

**QUEENSLAND COUNCIL FOR CIVIL LIBERTIES**

**Submission to the Senate Legal and Constitutional Affairs Committee  
on the**

**Regulator of Medicinal Cannabis Bill 2014**

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Thank you for the invitation to make a submission on the Regulator of Medicinal Cannabis Bill 2014. The Queensland Council for Civil Liberties has had a long-standing interest in cannabis issues, including in-principle support for the legalisation of medicinal cannabis.

**INTRODUCTION**

**About the QCCL**

The QCCL is a voluntary organisation established in 1967 to promote civil liberties.

**QCCL and Cannabis**

QCCL has twice made formal submissions to the Queensland Parliament advocating cannabis legalisation, in November 1993 (written by Peter Applegarth) and April 2010 (by me). I made an additional personal submission to the 1993 inquiry. In addition, I was a co-author with Ian Dearden and Narelle Sutherland of a short article on Queensland drug law reform published in an issue of the Legal Services Bulletin in 1991. All with no result.

Both 1993 submissions made passing reference to the likely benefits of medicinal cannabis, but are otherwise tangential to this submission.

It is agreed that the legalisation of medicinal cannabis needs to be explicitly quarantined from considerations surrounding legalising recreational marijuana.

**Personal Disclosure**

When my partner was dying from metastatic breast cancer in 2002-2004, she discovered that smoking cannabis—via a water bong—was the only effective and immediate-acting remedy for her chemotherapy- and radiotherapy-induced nausea. This was despite her having access to the best available anti-nausea medications at that time, including the then-new and enormously expensive drug Zofran. Because of its immediate effect, smoking cannabis enables the dose to be closely calibrated to the symptoms. As ‘baby boomers’ we had no

trouble finding a (donated) supply of high-quality cannabis, but the occasional media story and other anecdotal evidence has suggested many or even most older generation terminally ill citizens have been denied access to this option.

A second disclosure concerns a cousin, Jenny, long since deceased, who was twice arrested in a heavy-handed manner by South Australian police in the early 1980s. In both instances the police prosecutor opted not to proceed after being informed she was using cannabis to manage treatment for her then-terminal Hodgkin's disease.

### **Medicinal Cannabis Science**

The last few years in Australia have seen a plethora of reports and research papers on medicinal cannabis. Legislative Councils in NSW and Tasmania have conducted inquiries and produced reports. Parliamentary research services in NSW and Victoria have published background papers. The Australian National Council on Drugs has produced a background paper, lodged with the Tasmanian inquiry. The University of NSW National Drug and Alcohol Centre has this month published a paper on framing the regulatory options for medicinal cannabis. They are all listed in the References at the end of this submission. Public debate has been most active in NSW, as can be seen in the number of references (grouped together for convenience).

None of this activity has led to legislation, although Bills have been tabled in both the NSW and Victorian parliaments.

For the purposes of this submission, QCCL is satisfied that the review article by Mather et.al, published in the *Medical Journal of Australia* in December 2013, provides an excellent Australian summary of the current science.

Two overseas studies that deserve special mention are Grotenhermen & Müller-Vahl (2012) on the 'therapeutic potential of cannabis and cannabinoids', and the systematic review by Wang et.al. (2008) on 'the adverse effects of medical cannabinoids'. Zimmerman (2015) has a useful summary of the state by state situation with medical marijuana in the United States.

Good science on the medical benefits of marijuana has only been researched and published in the last 10-15 years. This has been despite the extraordinary bias evident in government and private research funding. According to a 2013 opinion piece by Sanjay Gupta, the Chief Medical Correspondent for CNN, only 6% of the nearly 2,000 papers in the US National Library of Medicine investigated the benefits of medical marijuana. The rest were designed to investigate harm. Obviously, as he comments, this imbalance produces a highly distorted picture. QCCL's 2010 submission to the Queensland parliament's cannabis inquiry made the same point, at some length.

### **Medicinal cannabis is not 'alternative therapy'**

Melbourne oncologist and author Dr Ranjana Srivastava has written about oncologists' non-relationships with alternative therapists, most recently in an opinion piece published in *Guardian Australia* 3 March 2015. She makes no reference to the uses of cannabis in relieving chemotherapy- and radiotherapy-related nausea, for example, but anecdotal evidence suggests most oncologists are comfortable with this practice, as opposed to their general hostility to alternative cancer cures such as coffee enemas, homeopathy, apricot

kernels and so on. It seems that specialists place cannabis anti-nausea treatments in a different category, a “if it relieves symptoms/can’t do no harm, great” category. It is not seen as an alternative cancer cure.

