

Inquiry into the use of Cannabis in Victoria

Mr Steven Notaro

Organisation Name:Cann Group Limited

Your position or role: Head of Legal and Regulatory Affairs

SURVEY QUESTIONS

Drag the statements below to reorder them. In order of priority, please rank the themes you believe are most important for this Inquiry into the use of Cannabis in Victoria to consider::

Public safety,Public health,Social impacts,Young people and children,Accessing and using cannabis,Mental health,Criminal activity,Education

What best describes your interest in our Inquiry? (select all that apply) :

Working in the health sector

Are there any additional themes we should consider?

Ongoing support for medicinal cannabis industry (complementary to adult use)

Select all that apply. Do you think there should be restrictions on the use of cannabis? :

Sale of cannabis should be legal and regulated. ,Other – please explain.

Strict requirements around product and manufacturing quality standards must be imposed

YOUR SUBMISSION

Submission:

Do you have any additional comments or suggestions?:

FILE ATTACHMENTS

File1: [5f4c98acb96eb-Inquiry Submission \(CGL\) - Inquiry into the use of Cannabis in Victoria 20200831.pdf](#)

File2:

File3:

Signature:

Steven Notaro



CANN GROUP LIMITED submission to the Legislative Council Legal and Social Issues Committee Inquiry into the use of Cannabis in Victoria

31 August 2020

Cann Group Limited welcomes the opportunity to provide this submission to the Victorian Legislative Council Legal and Social Issues Committee (the '**Committee**') Inquiry into the use of Cannabis in Victoria (the '**Inquiry**').

About Cann Group

Cann Group Limited through its wholly owned subsidiary Cannoperations Pty Ltd (together '**Cann**' or '**we**') is a licenced cannabis cultivation, production and manufacture company committed to developing medicinal cannabis products for Australian patients.

Cann has been involved in the medicinal cannabis industry since the inception of the medicinal cannabis industry in Australia, being the first company to be issued a Medicinal Cannabis Licence by the Australian Office of Drug Control.

In addition, Cann is a member of the Medicinal Cannabis Industry Association ('**M CIA**') being the peak industry organisation for Australia's licensed medicinal cannabis industry. Cann was a contributor to, and fully supports the views and opinions put forward in the M CIA's submission. We now make this submission as a supplement to the M CIA submission to provide the views of Cann through its direct experiences.

Cann's focus is and will remain to be the effective treatment of patients via high quality and true to label medicinal cannabis products. Accordingly, this submission to the Committee will focus on harm reduction for cannabis use within Victoria (in general) along with suggestions and recommendations aimed at supporting medicinal cannabis patients within Victoria and throughout Australia.

Terms of reference and harm reduction

Cann acknowledges that the consumption of cannabis, be it for medicinal purposes or otherwise, is not completely harmless particularly when uncontrolled. Likewise, save for the implementation and policing of necessary laws and regulations, the prevalence of criminal operators would go unchecked.

The terms of reference for the Committee in respect of cannabis use in Victoria is to inquire into, consider and report, the best means to:

- a) prevent young people and children from accessing and using cannabis in Victoria;
- b) protect public health and public safety in relation to the use of cannabis in Victoria;



- c) implement health education campaigns and programs to ensure children and young people are aware of the dangers of drug use, in particular, cannabis use;
- d) prevent criminal activity relating to the illegal cannabis trade in Victoria; and
- e) assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers.

Cann welcomes the opportunity to put forward its views on these and related matters.

Public health and public safety

We note that elements of public health and public safety are distinct yet connected when comparing and considering medicinal cannabis and 'adult use' of cannabis.

In respect of the medicinal cannabis market, matters of public health and safety are closely controlled through stringent regulatory requirements relating to cultivation, manufacture and supply of cannabis under the *Narcotic Drugs Act* and *Therapeutic Goods Act*. As a result, Australian patients can be assured that Australian made medicinal cannabis products are true to label (including potency/strength) and are appropriately manufactured under GMP standards.

It is critical that any development of cannabis laws, in Victoria and/or throughout Australia, continue to insist on stringent quality requirements in the interest of public safety. Without limitation, this must include strict requirements around product potency (and the labelling thereof), marketing, and supply.

Fostering scientific knowledge

It is recognised from overseas experience, that legalisation for adult cannabis use can reduce participation in the medicinal cannabis industry by businesses, which (generally) requires higher manufacturing standards than 'adult use' products, including the allocation of significant time and resources into clinical research and product development which has a focus on improving patient health and treatment outcomes.

It is therefore critical that cannabis laws in Victoria are, and continue to be structured such that the medicinal cannabis industry remains supported to undertake this important work. It is of the utmost importance that medicinal cannabis products continue to be prescribed to Victorian patients under the supervision of their healthcare practitioner to mitigate the risk of patients deferring to unsupervised self-treatment through the availability of cannabis in the adult use market.

