

In Confidence

Office of the Minister of Health  
Chair, Cabinet Legislation Committee

## **Misuse of Drugs (Medicinal Cannabis) Amendment Bill: Supplementary Order Paper**

### **Proposal**

1. I seek authorisation to table the Supplementary Order Paper (SOP) in the House at the Committee of the whole House stage of the Misuse of Drugs (Medicinal Cannabis) Amendment Bill.

### **Policy**

2. On 7 November 2018, the Cabinet Social Wellbeing Committee agreed to amend the Misuse of Drugs (Medicinal Cannabis) Amendment Bill 2017 (the Bill) [SWC-18-Min-0162].
3. The number of people eligible to use illicit cannabis will be increased by replacing the references to terminal illness in the exception and statutory defence provisions with references to palliation.
4. The amendments broaden the scope of quality requirements, and make cannabidiol products easier to produce and more accessible as a result.
5. The amendments will also require regulations to allow the use of cannabis varieties that were previously established in New Zealand without authorisation, and ensure regulations are made within a year of the Bill coming into force.
6. A number of these amendments reflect the concerns of individuals who made submissions to the Health Committee.
7. The Misuse of Drugs (Medicinal Cannabis) Amendment Bill SOP will give effect to this decision.

### **Timing**

8. The SOP will be tabled in the House during the Committee of the whole stage of the Misuse of Drugs (Medicinal Cannabis) Amendment Bill.

### **Compliance**

9. The Misuse of Drugs (Medicinal Cannabis) Amendment Bill SOP complies with:
  - 9.1 the principles of the Treaty of Waitangi

- 9.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
- 9.3 the principles and guidelines set out in the Privacy Act 1993
- 9.4 relevant international standards and obligations
- 9.5 the Legislation Guidelines: 2018 edition, which are maintained by the Legislation Design and Advisory Committee.

### **Regulations Review Committee**

- 10. There are no anticipated grounds for the Regulations Review Committee to draw the provisions in the SOP to the attention of the House of Representatives under Standing Order 319.

### **Certification by Parliamentary Counsel**

- 11. The draft SOP was certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

### **Impact analysis**

- 12. The Regulatory Quality Team at Treasury determined that an Impact Assessment is not required [refer SWC-18-SUB-0162].

### **Publicity**

- 13. The requirements around access to medicinal cannabis products are complex. It is important that information about access to medicinal cannabis is clearly communicated, realistic expectations are set, and timeframes for achieving domestic cultivation and supply are achievable. I have previously put out a media release, supported by more information on the Ministry of Health website. I do not intend to put out another media release at this time.

### **Proactive Release**

- 14. In line with the approach taken with previous Cabinet papers on medicinal cannabis I propose to publish this Cabinet paper on the Ministry of Health website after the Supplementary Order Paper has been tabled in the House.

### **Consultation**

- 15. The Ministry has consulted with the following agencies: Parliamentary Counsel Office, Department of the Prime Minister and Cabinet, New Zealand Police, New Zealand Ministry of Justice, New Zealand Customs Service, Accident Compensation Corporation, Te Puni Kōkiri (Māori Development), The Treasury New Zealand, Ministry for Pacific Peoples, Oranga Tamariki, Ministry for Primary Industries, Ministry of Business, Innovation and Employment and PHARMAC.

## Recommendations

I recommend that the Cabinet Legislation Committee:

1. **note** that on 7 November 2018 the Cabinet Social Wellbeing Committee agreed to amend the Misuse of Drugs (Medicinal Cannabis) Amendment Bill 2017 to reflect concerns raised by submitters, increase the number of people eligible to use the exception for illicit cannabis, allow the use of cannabis varieties already established in New Zealand and to require regulations on quality standards to be made within a year of the Bill coming into force [SWC-18-MIN-0162];
2. **note** that the Misuse of Drugs (Medicinal Cannabis) Amendment Bill SOP will give effect to the decisions referred to in recommendation 1;
3. **authorise** the tabling of the SOP at the Committee of the whole House stage of the Misuse of Drugs (Medicinal Cannabis) Amendment Bill.

Authorised for lodgement

Hon Dr David Clark  
Minister of Health