Dying patients with untreatable diseases are regularly offered experimental drugs, often accompanied by horrific side-effects. Cannabis has never killed anyone and in a medicinal context is a very benign drug. Australia has some of the best specialist doctors in the world. It makes sense to let them manage their patients’ treatment with all the possible tools available.

Of course the beneficial anti-nausea effects of cannabis apply to a much wider category of cancer sufferers than the certified terminally ill. I have not been able to find any systematic Australian study of oncologists on this issue.

## **NATIONAL CONVERSATION**

### **Medical Journal of Australia Article**

In December 2013 an article advocating the medicinal utility of cannabis was published in the Australian Medical Journal titled “(Re) introducing medicinal cannabis”. The authors— Laurence E Mather, Evert R Rauwendaal, Vivienne L Moxham-Hall and Alex D Wodak— introduced the article as follows:

The medicinal use of cannabis was prohibited in Australia some 50 years ago, at a time when scientific knowledge about it was meagre. It is now clear that cannabis has genuine medicinal utility, but this has been largely overlooked, with research and society’s attention, in most parts of the world, being directed towards the hazards of its recreational use rather than the benefits of its medicinal use. We maintain that consideration of policy for medicinal cannabis should be kept separate from consideration of recreational cannabis.

In May 2013, a New South Wales parliamentary committee comprising members of five political parties unanimously recommended making medicinal cannabis available for selected conditions. Its report (the NSW Report) stated:

in general terms medical cannabis has potential as an effective treatment for some medical conditions with appropriate safeguards in place [and] cannabis products are emerging as a promising area of medicine ...3

We agree, and add that national acceptance of medicinal cannabis should be implemented based exclusively on evidence of its clinical efficacy, safety and cost-effectiveness, and that necessary legal reforms permitting medical prescription should be enacted, as has been done in many countries.

This article seems to have kicked off a series of initiatives which have culminated in the current proposal to establish a Regulator of Medical Cannabis.

### **NSW TICS Scheme**

On 15 November 2013, despite expressing in principle support for Recommendation 1 of the Final Parliamentary Report 2013—the O’Farrell government rejected the Report’s key recommendation to “add a complete defence to the use and possession of cannabis, so as to cover the authorised medical use of cannabis by patients with terminal illness and those who have moved from HIV infection to AIDS.”

A line-by-line critique of the O’Farrell Government response was prepared by the Australian Drug Law Reform Foundation (ADLRF).

Following Premier Barry O’Farrell’s resignation, Mike Baird was sworn in as the 44th premier of New South Wales on 23 April 2014. On 17 September 2014 Mr Baird announced the NSW government was changing police guidelines so that people who possessed small amounts of cannabis would not be charged if their name was on a register of terminally ill patients. Mr Baird correctly said NSW was leading the way on an issue that should be on the national agenda.

On 2 January 2015, Catherine Cusack, the Liberal state MP co-ordinating the policy changes, announced that the police discretionary guidelines had been formalised with a new procedure called the Terminal Illness Cannabis Scheme or TICS, established within the Department of Justice. Medical practitioners would now be required to certify the person had a terminal illness, to bestow immunity from prosecution. “The terminally ill no longer have to be afraid of going to jail”, Ms Cusack said.

### **NSW Greens Legislative Council Bills**

A useful account of the history of these two bills has been provided by MLC Dr John Kaye in his second reading speech for the second bill, published in the Hansard for 20 November 2014. A much shortened and lightly edited version of this speech can be found in Appendix A of this submission. The story of the two bills is intertwined with the development of the TICs initiative.

The first private member’s bill was called the *Drug Legislation Amendment (Use of Cannabis for Medical Purposes) Bill 2014* and was introduced by way of a Notice of Motion on 18 March 2014. One of the criticisms was that it did not address the issue of supply. The Bill formally lapsed on Prorogation on 08/09/2014.

A second version of the Bill, now titled *Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014*, was introduced into the Legislative Council on 20 November 2014. The long title for the bill was “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.” This Bill lapsed on prorogation on 2 March 2015, just before the caretaker election period commenced.

