1) Section 111 Presence of certain drugs (other than alcohol) in oral fluid, blood or urine	7
Insert after section 111(1)—	8
(1A) It is a defence to a prosecution for the offence under subsection (1) if the defendant proves that, when the person engaged in the conduct alleged to have contravened the subsection—	9
(a) the only prescribed illicit drug present in the person’s oral fluid, blood or urine was delta-9-tetrahydrocannabinol, also known as THC, and	10
(b) the delta-9-tetrahydrocannabinol was obtained and administered in accordance with the <i>Poisons and Therapeutic Goods Act 1966</i> or a corresponding Act of another State or Territory.	11
(2) Schedule 4 Savings, transitional and other provisions	12
Insert at the end of the schedule, with appropriate part and clause numbering—	13
Part Provision consequent on enactment of Road Transport Amendment (Medicinal Cannabis) Act 2023	14
Application of amendment relating to presence of THC in person’s oral fluid, blood or urine	15
Section 111(1A), as inserted by the <i>Road Transport Amendment (Medicinal Cannabis) Act 2023</i> , applies to the presence of delta-9-tetrahydrocannabinol, also known as THC, in a person’s oral fluid, blood or urine before the commencement of the subsection.	16
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