

Hon Andrew Little

Minister of Health
Minister Responsible for the GCSB
Minister Responsible for the NZSIS
Minister for Treaty of Waitangi Negotiations
Minister Responsible for Pike River Re-entry



Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques

8 June 2022

By email: josiah@skyman.co.nz
Ref: ALOIA194

Tēnā koe Josiah

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) on 11 May 2022 for information relating to medicinal cannabis. I will respond to each part of your request in turn.

1. Can the Minister please advise how many people who are known to have criminal convictions have successfully obtained a licence with the Medicinal Cannabis Agency, such as for Cultivation, Research, Manufacturing etc?

One person who is known to have criminal convictions has successfully obtained a licence for cultivation, possession for manufacture and supply activities.

2. Are there any plans to further encourage licence applications from previously underground / illicit cultivators and bring them in to the Medicinal Cannabis Agency licence scheme? If not, why not? If so, can these plans please be provided?

There are no plans to specifically encourage licence applications from the cultivators you have listed. The Medicinal Cannabis Agency (MCA) has no specific information on those who may have previously engaged in illicit activity.

The licensing requirements, including the requirement for applicants with criminal convictions to obtain the approval of the Minister of Health to hold a licence, are set out in the Misuse of Drugs (Medicinal Cannabis) Regulations 2019. All applications are assessed against these requirements as they are received. The regulations can be found here:

www.legislation.govt.nz/regulation/public/2019/0321/latest/LMS285243.html.

3. The Minister of Transport, Hon Michael Wood, has advised that 66,000+ annual roadside drug tests are expected to be conducted from 2025 onwards. What advice is being provided to consumers of medicinal cannabis who have to take THC, even if they are not at levels that impair driving? Are there plans to educate doctors / GPs / pharmacies so they can provide that advice to patients? If not, why not. If so, can this also please be provided?

The Best Practice Advocacy Centre (BPAC), in conjunction with the Ministry of Health, has published "an overview of medicinal cannabis for health practitioners". The publication, aimed at health practitioners, includes brief advice on medicinal cannabis use and driving and a link to resources available on impaired driving.

Information relating to medicine use and impaired driving is publicly available here: www.nzta.govt.nz/safety/what-waka-kotahi-is-doing/education-initiatives/medication/.

Information on substance impaired driving for the purposes of continuing professional development (CPD) is publicly available here: www.nzta.govt.nz/safety/what-waka-kotahi-is-doing/education-initiatives/medication/substance-impaired-driving-continuing-professional-development/.

The Ministry has not published any advice to consumers of medicinal cannabis - the decision to prescribe THC products rests with medical professionals, who are best placed to provide advice to patients, using the resources outlined above.

4. Has there been any local research undertaken the Minister is aware of, or proactive effort to educate doctors / GPs around Medicinal Cannabis as pain relief, instead of the traditional reliance on highly addictive opioids? If not, why not? If so, can this information please be provided?

The BPAC publication referred to above provides a brief introductory section discussing the use of medicinal cannabis in managing chronic pain. The Ministry of Health website also provides links to clinical guidance produced by other overseas regulators: www.health.govt.nz/our-work/regulation-health-and-disability-system/medicinal-cannabis-agency/medicinal-cannabis-agency-information-health-professionals

This includes clinical guidance documents reviewing the use of medicinal cannabis in the treatment of pain by the Therapeutic Goods Administration in Australia and Health Canada. This information may be useful to local doctors and general practitioners wanting to prescribe medicinal cannabis to their patients. Prescribers should exercise their professional judgment when reviewing the risks and benefits of medicinal cannabis against the specific needs and circumstances of their patients.

5. The Independent Expert Panel on Drug Driving (April '21) report notes that only Sativex and Tilray products were available containing THC at the time of writing the report. Since the report was released, half a dozen further products (from tea leaves to dried flower for vaping) have met the NZ Minimum Quality Standards under the Misuse of Drugs (Medicinal Cannabis) Regulations 2019, and are available for patients. What feedback has the Minister of Health provided to the Minister of Transport, as part of the upcoming Land Transport (Drug Driving) Amendment Bill 2020, to ensure that patients consuming these products will not be unjustly criminalized / fined under the upcoming legislative amendments?

Part five of your request was transferred to the Ministry of Transport on 27 May 2022 under section 14(b)(ii) of the Act. You can expect a response from the Ministry of Transport in due course.

6. How should regular users of Medicinal Cannabis, even at low levels of THC, be preparing for the inevitable build-up in their system so that in the event a patient had to undertake a blood test (Even if they had not consumed Medicinal Cannabis for over 24 hours, and their driving ability was not impaired), they would not be found over the 3ng/mL limit and unjustly given a criminal conviction?

Part six of your request was transferred to the New Zealand Police on 30 May 2022 under section 14(b)(ii) of the Act. You can expect a response from the Ministry of Transport in due course.

7. The Independent Expert Panel on Drug Driving (April '21) report stated that consumption through injection (e.g Medicinal Cannabis brownies or gummies) would be a way to consume Medicinal Cannabis containing THC such that it would not turn

up in an oral swab. Are there any recommended recipes the Minister has to coincide with this?

All medicinal cannabis products are prescription medicines. In addition, all are unapproved medicines with the exception of Sativex. I do not have any information on drug testing protocols relating to consumption of specific drug forms. Food containing controlled drugs (THC) or prescription medicines (cannabidiol CBD) is prohibited under the Medicinal Cannabis Scheme.

8. The Independent Expert Panel on Drug Driving (April '21) report also notes that one study found that oral fluid THC concentrations took between 2.5 and 30.0 hours to drop below 5 ng/mL and blood THC concentrations took between 2.5 and 150.0 h to drop below 2 ng/mL. Given the report also notes that there was a variety of international studies, are there any plans the Minister is aware of to do broader local trials? If not, what could the Ministry of Health and the broader Medicinal Cannabis Industry be doing to encourage these types of trials to take place? Is there any available government funding for other 3rd parties with a "Research" Medicinal Cannabis licence to undertake these types of controlled trials?

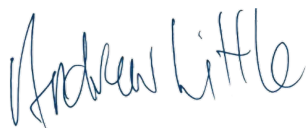
I am not aware of any broader trials being conducted locally on THC concentrations in the blood at various timeframes after consumption. Clinical trials can be conducted under a medicinal cannabis licence and there is no fee charged for clinical trials under a research activity. Currently clinical trial data is not required for a medicinal cannabis product to be verified as meeting the minimum quality standard. However, if clinical research on medicinal cannabis products is being considered in New Zealand, the medicinal cannabis industry and researchers could consider collaborating on a wide range of research objectives, including investigating levels of THC in the blood after consumption. Interested parties can seek funding for clinical trials from the Health Research Council or other funding avenues, such as the Ministry of Business, Innovation and Employment.

9. Has the Minister been briefed on any alternative methods / means for testing inebriation / impaired driving, aside from the aforementioned blood / oral swabs? If so, please describe these.

Part nine of your request was transferred to the Ministry of Transport on 27 May 2022 under section 14(b)(ii) of the Act. You can expect a response from the Ministry of Transport in due course.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Nāku noa, nā



Hon Andrew Little
Minister of Health