Very briefly, the story goes like this. On 26 May 2014, Premier Mike Baird, responding to a public campaign by the Tamworth Haslam family on behalf of their terminally ill son Daniel, announced he was inviting the National Party member for Tamworth, Kevin Anderson, to bring a private medicinal cannabis bill. Because it was said that Mr Anderson’s bill would solve the supply issue, the Greens parked their first bill.

When Premier Baird dumped Anderson’s private members bill in favour of his terminally ill

cannabis scheme, the Greens felt a genuine opportunity to move forward had been squandered. Accordingly, they reintroduced their bill, this time with appropriate amendments to address the supply issue, and amendments to legalise medicinal cannabis for a much wider group of conditions than terminal illness.

All the public commentary reviewed by this writer indicates this second Bill was never going to be supported by the Baird government. The TICS scheme is as far as this conservative government is prepared to go. Opposition Leader Luke Foley has not indicated Labor's position on the Greens legislation, but he has said there is no need for trials and medicinal cannabis should be legalised as soon as possible.

## **Appendix A: media commentary**

*Appendix A attempts to summarise the national conversation around medicinal cannabis over the last 9 months by selecting relevant media articles and reducing them to their essence. It does not pretend to be exhaustive and it is likely that there are glaring omissions, but it nevertheless provides a useful overview.*

1. It's a mess. What's even more alarming it is likely that this mess will continue, unless a breakthrough occurs.
2. There is a pressing need for a national approach.
3. The role of illegal medicinal cannabis users prepared to go public has been game-changing. The campaign to legalise cannabis for terminal illness sufferer Daniel Haslam is the standout example: conservative country town, conservative National Party MP, conservative ex-drug squad father, conservative police superintendent, and conservative Premier. Other heroes of the grassroots campaigns are Rita Cappelleri, Tony Bower, Nicole Cowles, Cheri O'Connell, Rhett Wallace and Cassie Batten, and Adam Koessler.
4. The public support for parents and guardians treating epileptic children has been equally remarkable. The anecdotal evidence for the effectiveness of cannabis oil drops in relieving seizures is strong. Despite a couple of arrests, Queenslander Adam Koessler is out on bail and continues to run a high profile FB campaign on behalf of his daughter Rumer. Victorian Cheri O'Connell has been allowed to continue cannabis oil treatment for her daughter Tara and the police have dropped her possession charge.
5. There have many examples of courageous leadership at the political level. On the conservative side, Kevin Anderson, Mike Baird, Jason Woodforth, Warren Entsch and Mick Palmer (ex-AFP). Ex Victorian premier Denis Napthine was very supportive in a child epilepsy case. On the Labor side Luke Foley, Adam Searle, ex NSW premier Bob Carr and Victorian premier Daniel Andrews. The Greens MLC Dr John Kaye has been tireless. Campaigners for the Regulator Bill, Liberal MP Dr Sharman Stone, Labour MP Melissa Parke and Greens Senator Dr Richard Di Natale.
6. Two outstanding medical heroes are Doctors Alex Wodak and Laurence Mather. Both are known for their impeccable scientific credentials and deep compassion for their patients.
7. The TICS initiative to protect terminal illness users is very welcome. But after a similar protection amendment was rejected by the Tasmanian government, NSW is the only State to

have implemented it. It is a no-brainer, costs little and is very popular. Apart from Victoria, there is little sign that it will be adopted by other States and Territories.

8. But even TICS registration does not guarantee protection. According to the FearlessFather FB page, Craig Goodwin, a registered TICS carer, has recently been arrested for a cultivation offence (to make cannabis oil).

9. TICS is only a first step. There is an urgent need to legalise the use of medicinal cannabis for a much wider range of conditions than terminal illness. Uncontrolled epilepsy and chronic pain are two of the more obvious. The NSW Greens *Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014* provides a list of such conditions in its definition of 'serious medical condition'. At this stage no state government is prepared to go along this path, leaving medicinal cannabis users at the mercy of various police jurisdictions, and ultimately, individual police.

10. The case of Canberra resident Brendan, who broke the law to buy 'street' cannabis for his dying wife, illustrates the invidious situation faced by most sufferers and their carers. Brendan refused to supply his family name for fear of prosecution.

11. Hundreds and probably thousands of terminally ill Australian are already trialling or using 'recreational' cannabis products for medicinal purposes. Tens of thousands of now-deceased Australians have been denied the potential therapeutic benefits of cannabis while large sections of the political elite have been lost in a mindset of blind hostility to 'crude' or botanical cannabis. Sativex, the only proven pharmaceutical grade medicine available in Australia, is very expensive and has only gained TGA approval for one unusual condition.

