

**Submission  
No 103**

**INQUIRY INTO IMPACT OF THE REGULATORY  
FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES**

**Organisation:** Positive Life NSW

**Date Received:** 17 May 2024

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The Hon. Jeremy Buckingham MLC  
Legislative Council  
Portfolio Committee No. 1 – Premier and Finance

Friday 17 May 2024

*Submitted through the NSW Legislative Assembly Submissions Portal*

**Re: Inquiry into the impact of the regulatory framework for cannabis in New South Wales**

Dear Mr Buckingham

Positive Life NSW (Positive Life) welcomes the opportunity to make a submission to the *Portfolio Committee No. 1 – Premier and Finance* regarding the *Inquiry into the impact of the regulatory framework for Cannabis in New South Wales*.

Positive Life is a non-profit, peer-based, and community-controlled organisation. We work to promote a positive image of all people living with and affected by HIV in NSW with the aim of eliminating prejudice, isolation, stigma, and discrimination. We provide information and targeted referrals, and advocate to change systems and practices that discriminate against all people with HIV, our friends, family, and carers in NSW. We were incorporated on 21 July 1989 as People Living With HIV/AIDS (PLWHA) NSW and changed our name to Positive Life NSW on 15 February 2008.

Positive Life NSW has previously partnered with state and federal based HIV, health and LGBTIQ+ organisations to provide reviews and submissions relative to HIV, cannabis, and drug law reform since 2013. This includes our co-authored submissions for the *Inquiry into the use of cannabis for medical purposes* (2013), *Regulator of Medicinal Cannabis* (2015), and *Inquiry into Road Transport Amendment (Medicinal Cannabis – Exemptions from Offences) Bill 2021* (2021). Copies of these submissions are included (attached) for your reference.

We acknowledge and commend the submission already made by our community partner NSW Users and AIDS Association (NUAA) and fully endorse their submission to this inquiry. Positive Life NSW adds the following to detail the lives and experiences of people living with HIV (PLHIV) who have been impacted by the criminalisation of cannabis, the persecution of

people who use drugs (PWUD) and the multifaceted political dogma, stigma and discrimination that intersects HIV/AIDS, drug use and LGBTIQ+ cultural experiences since the very beginning of the HIV/AIDS epidemic in 1981.

Thanks to lifesaving highly active anti-retroviral therapy (HAART), and the world-leading Australian response to HIV now spanning four decades, PLHIV in Australia live longer, with increased life expectancy that in 2023 approaches parity with the general population. This increased longevity has resulted in a shift in advocacy away from merely 'surviving' with HIV and acknowledges the severe and sustained impediments that HIV causes to continued good health as well as living and ageing well with HIV. These include HIV stigma and discrimination, loss of opportunity, poor mental health, social isolation and exclusion, HIV related multi-morbidities, cancer, lack of ability and cognition and the characteristics of physical and emotional pain associated with long-term chronic illness progression, and loss.

PLHIV in NSW are represented across the breadth of Australian society and include people from LGBTIQ+ gender and sexuality diverse (GSD) communities, heterosexual people, women, Aboriginal and Torres Strait Islander peoples, migrants who have made their home in Australia and people from culturally and linguistically diverse (CALD) backgrounds.

Living with HIV prior to effective treatment becoming available in 1996 has profoundly affected older PLHIV. The trauma of receiving a life-limiting diagnosis at the zenith of HIV prejudice, discrimination, and marginalisation, combined with being socially and financially under-resourced as effective treatment later became available has led to diminished opportunities and poorer outcomes related to the social determinants of health. Older PLHIV continue to face acute challenges related to health, wellbeing, and quality of life.

### **HIV health-related impacts and the use of cannabis**

Cannabis is used by PLHIV in NSW to ease their HIV-related symptoms of nerve pain (peripheral neuropathy)<sup>1</sup>, reduce inflammation<sup>2</sup> and the cognitive impacts of HIV<sup>3</sup>, insomnia<sup>4</sup>,

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<sup>1</sup> Hjorthøj C, La Cour P, Nordentoft M, Posselt CM. Cannabis-based medicines and medical cannabis for patients with neuropathic pain and other pain disorders: Nationwide register-based pharmacoepidemiologic comparison with propensity score matched controls. *Eur J Pain*. 2022;26(2):480-491. doi:10.1002/ejp.1874

