



New South Wales

Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is:

- (a) to provide for a scheme under which cannabis may be lawfully used by a registered patient to relieve a serious medical condition with which the patient has been diagnosed, and
- (b) to allow for a registered carer to assist a registered patient in the use of cannabis for that purpose, and
- (c) to allow a registered patient or registered carer to cultivate a limited number of plants and manufacture or produce cannabis for use by the patient, and
- (d) to allow a government sector agency (including the employees and individuals who are contractors) to undertake activities necessary for the lawful supply of cannabis to registered patients and registered carers.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 1 month after it is assented to, if it has not been commenced sooner by proclamation. The 1 month delay is to allow time for administrative arrangements for a register to be established as required under the proposed Act. If administrative arrangements are in place earlier, the government may choose to commence the scheme earlier.

Schedule 1 **Amendment of Poisons and Therapeutic Goods Act 1966 No 31**

Schedule 1 [1] renumbers Part 4A of the *Poisons and Therapeutic Goods Act 1966* (the *principal Act*) and inserts a new Part 4A dealing with cannabis for medical purposes.

Proposed Division 1 contains definitions for the purposes of the proposed Part. The definition of *cannabis* is limited to cannabis as a Schedule 9 substance. The definition is otherwise tied to relevant definitions in the *Drug Misuse and Trafficking Act 1985* for consistency. The definition ensures that the scheme does not inadvertently authorise use of other Schedule 9 substances with a small amount of cannabis mixed in.

The definition of *serious medical condition* is central to the proposed Part since cannabis may only be used by a registered patient to relieve such a condition. The definition focuses on the symptoms that may be relieved through the use of cannabis and connects those symptoms to various illnesses or conditions as follows:

- symptoms associated with, or with treatment for, one or more of the following:
 - an illness or condition that is likely to result in death,
 - Human Immunodeficiency Virus (HIV),
- severe and treatment-resistant nausea and vomiting due to chemotherapy,
- pain associated with cancer,
- neuropathic pain,
- a symptom associated with, or with treatment for, a medical condition declared by the regulations to be a symptom that may be relieved by the use of cannabis,
- a symptom associated with, or with treatment for, a medical condition certified by the patient's medical practitioner as a symptom suffered by the patient that may be relieved by the use of cannabis.

A child is only to be regarded as having a serious medical condition if the child suffers from symptoms associated with, or with treatment for, intractable childhood epilepsy.

Proposed Division 2 requires the Health Secretary to establish a register of patients and carers. On application, a patient is entitled to be registered if the patient is at least 18 years of age, resides in NSW and provides a certificate signed by the patient's medical practitioner certifying that the patient has, in the opinion of the practitioner, a serious medical condition. On application, the parent or guardian of a child with intractable childhood epilepsy is entitled to register the child as a patient if the child resides in NSW, 3 medical practitioners (one of whom is a specialist in the relevant field) certify that the child has intractable childhood epilepsy and one of the medical practitioners undertakes to oversee the treatment and report on its effectiveness to the Health Secretary. To be registered, a carer must be at least 18 years of age and reside in NSW. In relation to a child, only a parent or guardian may be registered as a carer. A registered patient who has attained 18 years of age or a registered carer may choose to be registered as a cannabis producer.

The Health Secretary is required to issue each registered patient and registered carer with a photo identification card for presentation to an inspector as necessary. The register is not open for inspection but the Health Secretary may issue a certificate for evidentiary or law enforcement purposes relating to an entry in the register and may publish certain statistical or other information.

The Health Secretary is authorised to cancel a person's registration as a patient, carer or cannabis producer if satisfied that registration was obtained improperly or that the person is not entitled to be registered or the person has committed more than one offence against the Part.

Proposed Division 3 sets out what registration as a patient, carer or cannabis producer authorises the person to do that would otherwise be an offence against the *Drug Misuse and Trafficking Act 1985*.

A registered patient may rely on the authorisation as a defence under provisions of the *Drug Misuse and Trafficking Act 1985* as follows:

- for possession: section 10 (2) (a) (Possession of prohibited drugs) and section 11 (2) (c) (Possession of equipment for administration of prohibited drugs),
- for administration: section 12 (2) (b) (Self-administration of prohibited drugs—see Schedule 2 [1]) and section 14 (2) (b) (Permitting another to administer prohibited drugs—see Schedule 2 [2]),
- if registered as a cannabis producer—for cultivation, manufacture or production: section 23 (4) (a1) (Offences with respect to prohibited plants—see Schedule 2 [3]), section 11C (2) (a) (Possession of instructions for manufacture or production of prohibited drugs), section 24 (4) (a) (Manufacture and production of prohibited drugs) and section 24A (2) (a) (Possession of precursors and certain apparatus for manufacture or production of prohibited drugs).

