

EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

(Ms Kerrie Tucker)

Drugs of Dependence Amendment Bill 2004

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Drugs of Dependence Amendment Bill 2004

A Bill for

An Act to amend the *Drugs of Dependence Act 1989*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Drugs of Dependence Amendment Act 2004*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Drugs of Dependence Act 1989*.

4 New part 9A

insert

Part 9A Cannabis medical treatment

159A Definitions for pt 9A

In this part:

cannabis medical treatment means the administration of cannabis for a medical condition, and includes palliative care.

cannabis medical treatment permit means a permit issued under section 159C.

palliative care includes treatment for the relief of pain, suffering and discomfort in relation to a person's medical condition.

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159B Doctor may recommend cannabis medical treatment permit

- (1) If a doctor is satisfied that a patient needs cannabis medical treatment for a current medical condition, the doctor may, with the patient's consent, recommend to the chief health officer that the chief health officer issue a cannabis medical treatment permit for the patient.
- (2) A recommendation under subsection (1) must be in writing and must—
 - (a) state the name and address of—
 - (i) the patient; and
 - (ii) the patient's primary caregiver (if any); and
 - (b) identify the patient's current medical condition for which cannabis medical treatment is recommended; and
 - (c) recommend the amount of cannabis required to treat the medical condition; and
 - (d) give any other information that—
 - (i) the chief health officer requires; or
 - (ii) is prescribed under the regulations.

159C Chief health officer may issue cannabis medical treatment permit

- (1) If the chief health officer receives a recommendation under section 159B, the chief health officer must carry out any inquiries that he or she considers necessary to properly decide whether to issue a cannabis medical treatment permit.

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- (2) After considering the recommendation and carrying out any inquiries under subsection (1), the chief health officer may issue a cannabis medical treatment permit to the patient or the primary caregiver named in the recommendation.
- (3) The permit may be issued subject to any conditions that—
 - (a) the chief health officer considers appropriate; or
 - (b) are prescribed under the regulations.

159D Licence to cultivate etc cannabis for medical treatment

- (1) If the chief health officer issues a cannabis medical treatment permit, the chief health officer may give a person a licence to cultivate, sell, buy, supply, possess or administer cannabis for the purpose of cannabis medical treatment under the permit.
- (2) The licence may be given subject to any conditions that—
 - (a) the chief health officer considers appropriate; or
 - (b) are prescribed under the regulations.

**5 Cultivation of prohibited plants
New section 162 (6)**

insert

- (6) This section does not apply to the cultivation of cannabis in accordance with a licence given under section 159D (Licence to cultivate etc cannabis for medical treatment).

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**6 Sale or supply—cannabis
New section 165 (2A)**

substitute

- (2A) Subsection (1) also does not apply to—
- (a) the sale, supply or possession of cannabis by a person in accordance with a licence given under section 159D (Licence to cultivate etc cannabis for medical treatment); or
 - (b) the possession of cannabis by a patient for whom there is a current cannabis medical treatment permit issued under section 159C (Chief health officer may issue cannabis medical treatment permit); or
 - (c) if the holder of the cannabis medical treatment permit is the primary caregiver of the patient—
 - (i) the sale or supply of cannabis by the caregiver to the patient; and
 - (ii) the possession of cannabis by the caregiver for that sale or supply.

**7 Prohibited substances—possession, administration and disposal
New section 171 (4) (da)**

insert

- (da) a person who possesses cannabis in accordance with—
- (i) a licence given under section 159D (Licence to cultivate etc cannabis for medical treatment); or

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- (ii) a cannabis medical treatment permit issued under section 159C (Chief health officer may issue cannabis medical treatment permit).

8 New section 171 (4A)

insert

- (4A) Subsections (2) and (3) do not apply to the administration of cannabis in accordance with a cannabis medical treatment permit issued under section 159C (Chief health officer may issue cannabis medical treatment permit).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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