<sup>2</sup> Costiniuk CT, Jenabian MA. Cannabinoids and inflammation: implications for people living with HIV. *AIDS*. 2019;33(15):2273-2288. doi:10.1097/QAD.0000000000002345

<sup>3</sup> Watson CW, Campbell LM, Sun-Suslow N, et al. Daily Cannabis Use is Associated with Lower CNS Inflammation in People With HIV. *J Int Neuropsychol Soc*. 2021;27(6):661-672. doi:10.1017/S1355617720001447

<sup>4</sup> Walsh JH, Maddison KJ, Rankin T, et al. Treating insomnia symptoms with medicinal cannabis: a randomized, crossover trial of the efficacy of a cannabinoid medicine compared with placebo. *Sleep*. 2021;44(11):zsab149. doi:10.1093/sleep/zsab149

anxiety<sup>5</sup>, nausea<sup>6</sup>, appetite<sup>7</sup> and weight. Peripheral neuropathy causes painful stabbing, burning or tingling sensations in the hands, legs and feet, which can be triggered by some HIV antiretroviral medication and other co-morbidities such as diabetes. When HIV weakens the immune system sufficiently, other opportunistic infections can also lead to peripheral neuropathy. Additionally, evidence shows the use of cannabis to reduce the pain and discomfort of peripheral neuropathy among PLHIV is associated with a lower use of prescription opioid analgesics<sup>8</sup>, and therefore a reduced risk of opioid dependence amongst this group.

With NUAA, we call on the NSW government to

- Legalise the personal adult use and possession of cannabis to end the criminalisation of people who use cannabis and reduce the over policing and overcriminalisation of Aboriginal people.
- Consult with consumers to better understand and resolve barriers to access of medicinal cannabis. Consideration should be given to enabling product substitution, providing accessible information around bulk billing services and product availability and advocating for medicinal cannabis to be available on the Pharmaceutical Benefits Scheme.
- Reform to drug driving laws and testing to test for impairment as opposed to presence. Drug driving law reform should aim to uphold road safety and reduce undue penalty to people who may have tetrahydrocannabinol (THC) in their system and are not in any state of impairment. At the minimum NSW should consider the Tasmanian approach that enables medical exemption for people with a medicinal cannabis prescription.
- Development of standards relating to medicinal cannabis use, and workplace rights including clear restrictions on the appropriateness of workplace drug testing.

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<sup>5</sup> Costiniuk CT, Saneei Z, Salahuddin S, et al. Cannabis Consumption in People Living with HIV: Reasons for Use, Secondary Effects, and Opportunities for Health Education. *Cannabis Cannabinoid Res.* 2019;4(3):204-213. Published 2019 Sep 23. doi:10.1089/can.2018.0068

<sup>6</sup> Breijyeh Z, Jubeh B, Bufo SA, Karaman R, Scrano L. Cannabis: A Toxin-Producing Plant with Potential Therapeutic Uses. *Toxins (Basel).* 2021;13(2):117. Published 2021 Feb 5. doi:10.3390/toxins13020117

<sup>7</sup> Riggs PK, Vaida F, Rossi SS, et al. A pilot study of the effects of cannabis on appetite hormones in HIV-infected adult men. *Brain Res.* 2012;1431:46-52. doi:10.1016/j.brainres.2011.11.001

<sup>8</sup> Sohler NL, Starrels JL, Khalid L, et al. Cannabis Use is Associated with Lower Odds of Prescription Opioid Analgesic Use Among HIV-Infected Individuals with Chronic Pain. *Subst Use Misuse.* 2018;53(10):1602-1607. doi:10.1080/10826084.2017.1416408

- Inclusion of a provision relating to the expungement of any personal-use criminal offences/records in the Drug Misuse and Trafficking Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023.
- Development and provision of an evidence-based harm reduction education campaign to increase community health literacy around cannabis use and address stigma to accompany cannabis regulatory reform.<sup>9</sup>

Thank you for the opportunity to provide this submission. We look forward to continuing consultation and collaboration and invite comments or questions related to this submission to be directed to Positive Life NSW via email: [contact@positivelife.org.au](mailto:contact@positivelife.org.au) or by calling (02) 8357 8386.

Yours faithfully

Andrew Heslop  
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Positive Life NSW

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<sup>9</sup> NUAA, Submission to the Inquiry into the impact of the regulatory framework for cannabis in New South Wales, May 2024.