A registered carer may rely on the authorisation as a defence under provisions of the *Drug Misuse and Trafficking Act 1985* as follows:

- for possession: section 10 (2) (a) (Possession of prohibited drugs) and section 11 (2) (c) (Possession of equipment for administration of prohibited drugs),
- for administration: section 13 (2) (a) (Administration of prohibited drugs to others),
- for supply: section 25 (4) (a) (Supply of prohibited drugs) and section 25A (9) (a) (Offence of supplying prohibited drugs on an ongoing basis),
- if registered as a cannabis producer—for cultivation, manufacture or production: section 23 (4) (a1) (Offences with respect to prohibited plants—see Schedule 2 [3]), section 11C (2) (a) (Possession of instructions for manufacture or production of prohibited drugs), section 24 (4) (a) (Manufacture and production of prohibited drugs) and section 24A (2) (a) (Possession of precursors and certain apparatus for manufacture or production of prohibited drugs).

If a registered patient or carer does something outside the scope of the applicable authorisations, the *Drug Misuse and Trafficking Act 1985* and its substantial penalties will apply to the patient or carer.

Proposed Division 4 creates various offences that may be committed by registered patients or registered carers acting within the scope of the applicable authorisations as follows:

- an offence to administer cannabis in a public place (defined in the same way as in section 34 of the principal Act),
- an offence for a registered patient or carer who is not a registered cannabis producer to possess more than the permitted quantity of cannabis (being half the quantities fixed as small quantities for the purposes of the *Drug Misuse and Trafficking Act 1985*),
- an offence for a registered cannabis producer to possess more than a specified number of plants or 600 grams of cannabis leaf, or more than the permitted quantity of cannabis leaf while in a public place, or more than the permitted quantity of cannabis oil or cannabis resin,
- an offence for a registered cannabis producer to fail to notify police of the registration and the address at which cannabis plants are to be cultivated, to provide reasonable security or to report to police suspected thefts of cannabis or cannabis plants,
- an offence to fail to update information on the register,
- an offence to fail to present a certificate of identity issued under the Part to an inspector or return the certificate to the Health Secretary on request.

A person authorised to cultivate cannabis plants must ensure that no more than 6 plants are at the production stage and that no more than 24 plants are being cultivated at any one time.

Proposed Division 5 provides for a scheme under which a registered patient may be lawfully supplied cannabis by a government sector agency. The proposed Division authorises a government sector agency and its employees and contractors (if they are individuals rather than corporations) to:

- cultivate cannabis plants within New South Wales for the purposes of the proposed Part, and
- manufacture or produce cannabis within New South Wales for use by registered patients as authorised by the proposed Part, and
- supply cannabis to registered patients or registered carers within New South Wales for use by registered patients as authorised by the proposed Part.

The Commonwealth *Therapeutic Goods Act 1989* will not apply in these circumstances because of constitutional limitations.

The scheme relies on the application of defences for offences against the *Drug Misuse and Trafficking Act 1985* as follows:

- a person authorised to cultivate cannabis plants may rely on the authorisation as a defence under proposed section 23 (4) (a1) (Offences with respect to prohibited plants—see Schedule 2 [3]),
- a person authorised to manufacture or produce cannabis may rely on the authorisation as a defence under section 11C (2) (a) (Possession of instructions for manufacture or production of prohibited drugs), section 24 (4) (a) (Manufacture and production of prohibited drugs) and section 24A (2) (a) (Possession of precursors and certain apparatus for manufacture or production of prohibited drugs),
- a person authorised to supply cannabis may rely on the authorisation as a defence under section 25 (4) (a) (Supply of prohibited drugs) and section 25A (9) (a) (Offence of supplying prohibited drugs on an ongoing basis).

Proposed Division 6 provides for review of the Part. A review relating to the use of cannabis by children must be undertaken after 1 year and by adults after 2 years.

Schedule 1 [2] amends section 31 of the principal Act to ensure that the application of the Commonwealth therapeutic goods laws as a law of the State to individuals engaged in intra-State trade or commerce does not render unlawful activities authorised under proposed Part 4A.

