**Declaration Form**

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| --- | --- |
| medicinal cannabis  Declaration of illicit seeds and plants Regulation 35, Misuse of Drugs (Medicinal Cannabis) Regulations 2019 | D |

INFORMATION FOR DECLARERS

Use this form if you are the holder of (or applicant for) a medicinal cannabis licence that specifies cultivation as an authorised activity.

Holders of (or applicants for) a medicinal cannabis licence with a nursery activity cannot make this declaration.

Use this form to declare that you intend to procure plants or seeds of a variety of cannabis that is established in New Zealand from a non-licensed source for the purpose of cultivating cannabis under a medicinal cannabis licence.

You may declare up to 20 plants **and** 50 seeds of a variety of cannabis that is established in New Zealand on a single declaration form.

You must complete a separate form for each declaration of 20 plants **and** 50 seeds.

For the Medicinal Cannabis Agency (the Agency) to accept your declaration, you must complete all sections of this declaration form and pay the declaration fee.

The fee for making a declaration is **$747.50** (including GST). Please do not send payment with this form – you will be invoiced when the Agency receives your declaration.

|  |
| --- |
| **DECLARATION FORM SUBMISSION** |
| * Save the completed declaration form as a Microsoft Word® or copy-enabled PDF document. * Email the file to the Medicinal Cannabis Agency ([medicinalcannabis@health.govt.nz](mailto:medicinalcannabis@health.govt.nz)). You must ensure that the emailed form is legible and complete. * If you are unable to email the declaration form, you can post a copy to:   Medicinal Cannabis Agency Ministry of Health PO Box 5013 Wellington 6145   * Keep a copy of the completed declaration form for your records. |

# Declarer

The Agency will provide all of its communications to do with this declaration electronically to the person you identify below, unless you specifically request otherwise.

|  |  |  |
| --- | --- | --- |
| Given name(s): | |  |
|  |  |  |
| Surname: | |  |
|  |  |  |
| Position title: | |  |
|  |  |  |
|  | Phone: |  |
|  |  |  |
|  | Email: |  |

# Current licence

Tick the appropriate box below.

EITHER

☐ I currently hold a Medicinal Cannabis Licence (with Cultivation as a specified activity), as detailed below.

|  |  |
| --- | --- |
| Name of licence holder: |  |
|  |  |
| Current licence number: |  |

OR

☐ I am currently applying for a Medicinal Cannabis Licence with Cultivation as a specified activity.

# Declaration of seeds and plants

I wish to declare that I/we intend to procure:

No more than 20 plants

and

No more than 50 seeds

of a variety of cannabis that is established in New Zealand.

# Statutory declaration

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| I, *[full name]* | |  | | | | |
| of *[place]* |  | | *[occupation]* | | |  |
| solemnly and sincerely declare that I am authorised to make this declaration of illicit plant and/or seed in accordance with regulation 35 of the Misuse of Drugs (Medicinal Cannabis) Regulations 2019 and I declare that the:  1. variety of plant and/or seed that I/we intend to procure is established in New Zealand  2. information I have supplied in this declaration is, to the best of my knowledge and belief, true and correct in every particular, and I make this declaration in the knowledge that a person making a false declaration is liable to prosecution under section 15 (False statements) of the Misuse of Drugs Act 1975 and regulation 78 of the Misuse of Drugs (Medicinal Cannabis) Regulations 2019.  I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. | | | | | | |
|  | | | |  |  | |
| Signature | | | |  | Date | |

|  |  |
| --- | --- |
| Declared at *(place – for example, name of town or city):* |  |

|  |  |
| --- | --- |
| Before me *(name of official witness):*[[1]](#footnote-1),[[2]](#footnote-2) |  |

|  |  |
| --- | --- |
| Signature of official witness: |  |

**Biosecurity concern associated with Cannabis sativa sourced by Regulation 35 declarations:**

The purpose of this guidance is to:

• Highlight the biosecurity risk that may be associated with plants and seeds sourced via a Regulation 35 declaration; and

• Recommend that biosecurity treatments are applied to mitigate biosecurity risk on these plants and seeds.

**Background:**

Plants for planting and seeds for sowing that enter New Zealand are high risk pathways for introduction of pests and diseases. To mitigate these risks, MPI specifies biosecurity requirements in Import Health Standards (IHS’s) that must be met before plants and seeds are imported into NZ. For *Cannabis sativa seeds*, these requirements are set out in the specific requirements for *Cannabis sativa* in the ‘[*Seeds for Sowing* IHS](https://www.mpi.govt.nz/dmsdocument/1151-Seeds-for-Sowing-Import-Health-Standard)’.

Cannabis plants and seeds sourced via a Regulation 35 declaration have unknown origin and phytosanitary status. The seed or parent seed may have entered New Zealand illegally without having met biosecurity requirements and could harbour pests and diseases that could further spread in NZ through propagation.

**Biosecurity measures:**

To mitigate some of the biosecurity risk associated with the plants and seed sourced via Regulation 35 declarations, licence holders are requested to treat the seeds and plants received. Treatment options include (but are not limited to) bactericides, fungicides, and hot water dips. The treatments are described in the ‘[*Approved Biosecurity Treatments MPI-ABTRT*](https://www.mpi.govt.nz/dmsdocument/1555-Approved-Biosecurity-Treatments-for-Risk-Goods-MPI-ABTRT)*’* (ABTRT) Section 1.8 ‘Nursery Stock’ and 1.11 ‘Seeds’.

Note: the ABTRT states that the treatments must be carried out by a Ministry of Primary Industries (MPI) [approved treatment provider](https://www.mpi.govt.nz/dmsdocument/1381-MPI-approved-treatment-suppliers). For *Cannabis sativa* seed and plants sourced via the Section 35 declarations, use of an approved treatment provider is encouraged but not compulsory. However, care should be taken when handling all treatments. Stakeholders using treatments should carefully read the instructions and only use as directed. MPI will not be responsible for any injury or loss caused by treatment use. Stakeholders should also report any pest and disease symptoms to the MPI pest and disease hotline (0800 80 99 66).

If you have any questions regarding the biosecurity of *Cannabis sativa* sourced via Regulation 35 of the Misuse of Drugs Act (Medical Cannabis) 2019 or the treatment options, please contact MPI at <mailto:PlantImports@mpi.govt.nz>.

1. Authorised witnesses include (see [section 9 of the Oaths and Declarations Act 1957](http://www.legislation.govt.nz/act/public/1957/0088/latest/DLM314584.html) for complete list):

   * a justice of the peace (JP)
   * a solicitor or notary public — you may have to pay for their services
   * a Registrar or Deputy Registrar of the District Court or the High Court
   * authorised staff in some government agencies.

   [↑](#footnote-ref-1)
2. The declaration of illicit seeds and plants may be returned if the statutory declaration has not been witnessed by an authorised witness. [↑](#footnote-ref-2)