



New South Wales

Public Health (Medicinal Cannabis) Bill 2017

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to establish a registration scheme for medicinal users of cannabis and their carers, and
- (b) to enable regulations to be made establishing a scheme of authorities for cultivating cannabis plants, manufacturing cannabis and supplying cannabis for the use of registered medicinal users, and
- (c) to protect registered medicinal users and carers and those acting under authorities under the regulations from criminal liability.

Outline of provisions

Part 1 Preliminary

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 a day or days to be appointed by proclamation.

Clause 3 sets out definitions for the purposes of the proposed Act. The definitions align with those in the *Drug Misuse and Trafficking Act 1985*.

Clause 4 defines *terminal or serious medical condition*. This definition is central to the scheme since, to be eligible to be registered as a medicinal user of cannabis, a person must have a terminal or serious medical condition. The term is defined as:

- (a) an illness or condition that is likely to result in death within a reasonably foreseeable period, or
- (b) a serious illness or condition that is likely to result, or to continue to result, in a significant reduction in the person's quality of life (whether from the symptoms of the illness or condition or from treatment for the symptoms of the illness or condition).

The clause lists a number of illnesses or conditions that will be taken to be terminal or serious medical conditions and allows further illnesses or conditions to be added by the regulations.

Part 2 Registration of medicinal users and carers

Clause 5 sets out the registration scheme for medicinal users of cannabis and their carers. It is contemplated that the regulations will set out requirements for a medical certificate certifying as to the terminal or serious medical condition suffered by an applicant for registration as a medicinal user and that the regulations may specify other requirements for registration. The regulations will also determine the duration of registration and any requirements for renewal of registration. The Health Secretary is required to give each registered person a certificate of registration including a recent photograph of the person.

Clause 6 empowers the Health Secretary to cancel registration of a person on application or in certain specified circumstances.

Clause 7 requires a registered person to produce the person's certificate of registration at the request of a public health authorised officer. If registration is cancelled, the former holder of a certificate of registration is required to return it to the Health Secretary.

Part 3 Access to cannabis for registered medicinal user

Clause 8 provides regulation-making power for a scheme of licences, permits or other authorities to authorise activities necessary for enabling a registered medicinal user to lawfully obtain cannabis. The activities include cultivating and harvesting cannabis plants, manufacturing or producing cannabis, storing cannabis and supplying cannabis.

Part 4 Protection from criminal liability

Clause 9 protects registered medicinal users and carers and those acting under authorities under the regulations from criminal liability.

Part 5 Offences

Clause 10 makes it an offence for cannabis to be administered to a registered medicinal user in a public place.

Clause 11 limits the amount of cannabis that may be possessed by a registered medicinal user or registered carer at any one time.

Part 6 Enforcement

Clause 12 provides for the proposed Act to be enforced by authorised officers under the *Public Health Act 2010* using the powers that they have under that Act.

Clause 13 enables the Health Secretary to order the forfeiture, destruction or other disposal of cannabis in circumstances where registration under the proposed Act is cancelled or an authority held under the regulations is suspended or cancelled.

Part 7 Miscellaneous

Clause 14 provides general regulation-making power.

Clause 15 requires the proposed Act to be reviewed after 3 years.

**Schedule 1 Amendment of Drug Misuse and Trafficking Act
1985 No 226**

**Schedule 2 Amendment of Poisons and Therapeutic Goods
Act 1966 No 31**

The Schedules make consequential amendments to protect registered medicinal users and registered carers and those acting under authorities under the regulations from criminal liability.