Schedule 2 Amendment of Drug Misuse and Trafficking Act 1985 No 226

Schedule 2 [1] adds a defence to section 12 of the *Drug Misuse and Trafficking Act 1985* so that a person authorised to administer a prohibited drug to himself or herself under the *Poisons and Therapeutic Goods Act 1966* may do so without committing an offence against the section.

Schedule 2 [2] adds a defence to section 14 of the *Drug Misuse and Trafficking Act 1985* so that a person authorised to administer a prohibited drug to himself or herself under the *Poisons and Therapeutic Goods Act 1966* may permit another person to assist in the administration of the drug without committing an offence against the section.

Schedule 2 [3] adds a defence to section 23 of the *Drug Misuse and Trafficking Act 1985* so that a person authorised or licensed to cultivate cannabis plants under the *Poisons and Therapeutic Goods Act 1966* may do so without committing an offence against the section.



New South Wales

Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014

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New South Wales

Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014

No. , 2014

A Bill for

An Act to amend the *Poisons and Therapeutic Goods Act 1966* and the *Drug Misuse and Trafficking Act 1985* to provide a scheme supporting the use of cannabis for medical purposes.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Drug Legislation Amendment (Cannabis for Medical Purposes) Act 2014*.

3

4

2 Commencement

5

This Act commences 1 month after the date of assent to this Act, unless commenced sooner by proclamation.

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Schedule 1	Amendment of Poisons and Therapeutic Goods Act 1966 No 31	1
		2
[1] Part 4A		3
	Renumber Part 4A as Part 4B and insert before that Part as renumbered:	4
	Part 4A Cannabis for medical purposes	5
	Division 1 Preliminary	6
30C	Interpretation	7
(1)	In this Part:	8
	<i>cannabis</i> means a Schedule 9 substance comprising:	9
(a)	cannabis leaf, cannabis oil or cannabis resin, or	10
(b)	a preparation, admixture, extract or other substance containing any proportion of cannabis leaf, cannabis oil or cannabis resin except if it includes any proportion of a Schedule 9 substance other than cannabis.	11 12 13
	<i>child</i> means a person who has not attained 18 years of age.	14
	<i>Health Secretary</i> means the Secretary of the Ministry of Health.	15
	<i>medical specialist</i> means a medical practitioner registered under the Health Practitioner Regulation National Law in a recognised speciality.	16 17
	<i>permitted quantity</i> means:	18
(a)	for cannabis leaf—15 grams or, if some other amount is prescribed by the regulations, that other amount, or	19 20
(b)	for cannabis oil—1 gram or, if some other amount is prescribed by the regulations, that other amount, or	21 22
(c)	for cannabis resin—2.5 grams or, if some other amount is prescribed by the regulations, that other amount.	23 24
	<i>public place</i> means a place where members of the public are lawfully entitled, invited or permitted to be present in their capacity as members of the public, whether conditionally or unconditionally.	25 26 27
	<i>register</i> means the register kept under this Part.	28
	<i>registered as a cannabis producer</i> —see section 30E.	29
	<i>registered carer</i> means a person whose name is entered in the register as a carer for a registered patient.	30 31
	<i>registered patient</i> means a person whose name is entered in the register as a patient.	32 33
	<i>serious medical condition</i> —see subsection (3).	34
(2)	In this Part, the following expressions have the same meanings as they have in the <i>Drug Misuse and Trafficking Act 1985</i> :	35 36
	<i>administer</i> cannabis	37
	<i>cannabis leaf</i>	38
	<i>cannabis oil</i>	39
	<i>cannabis resin</i>	40
	<i>cultivate</i> cannabis plants	41