12. NSW is due to start trials of medicinal cannabis products in 2016. Completion and evaluation of these trials could take up to 5 years. The premiers of WA, Queensland and Tasmania have publicly stated they are sympathetic to the introduction of medicinal cannabis but will await the outcomes of the trials. It is easy to conclude they see the trials as a way of kicking the problem into the grass.

13. The new Victorian premier, Daniel Andrews, is not waiting for trials. He has asked the Law Reform Commission to advise on how to prescribe and regulate the drug with the aim of presenting a bill to Parliament by the end of 2015. That bill will of course be subject to agreement by his upper house.

14. The NSW Labor Opposition does not want to wait for trials either. Leader Luke Foley has questioned their additional value and advocated legislation to legalise medicinal cannabis as soon as possible.

15. In November 2014 an opinion piece by Laurie Mather and Alex Wodak and argued proposals to legalise medicinal cannabis had "fallen into a deep hole". "In 2003 and again in 2014, NSW Premiers proposed legalising medicinal cannabis. In 2003 they were prevented from proceeding by their political parties. In 2014, NSW Premier Mike Baird had instead announced a medicinal cannabis "trial", and COAG Health Ministers then agreed to support this trial. What's more, any political willingness to consider medicinal cannabis seems confined to "terminally ill" patients. This is nonsense and illustrates the inevitable problems with a politics-based approach rather than expert appraisal of the evidence."

16. To repeat, it is a mess. A ‘dog’s breakfast’ hardly describes it. Premier Baird is not going to move beyond his TICS register. Other conservative premiers are not even prepared to contemplate that small step, at best leaving it to police discretion. With the possible exception of Victoria, there is no prospect of any state government passing the legislation similar to that proposed by the NSW Greens.

17. In the meantime, medicinal cannabis users will have only three options: they will hide their activities hoping the police will not find them out; they will be discovered by the police and prosecuted; or, if they are lucky, they will escape prosecution under police discretionary guidelines such as TICS. There is also a fourth option, open to a few brave souls, to take their case to social and mainstream media.

## **REGULATOR OF MEDICINAL CANNABIS BILL 2014**

The preceding commentary demonstrates two things: Australian state politicians have not been able to sensibly address the medicinal cannabis issue, instead producing a mess of ideas, some cannabis trials that will not report for years, and one tiny positive initiative for the terminally ill in NSW.

Second, there is an urgent need for a federal intervention to break the deadlock. QCCL sincerely hopes that the Regulator Bill will be the initiative that does this. QCCL notes Prime Minister Abbott supports the NSW medicinal cannabis trials, but has not spoken in favour of any federal action.

QCCL commends the cross-party sponsors of the Regulator Bill for proposing a model that addresses many of the concerns of the various stakeholders. The two principal virtues of the Bill are that it establishes a national statutory authority separate from the TGA, and that the authority will be responsible for ALL aspects of the supply and use of medicinal cannabis:

“The Regulator will be responsible for licensing the production, manufacture, supply, use, research and import and export of medicinal cannabis.”

With one exception, this submission makes no comment about the structure of the bill, instead hoping that the combined expertise of its sponsor and parliamentary support services service will have ensured it is drafted to the highest standard.

### **Preferred Definition**

The Council notes that under Part 2 Clause 11 the Bill provides that the regulator may make

“(b) an authorised patients and carers scheme, for authorising patients, carers and medical practitioners;”

The Bill does not define what medical conditions would qualify a patient to be an ‘authorised patient’, charging the regulator with this task. In the scheme written into the NSW *Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014* the equivalent patient is defined as a ‘registered patient’ and medicinal cannabis can only be used by such a patient if they have a ‘serious medical condition’, as defined in Schedule 1.

An extract of the most relevant text from Schedule 1 is inserted below. Although the Regulator Bill does not define the medical conditions that will allow patients to use medicinal cannabis products, the definitions settled on by the Regulator will obviously be a measure of public and political acceptance and the ultimate success of the whole scheme. To this end, the Council commends the NSW concept of ‘serious medical condition’ to the Regulator, believing it to be a very good starting point.

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

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 practitioner 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.”

QCCL commends this submission to the Senate committee.

