

17 June 2022

IR-01-22-15665

Josiah Spackman
josiah@skyman.co.nz

Dear Josiah

I refer to your Official Information Act 1982 (OIA) request, which was partially transferred from Ministry of Health on 30 May 2022 for information about the Land Transport (Drug Driving) Amendment Act 2022 (the Act) and medicinal cannabis users.

You requested:

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?

The Act received royal assent on 11 March 2022 and is scheduled for implementation on 11 March 2023. Police has initiated a programme of work to address the activities required for implementation, however the processes and procedures Police to apply the new powers provided therein are not yet in place.

The legislation provides for drivers to present a medical defence where the outcome of the oral fluid test indicates the presence of a specified drug,. Police is still working on the process to give effect to this defence and is working closely with the Ministry of Transport and Waka Kotahi to implement the regime.

Police also does not provide legal advice, or legal interpretation services to the public, therefore your request is refused under section 18(g) of the OIA, as the information requested is not held by Police.

However, you may find section 15 of the Act relevant. This section provides for a medical defence for an offence against section 57A(3), 57B(3), or 57C(3) or (4). The Act is publicly available to view here:

<https://legislation.govt.nz/act/public/2022/0005/latest/LMS378859.html>

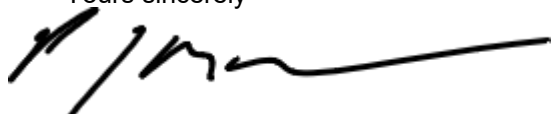
Anyone with concerns about how their individual medical situation may be impacted by the Act is encouraged to speak with their doctor and/or seek independent legal advice.

Police National Headquarters

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If you are not satisfied with the way I have responded to your request, you have the right under section 28(3) of the OIA to ask the Ombudsman to review my decisions. Information on how to do this is available online at www.ombudsman.parliament.nz

Yours sincerely



Inspector Peter McKennie

Acting Director: National Road Policing Centre