<i>manufacture</i> cannabis	1
<i>use</i> cannabis	2
(3) For the purposes of this Part:	3
(a) a patient who has attained 18 years of age has a <i>serious medical condition</i> if the patient suffers from:	4
(i) symptoms associated with, or with treatment for, one or more of the following:	5
(A) an illness or condition that is likely to result in death,	6
(B) Human Immunodeficiency Virus (HIV), or	7
(ii) severe and treatment-resistant nausea and vomiting due to chemotherapy, or	8
(iii) pain associated with cancer, or	9
(iv) neuropathic pain, or	10
(v) a symptom associated with, or with treatment for, a medical condition declared by the regulations to be a symptom that may be relieved by the use of cannabis, or	11
(vi) a symptom associated with, or with treatment for, a medical condition certified by the patient's medical practitioner as a symptom suffered by the patient that may be relieved by the use of cannabis, and	12
(b) a patient who is a child has a <i>serious medical condition</i> if the patient suffers from symptoms associated with, or with treatment for, intractable childhood epilepsy.	13
Division 2 Register	14
30D Entitlement to registration as patient or carer	15
(1) A person who has attained 18 years of age is entitled to be registered as a patient if, and only if:	16
(a) the person applies for registration as a patient in the manner and form required by the Health Secretary, and	17
(b) the person's principal place of residence is in New South Wales, and	18
(c) the Health Secretary is provided with a certificate that:	19
(i) has been signed by the person's medical practitioner within the previous 6 months, and	20
(ii) certifies that the practitioner has examined the person and that, in the opinion of the practitioner, the person has a serious medical condition, and	21
(iii) specifies the elements of the definition of <i>serious medical condition</i> on which the opinion is based, the nature of relevant symptoms suffered by the person and the medical condition with which the person has been diagnosed.	22
(2) A person is entitled to be registered as the carer of a registered patient who has attained 18 years of age if, and only if:	23
(a) the person applies for registration as a carer of the registered patient in the manner and form required by the Health Secretary, and	24
(b) the person has attained 18 years of age, and	25

(c)	the person's principal place of residence is in New South Wales, and	1
(d)	the patient requests registration of the person as his or her carer in the manner and form required by the Health Secretary.	2 3
(3)	A child is entitled to be registered as a patient if, and only if:	4
(a)	a parent or guardian of the child applies for registration of the child as a patient (with the written consent of the child if the child has attained 16 years of age) in the manner and form required by the Health Secretary, and	5 6 7 8
(b)	the principal place of residence of the child is in New South Wales, and	9
(c)	the Health Secretary is provided with certificates of 3 medical practitioners, at least one of whom is a medical specialist in intractable childhood epilepsy, and, in each case, the certificate:	10 11 12
(i)	has been signed by the practitioner within the previous 6 months, and	13 14
(ii)	certifies that the practitioner has examined the child and that, in the opinion of the practitioner, the child has intractable childhood epilepsy, and	15 16 17
(d)	one of the medical practitioners undertakes in writing to oversee the use of cannabis by the child to relieve symptoms associated with, or with treatment for, intractable childhood epilepsy and to report to the Health Secretary on the effectiveness of cannabis as a treatment for the child as required by the Health Secretary.	18 19 20 21 22
(4)	A person is entitled to be registered as the carer of a registered patient who is a child if, and only if:	23 24
(a)	the person is a parent or guardian of the child, and	25
(b)	the person applies for registration as a carer in the manner and form required by the Health Secretary, and	26 27
(c)	the person has attained 18 years of age, and	28
(d)	the person's principal place of residence is in New South Wales.	29
(5)	A child registered as a patient and a parent or guardian of the child registered as a carer of the child cease to be entitled to be so registered when the child attains 18 years of age.	30 31 32
30E	Entitlement to registration as cannabis producer	33
(1)	A registered patient who has attained 18 years of age is entitled to be registered as a cannabis producer if, and only if:	34 35
(a)	the patient applies for registration as a cannabis producer in the manner and form required by the Health Secretary, and	36 37
(b)	the patient proposes to cultivate cannabis plants to manufacture or produce cannabis for use by the patient to relieve the patient's serious medical condition, and	38 39 40
(c)	a registered carer of the patient is not registered as a cannabis producer for the patient.	41 42
(2)	A registered carer of a registered patient is entitled to be registered as a cannabis producer for the patient if, and only if:	43 44
(a)	the carer applies for registration as a cannabis producer in the manner and form required by the Health Secretary, and	45 46

