

Medicinal Cannabis Compassionate Use Scheme

NSW Medical Practitioners



The Medicinal Cannabis Compassionate Use Scheme

The NSW Government established the Medicinal Cannabis Compassionate Use Scheme to extend compassion to adults with a terminal illness.

The Scheme provides guidelines for NSW Police officers about using their discretion not to charge adults with a terminal illness for possession of cannabis not lawfully prescribed if they are registered with the Scheme, as well as up to three registered carers.

Eligibility

NSW residents who are aged 18 years or older who have a terminal illness are eligible to be registered with the Scheme.

Under the Medicinal Cannabis Compassionate Use Scheme, a terminal illness is defined as: 'an illness which, in reasonable medical judgement will, in the normal course, without the application of extraordinary measures or of treatment unacceptable to the patient, result in the death of the patient'.

The role of the patient

The patient can download the registration form and complete Part A. The patient will then ask their practitioner to complete Part B.

The patient will send the completed registration form to the Department of Communities and Justice by email or registered post. Once the application is processed, the patient will receive copies of their original documentation with registration numbers for themselves and any nominated carers.

Registration will last for 24 months, after which point the patient can re-register by making a new application.

Registered adults and carers must produce their documentation to NSW Police on request.

The Scheme is administered by the Department of Communities and Justice. By registering, patients agree that the Department of Communities and Justice can use and disclose information provided in Part A and Part B to check eligibility and for future reviews of the Scheme.

The role of the medical practitioner

A general practitioner or treating specialist who is registered in Australia and involved in their patient's ongoing care must certify that the patient has a terminal illness as defined by the Scheme.

When completing Part B of the registration form, the medical practitioner must provide patient details, the length and nature of their therapeutic relationship with the patient and the evidence relied upon for certification. As with any certification, false claims may have criminal and professional consequences.

Medical practitioners are not being asked to endorse the use of cannabis and are only certifying that the patient has a terminal illness as defined under the Scheme.

Cannabis use

Unregulated cannabis use is illegal and potentially harmful. Adults with a terminal illness who choose to use cannabis do so at their own risk. Medical practitioners may wish to discuss the health impacts of cannabis with their patients and are encouraged to use the opportunity to collaboratively review the patient's care plan.

There are legal pathways for a medical practitioner to prescribe a cannabis medicine for their patient, if the practitioner believes it is an appropriate treatment option. More information can be found at www.medicinalcannabis.nsw.gov.au.

Police discretion

Police may exercise their discretion not to charge adults with a terminal illness if:

- the adult is registered as a participant with the Scheme
- the adult possesses no more than the specified maximum amount of cannabis that is not lawfully prescribed (outlined in the table on right)
- the use of cannabis that is not lawfully prescribed by the terminally ill person is at their usual place of residence or any domestic residence.

Police may exercise their discretion not to charge carers of adults with a terminal illness if:

- the person is registered as a carer with the Scheme
- the carer possesses no more than the specified maximum amount of cannabis that is not lawfully prescribed (outlined in the table on right)
- the administration/supply by the carer of cannabis that is not lawfully prescribed is to a registered adult at their usual place of residence, or any domestic residence.

How much cannabis (not lawfully prescribed) is permitted under the Scheme?

| Cannabis form | Specified maximum amount |
|----------------|--------------------------|
| Cannabis leaf | 15 grams |
| Cannabis oil | 1 gram |
| Cannabis resin | 2.5 grams |

Activities not covered by the Scheme include

- supplying cannabis or cannabis products (not lawfully prescribed) to a person who is not registered under the Scheme
- cultivating cannabis
- using cannabis that is not lawfully prescribed in public
- possessing cannabis that is not lawfully prescribed over the specified maximum amount
- driving while using cannabis. It is an offence under the *Road Transport Act 2013 (NSW)* to drive if the delta-9-tetrahydrocannabinol component of cannabis is present in a person's saliva, blood or urine.

More information

- email the Centre for Medicinal Cannabis Research and Innovation: MOH-CannabisTrial@health.nsw.gov.au
- write to:
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