**PREPARED ON BEHALF OF THE QUEENSLAND COUNCIL FOR CIVIL LIBERTIES  
BY JOHN E RANSLEY, EXECUTIVE MEMBER**

Brisbane 18 March 2015



## **APPENDIX A**

### **Edited Extract from Second Reading Speech by MLC Dr John Kaye**

**NSW Hansard 20 November 2014**

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#### **Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014**

**Dr JOHN KAYE I move: That this bill be now read a second time.**

This bill has its origins in the May 2013 report of General Purpose Standing Committee No. 4 entitled, "The use of cannabis for medical purposes". That committee recommended that a medicinal cannabis card be created for the terminally ill and those suffering from the effects of HIV and that the possession of the card would create a complete defence from prosecution for the possession of 15 grams of crude cannabis by a patient holding a card and by a carer holding a card.

I sat on that committee and we dodged the issue of supply, arguing that people were obtaining cannabis in any event through the illegal market and that a medicinal cannabis regime would take cannabis off the recreational drug market and divert it to a purpose of medicinal outcomes. All parties on that inquiry supported that outcome.

On 15 November 2013 the Minister for Health, Jillian Skinner delivered the government's deeply disappointing response. She rejected the key findings of the inquiry, arguing that the potency and safety of crude cannabis was unknown, variable and unregulated.

To be clear: Yes it is true; when it is provided on the street the potency of crude cannabis is unknown. But it is exactly for the reason that it is safe, it is a low-harm drug—there has not been an overdose death from cannabis in recorded history. In her response the health Minister spoke about the risk of diversion to recreational drug use, but she ignores the fact that recreational cannabis is widespread in its use and is available on most street corners. The reality is that there is no risk of diversion into the recreational drug market.

The health Minister claimed that it is a harmful drug. All drugs are harmful. If we were to say that a substance cannot be used because it is harmful, we would not use any opioid drugs. Nonetheless we use opioid drugs because we recognise that the benefits associated with them outweigh the harms, as is the case with medicinal cannabis.

On 24 May 2014, after a long process, I launched my first medicinal cannabis bill, which implemented the recommendations of General Purpose Standing Committee No. 4 to create legislation around a medicinal cannabis card and protection from prosecution for those who hold the card. Two days later, on 26 May 2014, Premier Mike Baird, in response to pressure from the Haslam family in Tamworth whose son Dan is dying of cancer and who uses cannabis to treat the symptoms of chemotherapy, and in response to massive outpourings of community and media sympathy for Mr Haslam and others in similar situations, announced that he was inviting the member for Tamworth, Kevin Anderson, to come forward with a medicinal cannabis bill. At that time it was envisaged that Mr Anderson's bill would solve the supply issue; we would move ahead from the finding of General Purpose Standing

Committee No. 4 to address the supply issue.

At that point I made the decision to park my bill. The Greens felt that we wanted to create policy space and time for Mr Anderson to develop a bill. We gave our support to Mr Anderson, as did many other people throughout New South Wales. On 16 September 2014 Premier Mike Baird in the Legislative Assembly, with the Haslam family present, announced his terminal illness cannabis scheme. The Greens felt strongly that an opportunity genuinely to move forward had been squandered. There was no legislation to be put in place; instead, the police guidelines would be amended. The Premier's document at the time stated:

The terminal illness cannabis scheme will provide guidelines for NSW police officers to assist them in determining appropriate circumstances in which to use their discretion not to charge adults with terminal illness who use cannabis leaf, oil or resin, or carers who assist them.

That left the power in the hands of the police. It was still a discretionary matter. Medicinal cannabis users remained without the protection of the law.

Secondly, the Premier announced an expert working group to define and establish a clinical trial. However, I want to make it clear: A clinical trial likely relates to a new pharmaceutical drug such as nabiximols, which turns out to be extremely expensive and in many cases impractical. Crude cannabis and cannabis oils are not pharmaceutical drugs. They fall into an entirely separate category. They have been around for thousands of years.

Cannabis is still defined by the law as a poison. But that is a political decision, not a pharmaceutical decision; nor is it a decision made in the full understanding of the experience in the United States of the benefits of medicinal cannabis. The Greens are not opposed to a clinical trial. This bill will do nothing to stop a clinical trial. It simply creates a separate process that provides access to medicinal cannabis.

To be absolutely clear, a clinical trial will cost a lot of money and take years to conduct, and it is unlikely to uncover anything other than what is already known: that some harms and some benefits are associated with cannabis.