	(b)	if the patient has attained 18 years of age—the patient requests the registration of the person as a cannabis producer in the manner and form required by the Health Secretary, and	1 2 3
	(c)	the carer proposes to cultivate cannabis plants to manufacture or produce cannabis to supply to the patient for use by the patient to relieve the patient’s serious medical condition, and	4 5 6
	(d)	neither the registered patient nor any other registered carer of the patient is registered as a cannabis producer for the patient.	7 8
30F		Applications for registration	9
	(1)	An application or request for registration of a carer (including as a cannabis producer) may be made in anticipation of registration of the patient.	10 11
	(2)	The Health Secretary may require information provided for the purposes of an application to be verified by statutory declaration or by the production of specified evidence.	12 13 14
30G		Maintenance of register and issue of certificate of identity as registered patient or registered carer	15 16
	(1)	The Health Secretary is to keep a register of patients and carers of registered patients.	17 18
	(2)	An entry in the register must include:	19
		(a) the name and address of the patient, and	20
		(b) if the patient is a child—the name and address of the parent or guardian who made the application for registration of the child, and	21 22
		(c) the name and contact details of each medical specialist or medical practitioner who issued a certificate for registration of the patient, and	23 24
		(d) if the patient has attained 18 years of age—the details on the certificate as to the elements of the definition of <i>serious medical condition</i> on which the opinion of the medical practitioner is based, the nature of relevant symptoms suffered by the patient and the medical condition with which the patient has been diagnosed, and	25 26 27 28 29
		(e) if the patient is a child—the name and address of the medical practitioner who has undertaken to report to the Health Secretary on the effectiveness of cannabis as a treatment for the child, and	30 31 32
		(f) if the patient has a registered carer—the name and address of the carer, and	33 34
		(g) if the patient is registered as a cannabis producer or a carer is registered as a cannabis producer for the patient—a statement of that fact.	35 36
	(3)	The Health Secretary may update the register as the Health Secretary considers appropriate.	37 38
	(4)	The Health Secretary must ensure that each registered patient and registered carer is issued with a certificate of identity as a registered patient or registered carer that incorporates a recent photograph of the patient or carer and indicates whether or not the person is registered as a cannabis producer.	39 40 41 42
	(5)	For that purpose, the Health Secretary may require a person to attend at a specified place to have the person’s photograph taken or to supply the Health Secretary with one or more photographs of the person as specified by the Health Secretary.	43 44 45 46

30H Confidentiality of information on register and in reports	1
(1) The register is not open for inspection, including by an inspector or a member of the public.	2 3
(2) Reports provided to the Health Secretary by a medical practitioner under this Part are to be kept confidential.	4 5
(3) However, the Health Secretary may:	6
(a) issue a certificate for evidentiary or law enforcement purposes relating to an entry in the register, or	7 8
(b) publish statistics and other information derived from the register or reports provided to the Health Secretary under this Part, including:	9 10
(i) statistics relating to the number of registered patients and registered carers, and	11 12
(ii) information about the nature of symptoms suffered by registered patients and the medical conditions with which registered patients have been diagnosed, and	13 14 15
(iii) information about the effectiveness of cannabis as a treatment for intractable childhood epilepsy.	16 17
(4) In any proceedings, a certificate signed by the Health Secretary certifying as to a matter relating to an entry in the register constitutes proof, in the absence of proof to the contrary, of the matter so certified.	18 19 20
30I Cancellation of registration	21
(1) The Health Secretary must cancel a person's registration as a patient, carer or cannabis producer on the application of the person, or, if the person is a registered carer, of the registered patient, made in the manner and form required by the Health Secretary.	22 23 24 25
(2) If a registered patient is a child, the application may be made by the parent or guardian who applied for registration of the child as a patient.	26 27
(3) The Health Secretary may cancel a person's registration as a patient, carer or cannabis producer if satisfied that:	28 29
(a) the registration was obtained improperly, or	30
(b) the person is not entitled to be registered as a patient, carer or cannabis producer (as the case requires), or	31 32
(c) the person has committed more than one offence against this Part.	33
(4) Before the Health Secretary acts under subsection (3), the Health Secretary must:	34 35
(a) notify the person (or, in the case of a patient who is a child, the parent or guardian of the child who made the application for registration of the child as a patient) in writing of the proposed action, specifying the reasons for it, and	36 37 38 39
(b) allow the person at least 14 days within which to make submissions to the Health Secretary in relation to the proposed action.	40 41

