

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

**Organisation:** Legalise Cannabis NSW

**Date Received:** 1 May 2022

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# LEGALISE CANNABIS NSW

30 April 2022

We welcome the opportunity to make this submission.

## General Principles

- 1) The stated goal of Roadside Drug Testing (RDT) is to make our roads safer. There is no data that demonstrates RDT has reduced the road toll.
- 2) RDT is a "presence not impairment" test and is therefore a tool of prohibition rather than road safety.
- 3) The scope of this inquiry seeks to provide a medical defence only to users of prescribed cannabis. This is discriminatory. Due to the onerous and expensive process of acquiring prescribed cannabis many patients are forced to resort to sourcing their medicine through the grey and black markets. All cannabis users should be afforded the same protections.
- 4) As it is now a prescription medicine, cannabis should be excluded from RDT entirely. It should be treated in the same manner as other prescribed medications that have the potential to affect driving ability such as benzodiazepines, opioids, and antipsychotics.
- 5) Whether or not a medical defence is available any program that requires an invasive blood test is unacceptable

## Balancing Public Policy Objectives: Opioids vs Medicinal Cannabis

Treatment of chronic pain is by far the largest indication for which medicinal cannabis is prescribed (TGA). For many patients medicinal cannabis is the preferred and safer option to prescription opioids. According to a recent report "Opioids comprise the drug class most frequently involved in drug overdoses, the number of overdoses has increased markedly over the past 15 years, and prescription opioids are implicated in more than 70% of opioid-related overdoses, with only a minority linked to heroin or other illicit opioids."

Notably in NSW there is a medical defence for morphine (Road Transport Act 2013 s111(5)).

It is in the public interest that as many policy levers as possible are used to move patients away from prescription opioids, yet RDT does quite the opposite.

## Impairment Testing for Medicinal Cannabis Patients

Recognising that some reform is better than none and that NSW legislators will need to navigate through the various stakeholders LCNSW advocates for impairment testing.

Testing for impairment rather than presence is the optimal pathway that should satisfy law enforcement agencies whilst allowing medicinal cannabis patients a reasonable level of confidence to be able to take their medication and continue to be able to drive.

NSW should implement a roadside sobriety test akin to those used in the US known as a standardized field sobriety test (SFST).

If THC is detected in the saliva of a driver the police should a) make a sobriety assessment as provided for in the Act then b) if the police officer has reasonable grounds to suspect the driver is impaired, they could require the driver submit to a SFST.

We welcome the opportunity to appear before the Inquiry.

Regards

Craig Ellis Chairman     Gail Hester Secretary