During the time we were waiting for Mr Anderson's work to reach its conclusion, the Greens came up with an alternative model, which is the bill before the House today. In this bill we adopt the key unanimous finding of General Purpose Standing Committee No. 4: to create a medicinal cannabis register with a medicinal cannabis card that provides protection for those who hold the card, and their carers, from prosecution for possession of 15 grams of cannabis. This bill requires people to register with their doctor, with their registration being reported to the Secretary of the Ministry of Health. It also addresses the question of supply.

We also learnt it was necessary to cover a broader range of illnesses and symptoms to be treated. In addition to provisions for terminal illness and a range of other well-known illnesses whose symptoms are known to respond to medicinal cannabis, we have included a general provision for those who are suffering a symptom or disease that their treating medical practitioner says would benefit from medicinal cannabis. Medicinal cannabis is about health care and it should be regulated through and dealt with by healthcare professionals. It is not up to politicians to say that an individual is not an appropriate recipient of medicinal cannabis.

Finally, it is essential to protect children under the age of 18, and the parents or guardians of young children with intractable childhood epilepsies, including Dravet syndrome. There is strong anecdotal evidence that high cannabidiol [CBD] to tetrahydrocannabinol [THC] cannabis reduce the severity and frequency of fits among children with epilepsy, without any psychotropic effect.

Some parents in New South Wales are facing severe penalties for treating their children in this way. The Greens believe that the majority of patients over 18 years will be regulated on the say-so of one doctor. But for a child with epilepsy, because of the serious nature of the matter, three doctors will be required to sign the application for a medicinal cannabis card, one of whom will have to be an expert in the treatment of childhood epilepsy.

The media has been very sophisticated in the way it has dealt with this matter. Commercial media outlets which normally engage in a war on drugs have recognised the moral and compassionate imperative of standing with these parents who are trying to create a better future for their children.

Premier Mike Baird challenged Kevin Anderson, the member for Tamworth, to solve the issue of supply. This legislation does that in two ways. It allows authorised patients and carers to grow up to six mature plants and a larger number of immature plants, but only if one of them registers as a producer and the cultivation is purely for the purposes of the patient and only one carer or patient can register. Secondly, Division 5 of the bill creates an authorisation for a State government sector agency to cultivate, provide and supply medicinal cannabis to registered medicinal cannabis patients.

I put on record my support for the Therapeutic Goods Administration. Nothing I say is an attack on the TGA, but medicinal cannabis is not a prescription drug, a therapeutic good in the meaning of the Act federally.

The bill requires that the legislation be reviewed within one year with respect to supply to children and within two years with respect to the over 18-year-old provisions and that the review be tabled in Parliament and be available for public debate.

This bill is a tribute to Mr Dan Haslam, his family and the people of Tamworth. This bill is a tribute to every user of medicinal cannabis who has stood up and said, "We will not stand by and allow others to have to break the law. We want to change the law."

Hansard Transcript Item 32 of 82, 20 November 2014.

<https://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20141120032>

## APPENDIX B

### EXTRACTS FROM AUSTRALIA'S RECENT NATIONAL CONVERSATION ON MEDICINAL CANNABIS

[Note: Press reports have been condensed as much as possible, and paraphrasing minimised]

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**Australia has no reason to disallow medical cannabis use**  
**Opinion by Alex Wodak & Laurence Mather**  
**The Conversation, 26 March 2014**

**20 US States** now permit the medical use of cannabis

**A South Australian man with leukaemia** was sentenced to two years in jail for cultivating cannabis in March 2014. In a related newspapers poll, 96% of respondents agreed cultivating medicinal cannabis should be allowed.

**A national 2010 survey** found 69% of respondents supported medicinal cannabis use, and 74% supported having clinical trials. These results have changed little between 2004 and 2010.

**International drug treaties** to which Australia is party permit the medical and scientific use of drugs whose recreational use is prohibited. Thus Australians benefit from the medical use of drugs such as morphine, ketamine, cocaine and amphetamine.

**More than a dozen countries**—including Canada, Israel Switzerland, and the Netherlands—permit medicinal cannabis use while prohibiting recreational use – there's no reason that Australia can't do the same.

**For decades, as part of its war on drugs**, the US government promoted research into the adverse effects of cannabis while vigorously obstructing research into its possible medical benefits.

**A recent review of research** about medicinal cannabis use found 82 randomised controlled trials had positive results while only nine were negative. At least half a dozen prestigious bodies in Australia, Canada, the UK and US have published favourable reviews of the evidence in the last 15 years.