Division 3	Defences to prohibited drug offences	1
30J	Authorisations for registered patients and registered carers comprising defence under Drug Misuse and Trafficking Act 1985	2
		3
(1)	A registered patient is authorised:	4
(a)	to administer cannabis to himself or herself to relieve the patient’s serious medical condition, and	5 6
(b)	to possess cannabis, and equipment for use in the administration of cannabis, for the purpose set out in paragraph (a), and	7 8
(c)	to manufacture or produce cannabis by making a preparation or admixture for the purpose set out in paragraph (a) at the patient’s principal place of residence, and	9 10 11
(d)	if the patient is a registered cannabis producer—to possess and cultivate cannabis plants, and to manufacture or produce cannabis, for the purpose set out in paragraph (a) at the patient’s principal place of residence.	12 13 14 15
(2)	A registered carer of a registered patient is authorised:	16
(a)	to administer cannabis to the patient, or assist the patient to administer cannabis to himself or herself, to relieve the patient’s serious medical condition, and	17 18 19
(b)	to possess cannabis, and equipment for use in the administration of cannabis, for the purpose set out in paragraph (a), and	20 21
(c)	to manufacture or produce cannabis by making a preparation or admixture for the purpose set out in paragraph (a) at the carer’s principal place of residence or at the patient’s principal place of residence, and	22 23 24
(d)	to supply cannabis, and equipment for use in the administration of cannabis, to the patient for the purpose set out in paragraph (a), and	25 26
(e)	if the carer is a registered cannabis producer for the patient—to possess and cultivate cannabis plants, and to manufacture or produce cannabis, for the purpose set out in paragraph (a) at the carer’s principal place of residence or at the patient’s principal place of residence.	27 28 29 30
Division 4	Offences	31
30K	Cannabis not to be administered in public place	32
(1)	A registered patient must not administer cannabis to himself or herself in a public place. Maximum penalty: 15 penalty units.	33 34 35
(2)	A registered carer of a registered patient must not administer cannabis to the patient, or assist the patient to administer cannabis to himself or herself, in a public place. Maximum penalty: 15 penalty units.	36 37 38 39

30L	Limits on amount of cannabis or number of cannabis plants that may be possessed	1 2
(1)	A registered patient or registered carer of a registered patient must not, if the patient or carer is not registered as a cannabis producer, possess more than the permitted quantity of cannabis. Maximum penalty: 15 penalty units.	3 4 5 6
(2)	A registered patient or registered carer who is registered as a cannabis producer:	7 8
(a)	must not possess more than 6 cannabis plants that are in bud or flowering or more than 24 cannabis plants in total, and	9 10
(b)	must not possess more than 600 grams (or, if some other amount is prescribed by the regulations, that other amount) of cannabis leaf, and	11 12
(c)	must not possess more than the permitted quantity of cannabis leaf on his or her person while in a public place, and	13 14
(d)	must not possess more than the permitted quantity of cannabis oil or cannabis resin. Maximum penalty: 20 penalty units.	15 16 17
30M	Requirement to provide reasonable security and to report theft	18
	A registered patient or registered carer who is registered as a cannabis producer:	19 20
(a)	must, as soon as practicable after becoming registered as a cannabis producer, notify a police officer of that registration and of the address at which cannabis plants are to be cultivated under the registration, and	21 22 23
(b)	must ensure that reasonable security against unauthorised access is provided for cannabis plants and cannabis cultivated, manufactured or produced under the registration, and	24 25 26
(c)	must report to a police officer any suspected theft of cannabis plants or cannabis cultivated, manufactured or produced under the registration as soon as practicable after forming the suspicion. Maximum penalty: 20 penalty units.	27 28 29 30
30N	Updating of register	31
(1)	A registered patient or registered carer must inform the Health Secretary (in the manner and form required by the Health Secretary) within 14 days after any of the following:	32 33 34
(a)	a change in the person's name,	35
(b)	a change in the person's address,	36
(c)	in the case of a registered patient who is a child:	37
(i)	a change in the name or address of the medical practitioner who has undertaken to report to the Health Secretary on the effectiveness of cannabis as a treatment for the child, or	38 39 40
(ii)	a change in the medical practitioner who is to report to the Health Secretary on the effectiveness of cannabis as a treatment for the child (in which case the name and address of the medical practitioner must be provided to the Health Secretary together with a written undertaking of the practitioner to provide reports as required by the Health Secretary),	41 42 43 44 45 46

