

# Hon Michael Wood

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Minister of Transport  
Minister for Workplace Relations and Safety



26 April 2022

Josiah Spackman  
Skyman Industries  
[josiah@skyman.co.nz](mailto:josiah@skyman.co.nz)

Copy to: [yuri@skyman.co.nz](mailto:yuri@skyman.co.nz)

Dear Josiah

I refer to your email sent on 24 March 2022, requesting the following under the Official Information Act 1982 (the Act):

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- 1. Can the Minister please advise which experts were retained to provide advice around the testing methodologies for roadside drug testing?*
- 2. What criteria was used to select the experts / advisors?*
- 3. What were the experts' recommendations around acceptable / unacceptable result levels, in particular (but not limited to) cannabis / cannabinoid levels?*
- 4. What advice was provided that will ensure a medicinal THC patient (who, as an example, takes prescribed THC to cure insomnia) will not be adversely impacted as a result of this legislation if they are roadside tested the following morning after consumption of their medication?*
- 5. How will the roadside testing differentiate between a driver under the influence as opposed to a driver who had consumed the product historically and is no longer under the effects of it?*
- 6. How many people are expected to be cited for these infringements?*
- 7. If the objective is to stop people from driving whilst under the influence of cannabinoids, how has the science of cannabinoid longevity in the body / bloodstream been taken into account during the drafting of legislative changes?*

You will find most of this information in the Independent Expert Panel on Drug Driving's final report (the Report), which is available on Te Manatū Waka Ministry of Transport's website <https://www.transport.govt.nz/area-of-interest/safety/drug-driving-testing/>. I am therefore refusing part of your request under section 18(d) of the Act as this information is publicly available.

*In response to questions 1 and 2*

The Government appointed an Independent Expert Panel on Drug Driving to provide advice on the criminal limits and blood infringement thresholds (or 'tolerance levels') to be applied to the detection of drugs in blood. The Expert Panel includes members from the fields of toxicology, pharmacology, pharmacy, medicine and biochemistry.

*In response to questions 3, 4, 5 and 7*

Page 10 of the Report includes the recommended blood concentration threshold and criminal limits compared with corresponding limits in other jurisdictions.

Page 44 of the Report provides information around medicinal cannabis.

The Expert Panel advised that CBD-based medicines have legally restricted, low concentrations of THC that will not result in impairment, positive oral fluid tests or positive blood tests for THC. However, if a driver is prescribed a medicinal cannabis product that is psychoactive and contains THC, then users of this medicine may be advised not to drive after consumption.

*In response to question 6*

I have been advised that the focus will be on administering a certain number of tests each year rather than a number of infringements to be issued. The regime comes into effect from March 2023. The proposed level of testing is 33,000 tests in the first year, 50,000 in the second year, and 66,000 in the third and subsequent years.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

Yours sincerely

A handwritten signature in blue ink that reads "M. Wood".

Hon Michael Wood  
**Minister of Transport**