A stringent and trusted (by patients and medical practitioners) regulatory scheme for medicinal cannabis is a crucial factor in ensuring that patients are receiving appropriate, high-quality and efficacious medicinal cannabis products as determined by a treating physician. Therefore, laws and regulations must be properly considered and implemented to ensure an equitable and appropriate balance is achieved between access to adult use products and access to medicinal cannabis products.



Federal Consistency

We note that the cultivation and production of cannabis for medicinal or research purposes is governed at a Federal level under the *Narcotic Drugs Act*, as administered by the Office of Drug Control. Notwithstanding, we also acknowledged the recent decriminalisation of personal cannabis use by the Australian Capital Territory.

Whilst we appreciate that the States and Territories (including Victoria) are free to implement laws relating to decriminalisation of cannabis, we strongly believe that the certainty of a unified approach to cannabis laws across Australia is critical, to avoid confusion and contradictions like those that exist in the United States where cannabis frameworks vary from State to State, but remains illegal Federally, or in Canada whereby provinces implement cannabis regulations which often differ significantly across the country.

For all key stakeholders, be they patients, consumers, industry, or law enforcement; the certainty and efficiencies of a consistent cannabis framework throughout Australia cannot go understated, and from Cann's perspective we strongly advocate for a framework which continues to support high quality and ever developing products for Australian patients.

Appropriate Access

As described above under the heading "*Public health and public safety*" Cann notes that strict requirements must exist in respect of the supply of medicinal cannabis products. This is particularly the case when implementing measures for the prevention of access to young people and children.

Moreover, Cann firmly believes that an effectively regulated industry, being one which correctly balances regulatory burden for the protection of the community on the one hand, against the impost on industry on the other, is key to mitigating against illegal cannabis trade in Victoria.

In short, the support of legitimate businesses by Government, including though the passing of appropriate laws and regulations and the proper administration of those laws, will in turn result in the consistent supply of high quality, controlled and affordable products for Victorians, thus reducing dependence on black market sources.

Public safety as this relates to driving

We urge the Committee to consider implementing appropriate methods for impairment testing of road users with cannabis in their system for the dual benefit of medicinal cannabis patients and protecting public health and public safety. Cann strongly supports the view that no person should drive a motor vehicle whilst impaired by drugs, but notes that current driving laws require review, and where



appropriate reform, to ensure that patients are not unjustly charged with a driving offence, merely because of the presence of cannabinoids in their system without consideration of actual impairment.

The *Road Safety Act 1986* (Vic) ('the **Act**') stipulates that it is a criminal offence to drive while impaired or under the influence by drugs. The Act and corresponding regulations do not clearly prescribe whether patients who use prescribed medicinal cannabis are able to lawfully drive. Further, government guidance on this matter is lacking as it is not clear whether Cannabidiol ('**CBD**') is treated any differently to the psychoactive component of cannabis, Tetrahydrocannabinol ('**THC**'). Although it is noted in guidance from VicRoads, that it is an offence for someone to drive with THC in their system, irrespective of the concentration level in the person or whether the product is prescribed by a doctor. The critical element being that a medicinal cannabis patient will be deemed to have committed an offence based on presence of THC without consideration of whether impairment or influence can be shown.

We propose that the Committee consider clarifying how CBD is treated and importantly, the adoption of concentration testing methods and standards for cannabis generally to the similar effect of those used for alcohol. In turn this will enable medicinal cannabis patients to have a guide as to whether and when they are able to drive based on the instructions of the product. Medicinal cannabis products improve the quality of life of many Australians for various indications, yet it is a concern that medicinal cannabis patients in Victoria are unable to establish whether they can lawfully drive a vehicle which in effect offsets a portion of improved quality of life brought by the medication.

Summary

Cann believes harm minimisation is key to any cannabis framework. However, all too often an overly simplistic and narrow view of harm minimisation is adopted, focusing on the dangers and adverse effects of cannabis use.

Whilst these aspects are important and must be addressed, a wholistic harm minimisation strategy must also consider the serious effects of **not** taking necessary and appropriate actions at a legislative level, in not providing adequate treatment for patients, in not providing the necessary support mechanisms to Victorians who consume cannabis for medicinal reasons (or otherwise), in not providing a legal system which fairly treats consumers of cannabis, including specifically medicinal cannabis patients who wish to return to work and return to a normal life, but who are unsure if they can drive to work or perform their work related tasks as the laws relating to impairment versus detection are unclear and/or inappropriate and/or deficient.

We thank the Legislative Council and the Committee for the opportunity to respond to this Inquiry and look forward to the report to follow.