	(d) in the case of a registered carer—the death of the patient for whom the person is registered as a carer,	1 2
	(e) in the case of a person registered as a cannabis producer—the person ceases to cultivate cannabis plants or does not commence to cultivate cannabis plants within 14 days after becoming registered as a cannabis producer.	3 4 5 6
	Maximum penalty: 2 penalty units.	7
	(2) If a registered patient is a child, the obligations of a registered patient under this section fall on the parent or guardian who applied for registration of the child as a patient.	8 9 10
30O	Inspection and return of certificate of identity	11
	(1) A registered patient or registered carer must, at the request of an inspector under this Act, provide his or her certificate of identity to the inspector for inspection.	12 13 14
	Maximum penalty: 5 penalty units.	15
	(2) A person who is, or was formerly, a registered patient or registered carer must, at the written request of the Health Secretary, return his or her certificate of identity as a registered patient or registered carer to the Health Secretary as required by the Health Secretary.	16 17 18 19
	Maximum penalty: 2 penalty units.	20
	(3) If a registered patient is a child, the obligations of a registered patient under this section fall on the parent or guardian who applied for registration of the child as a patient.	21 22 23
Division 5	Scheme for supply of cannabis for registered patients	24
30P	Authorisation of government sector agency to supply cannabis for use by registered patients	25 26
	(1) A government sector agency (within the meaning of the <i>Government Sector Employment Act 2013</i>), employees of the agency and contractors of the agency who are individuals are authorised to undertake any one or more of the following activities:	27 28 29 30
	(a) cultivating cannabis plants within New South Wales for the purposes of this Part,	31 32
	(b) manufacturing or producing cannabis within New South Wales for use by registered patients as authorised by this Part,	33 34
	(c) supplying cannabis to registered patients or registered carers within New South Wales for use by registered patients as authorised by this Part.	35 36 37
	(2) An employee or contractor must act within the scope of his or her official duties for the authorisation to be effective.	38 39
Division 6	Review of Part	40
30Q	Review of Part	41
	(1) The Minister is to review the operation of this Part as follows:	42
	(a) a review of the use of cannabis by children with intractable childhood epilepsy is to be undertaken as soon as possible after the first anniversary of the commencement of this Part, with a report of the	43 44 45

review to be tabled in each House of Parliament within 12 months of that anniversary,	1
	2
(b) a review of the use of cannabis by adults to relieve serious medical conditions is to be undertaken as soon as possible after the second anniversary of the commencement of this Part, with a report of the review to be tabled in each House of Parliament within 12 months of that anniversary.	3
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(2) Without limiting the matters that may be considered in a review, the following matters must be considered:	8
	9
(a) the extent to which registered patients were able or unable to access cannabis for use to relieve serious medical conditions,	10
	11
(b) the extent to which registered patients who used cannabis to relieve serious medical conditions benefited from that use,	12
	13
(c) the extent to which registered patients who used cannabis to relieve serious medical conditions experienced adverse side effects from that use and the nature and severity of those side effects,	14
	15
	16
(d) whether the definition of <i>serious medical condition</i> should be modified to exclude or include particular conditions,	17
	18
(e) whether the Part should otherwise be modified to improve its administration or operation in terms of fairness, reasonableness, effectiveness or efficiency.	19
	20
	21
[2] Section 31 Application of Commonwealth therapeutic goods laws to New South Wales	22
	23
Insert after section 31 (2):	24
(2A) However, nothing in the applied provisions renders unlawful anything done in accordance with a licence or authorisation under this Act.	25
	26

Schedule 2	Amendment of Drug Misuse and Trafficking Act 1985 No 226	1
		2
[1] Section 12 Self-administration of prohibited drugs		3
Omit section 12 (2). Insert instead:		4
(2) Nothing in this section renders unlawful the administration or attempted administration by a person to himself or herself of a prohibited drug if:		5
(a) the prohibited drug has been lawfully prescribed for or supplied to the person, or		6
(b) the person is authorised to administer the prohibited drug to himself or herself under the <i>Poisons and Therapeutic Goods Act 1966</i> .		7
		8
		9
		10
[2] Section 14 Permitting another to administer prohibited drugs		11
Omit section 14 (2). Insert instead:		12
(2) Nothing in this section renders unlawful the giving of permission for the administration or attempted administration of a prohibited drug if:		13
(a) the prohibited drug has been lawfully prescribed for or supplied to the person, or		14
(b) the person is authorised to administer the prohibited drug to himself or herself under the <i>Poisons and Therapeutic Goods Act 1966</i> .		15
		16
		17
		18
[3] Section 23 Offences with respect to prohibited plants		19
Insert after section 23 (4) (a):		20
(a1) a person licensed or authorised to carry out the act under the <i>Poisons and Therapeutic Goods Act 1966</i> , or		21
		22