**Medicinal cannabis is acceptably safe**, with side effects that are uncommon, generally mild, and outweighed by major benefits.\* Inhaling cannabis vapour is safer than inhaling smoke.

**The risk of becoming dependant** on medicinal cannabis is much smaller than many conventional medications – let alone for alcohol and tobacco.

**The cost and legal supply of medicinal cannabis** remain potential stumbling blocks. It's cheapest to grow cannabis at home but that is illegal. The second cheapest option is to buy it in the black market. For seriously unwell people, neither of these options is practical.

**Home-grown and black market cannabis** are of uncertain medicinal quality and strength.

**In some countries**, specially prepared botanical cannabis of known strength is provided on prescription.

**In Australia**, the TGA has recently approved a cannabis mouth spray called Sativex (Nabiximols) but only for one condition. This has a proven benefit, but is expected to cost patients between \$500 and \$800 a month, too expensive for most people.

*\*(Re)introducing medicinal cannabis. MJA December 2013:*

<https://www.mja.com.au/journal/2013/199/11/reintroducing-medicinal-cannabis>

<http://theconversation.com/australia-has-no-reason-to-disallow-medical-cannabis-use-24717>

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### **Kevin Anderson private members bill ABC 9 May, 2014**

- **The Haslam family quest to see cannabis legalised for the terminally ill** has won the support of Tamworth National Party MP Kevin Anderson. Mr Anderson said he will canvass his parliamentary colleagues with a view to introducing a private members bill.
- **Mr Anderson said he spoke to the Premier about the Haslam family** and his own concerns about marijuana use. "Everybody is very sympathetic and keen to provide comfort and care to those that are dying, and certainly your heart goes out to families in that position," he said.
- **The Premier was quite clear that the government** could not sanction supply from an illegal operator for medicinal purposes, Mr Anderson said. Mr Anderson would prefer the drug be dispensed through hospitals and palliative care staff rather than through pharmacies.

<http://www.abc.net.au/local/stories/2014/05/29/4014607.htm>

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### **Drug use problem is a health issue Sunday Telegraph 25 May 2014**

- **Moved by the plight of Dan Haslam, Mick Palmer, AFP Commissioner 1994-2001**, has written to the *Sunday Telegraph* calling for a change of law on the medical use of cannabis. "Our drug policy should not make criminals out of victims but should recognise the drug use problem for what it is, a health issue," Mr Palmer said.
- **Cannabis use in any form is currently illegal**, forcing Mr Haslam to regularly break the law. Mr Haslam said cannabis had a 'miraculous effect' on the violent nausea he

suffered after each bout of chemotherapy, allowing him to maintain an appetite throughout his fortnightly chemotherapy treatments. “I haven’t been violently ill since I started on it, that alone is enough for me, from spending a night in hospital and losing five kilos every fortnight to not vomiting and being able to eat,” Dan Haslam said.

- **Dan has the support of his ex drug squad detective father Lou Haslam** and local Tamworth Police Superintendent Clint Pheeney. The Tamworth community has collected 29,000 signatures on a petition to legalise cannabis for medicinal reasons
- **A poll of almost 2400 Sunday and Daily Telegraph readers** found 94 per cent wanted the drug legalised for medicinal purposes, with only 2 per cent against the idea.
- **Former NSW premier Bob Carr** said cannabis should be decriminalised for people who have a doctor’s certificate saying their pain and nausea can be relieved by it.
- **Dr Alex Wodak said high quality botanical cannabis** was available from overseas companies. “The Commonwealth Special Access Scheme (Category A) already allows doctors to prescribe unapproved drugs in terminal conditions. This should be extended to include medicinal cannabis with a review of approved cases periodically to make sure that the system is not being abused”.

<http://www.dailytelegraph.com.au/news/tough-on-drugs-cop-allow-cannabis-for-the-ill/story-fni0cx4q-1226930222887>

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### **Politicians urge cross party support for medical cannabis AMA 24June2014**

The federal Parliamentary Group for Drug Policy and Law Reform convened by Liberal MP Dr Sharman Stone, Labour MP Melissa Parke and Greens Senator Dr Richard Di Natale has urged members of each of the main political parties to follow 20 US states and legalise medicinal use of cannabis.

