



New South Wales

Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to exclude users of medicinal cannabis from the application of the offences 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.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[1] amends the *Road Transport Act 2013* to provide that the offences relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine do not apply if the only drug present is delta-9-tetrahydrocannabinol, also known as THC, that the person had obtained and administered for medicinal purposes.

Schedule 1[2] provides for a review of the proposed provision 3 years after it commences.

Schedule 1[3] inserts a transitional provision to make it clear that the proposed provision applies to the presence of delta-9-tetrahydrocannabinol in a person's oral fluid, blood or urine before the commencement of the proposed provision.



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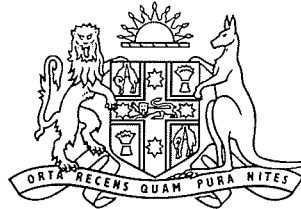
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2025

No , 2025

A Bill for

An Act to amend the *Road Transport Act 2013* to exclude users of medicinal cannabis from the application of the offence relating to driving with the presence of certain drugs in a person's oral fluid, blood or urine; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Road Transport Act 2013 No 18	1
[1]	Section 111 Presence of certain drugs (other than alcohol) in oral fluid, blood or urine	2
	Insert after section 111(1)—	3
	(1A) Defence for offence relating to presence of THC in person’s oral fluid, blood or urine	4
		5
	It is a defence to a prosecution for an offence against subsection (1) if the defendant proves to the court’s satisfaction that, at the time the person engaged in the conduct that is alleged to have contravened the subsection—	6
		7
		8
	(a) the only prescribed illicit drug present in the person’s oral fluid, blood or urine is delta-9-tetrahydrocannabinol, also known as THC, and	9
		10
	(b) the delta-9-tetrahydrocannabinol was obtained and administered in accordance with the <i>Poisons and Therapeutic Goods Act 1966</i> , the <i>Medicines, Poisons and Therapeutic Goods Act 2022</i> or a corresponding Act of another State or Territory, and	11
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		14
	(c) the person holds an applicable driver licence, other than an applicable provisional licence or applicable learner licence.	15
		16
[2]	Section 280	17
	Omit the section. Insert instead—	18
	280 Review of Act	19
	(1) The Minister must review section 111(1A) to determine whether—	20
	(a) the policy objectives of the subsection remain valid, and	21
	(b) the terms of the subsection remain appropriate for securing those objectives.	22
		23
	(2) The review is to be undertaken as soon as possible after the period of 3 years from the day on which section 111(1A) commences.	24
		25
	(3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 3 years.	26
		27
[3]	Schedule 4 Savings, transitional and other provisions	28
	Insert at the end of the schedule, with appropriate part and clause numbering—	29

Part	Provision consequent on enactment of Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Act 2025	1
		2
		3
	Application of amendment relating to presence of THC in person’s oral fluid, blood or urine	4
		5
	Section 111(1A), as inserted by the <i>Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Act 2025</i> , extends to the presence of	6
	delta-9-tetrahydrocannabinol, also known as THC, in a person’s oral fluid,	7
	blood or urine before the commencement of the subsection.	8
		9