

Submission
No 48

**INQUIRY INTO ROAD TRANSPORT AMENDMENT
(MEDICINAL CANNABIS-EXEMPTIONS FROM
OFFENCES) BILL 2021**

Organisation: Medicinal Cannabis Industry Australia

Date Received: 26 April 2022



MCIA
Medicinal Cannabis Industry Australia

26 April 2022

Re: NSW Legislative Council's Standing Committee on Law and Justice inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021

Medicinal Cannabis Industry Australia (MCIA) welcomes the opportunity to make this submission to the NSW Legislative Council's Standing Committee on Law and Justice inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021. This is a critical issue for the medicinal cannabis industry and the proposed changes will not only assist patients in NSW, but also provide leadership on this issue for other states and territories.

About MCIA

MCIA is the peak industry organisation for Australia's licensed medicinal cannabis industry. This encompasses all activities of medicinal cannabis licence holders across research, cultivation and manufacturing and interaction with patients, the medical profession and communities.

MCIA's focus is on building an industry that enhances wellbeing through facilitating access to quality Australian medicinal cannabis products for Australian and global patients.

MCIA provides stewardship for an economically sustainable and socially responsible industry that is trusted and valued by patients, the medical community and governments. The Australian industry and its products are built on sound science and underpinned by industry processes and standards that ensure patients, the medical community and governments have confidence in the sector and its products.

Driving laws and medicinal cannabis

Driving laws are a significant barrier to access due to a drug driving regulatory framework that treats patients taking legally prescribed medicinal cannabis containing THC in the same manner as users of some illicit drugs i.e. criminalising the presence of the drug regardless of impairment. Current driving laws mean that legally-prescribed medicinal cannabis patients may face criminal sanctions for driving with a detectable level of THC in their saliva despite not being impaired.

A recent paper¹ published in the International Journal of Drug Policy and whose authors included Victorian Government representatives indicates some appetite for further consideration of this issue. The paper concludes that

"There is little evidence to justify this differential treatment of medicinal cannabis patients, compared with those taking other potentially impairing medications. The relatively low risk profile of medicinal cannabis, harms associated with the current regulatory approach, and successful implementation of alternative policies in comparable countries suggest that a review of the regulatory framework for prescribed medicinal cannabis and driving in Australia is warranted. More broadly, our analysis suggests that in jurisdictions utilising doctor supervised, medical-only access models, where medicinal cannabis is captured in broader medicines safety frameworks, patient exemptions from road safety THC 'zero tolerance' presence (but not impairment) offences, as well as those based on per se limits, should be considered."

¹ 12 Medicinal cannabis and driving: the intersection of health and road safety policy, Daniel Perkins [a](#), [b](#), [*](#), [_](#), Hugh Brophy [a](#), Iain S. McGregor [c](#), Paula O'Brien [d](#), Julia Quilter [e](#), Luke McNamara [f](#), Jerome Sarris [g](#), [h](#), Mark Stevenson [i](#), Penny Gleeson [j](#), Justin Sinclair [g](#), Paul Dietze [k](#) International Journal of Drug Policy

NSW Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021

MCIA supports the proposed bill that seeks to change the *Road Transport Act 2013* to exclude medicinal cannabis patients from offences related to driving under the influence of prescribed medicinal cannabis medicines. The proposed amendment would change legislation which currently provides that a person using prescribed illicit drug cannot drive a motor vehicle, occupy a driver's seat or accompany a learner driver in a vehicle. The proposed bill would exclude medicinal cannabis patients from the application of these offences while a prescribed illicit drug is present in their oral fluid, blood or urine.

MCIA believes this is a practical approach to the current challenges faced by medicinal cannabis patients, and is consistent with how other medicines are treated.

MCIA supports the proposed amendment bill. The passing of this bill will not only assist patients in NSW, but also provide leadership on this issue for other states and territories.

Yours Sincerely,

Rosemary Richards
Executive Manager