



New South Wales

Drug Misuse and Trafficking Amendment (Regulation of Personal Adult Use of 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 amend the *Drug Misuse and Trafficking Act 1985* to permit adults to cultivate and possess small amounts of cannabis for personal use.

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 Drug Misuse and Trafficking Act 1985 No 226**

Schedule 1[1] makes consequential amendments to the definitions section.

Schedule 1[2] makes an amendment to section 23A to clarify that a person who cultivates or possesses cannabis as provided for in proposed Part 2D does not commit an offence under that section.

Schedule 1[3] makes an amendment to section 24 to clarify that a person who cultivates or possesses cannabis as provided for in proposed Part 2D does not commit an offence under that section.

Schedule 1[4] inserts proposed Part 2D to provide as follows—

- (a) an adult may cultivate not more than 6 cannabis plants at the adult's residence, with not more than 6 cannabis plants able to be cultivated at a residence at the same time,
- (b) an adult may possess cannabis leaf from 6 cannabis plants that have been removed from the medium in which the plants were grown,
- (c) an adult may possess not more than 50g of cannabis leaf outside the adult's residence,
- (d) an adult may make a gift of not more than 50g of cannabis to another adult.

Schedule 1[5] makes an amendment to section 39 to clarify that the power of a member of the NSW Police Force to seize a cannabis plant or cannabis leaf does not extend to a cannabis plant or cannabis leaf lawfully in the possession of an adult under proposed Part 2D.