- **Dr Stone** said “significant numbers of random trials have demonstrated the last resort value of using medicinal cannabis to relieve some of the terrible suffering associated with some terminal cancers and other conditions”.
- **Dr Di Natale** said the evidence for the efficacy of medicinal cannabis in relieving the relieving the nausea, pain and weight loss suffered by some with a terminal illness was clear.
- **Dr Di Natale** said its use would need to be regulated, but there was no reason why it could not be licensed in the same way as poppy growers are now.

<https://ama.com.au/ausmed/flame-lit-under-medicinal-cannabis-debate>

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### **NSW Government to legalise cannabis for terminally ill patients ABC 23 Jul 2014**

- **Kevin Anderson**, NPA Member NSW Legislative Assembly will introduce a private member's bill in August calling for the legalisation of the possession of 15 grams of cannabis by terminally ill patients. Premier Mike Baird is sympathetic but said any solution must address concerns of supply and regulation.
- **Greens MLC John Kaye** called on the State Government to support medicinal cannabis and deal with supply problems later.
- **Lucy Haslam** is leading a campaign to have medicinal cannabis legalised for her terminally ill son. Daniel Haslam was diagnosed with bowel cancer and the 24-year-old found cannabis offered some relief to the harsh effects of chemotherapy.
- **Michael Balderstone**, president of the Help End Marijuana Prohibition (HEMP) Party, said a solution to Mr Baird's concerns could be to license growers.
- **Professor Brian Owler**, AMA national president, said the AMA would recommend a clinical trial take place before any law reform.

<http://www.abc.net.au/news/2014-07-23/legalisation-medicinal-cannabis/5617474>

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### **Victorian Labor Party proposes legalisation of medical cannabis ABC 25 Aug 2014**

- **Opposition Leader Daniel Andrews** will ask the Law Reform Commission to advise on how to prescribe and regulate the drug with the aim of presenting a bill to Parliament by the end of 2015.
- **"Medical cannabis will be legalised and regulated** for those patients who suffer a life-threatening condition, for those patients who are terminally ill. This is not about illicit drugs or recreational drugs. I've spoken to many families with children who suffer forms of epilepsy, for instance, who have gone from having hundreds of seizures every day, to – once they've taken a liquid form of medical cannabis, a drop under the tongue – now suffer no seizures at all," Mr Andrews said.
- **Cheri O'Connell's daughter Tara has a severe form of epilepsy.** She has gone from having 65 seizures on a good day to having no seizures for 17 months since she started using the cannabis treatment.
- **Dr Tony Bartone**, Victorian AMA president, welcomed the announcement because it would allow clinical trials to occur in Victoria. "We know there's a growing body of evidence that cannabis is an effective treatment in conditions such as chronic pain

management, muscle spasticity [and] also as an appetite stimulant in certain conditions," he said.

<http://www.abc.net.au/news/2014-08-24/labor-party-proposes-legalisation-of-medical-cannabis/5692454>

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### **Queensland government to take its cue from NHMRC BMag 25Aug14**

- **Premier Campbell Newman** said he had an open mind but wanted to consult the National Health and Medical Research Council.
- **A spokesperson for the NHMRC** — Australia's leading expert body responsible for funding and promoting health and medical research — confirmed that the Council has not yet taken a position on medical marijuana.
- **Dr Shaun Rudd**, AMA Queensland President, said further evidence was needed to consider the safety and efficacy of medical cannabinoids compared to existing medications. Additional research was also needed to determine the safest, most controlled ways of delivering cannabinoids.
- **MP Jason Woodforth**, LNP MP for Nudgee and a strong supporter of medical marijuana, said Australia had fallen behind the rest of the world.

#### **Part of Mr Woodforth's statement:**

"The biggest problem we've got here in Australia is that we're saying there's not enough evidence. I mean, that's just wrong! We've got one guy, [Mullaways Medical Cannabis owner] Tony Bower, who has 150 kids, mainly epileptics, on this stuff and he has a 98 per cent success rate. And we're saying there's not enough evidence? What are we waiting to see? What more evidence do we need? It's ludicrous. We've been brought up in a time when it's illegal, so that's what we think. It's been drummed into us that it's illegal and that it's bad for you. But we use poppies to make opioids and a whole heap of drugs that are used every single day in our hospital system. Those drugs are so addictive, it's not funny. People are dying every day from using drugs made from poppies. But do you see anyone standing up against poppy fields down in Tasmania? No."

<http://bmag.com.au/your-brisbane/brisbane-extra/2014/08/25/the-push-for-medical-marijuana-in-queensland/>

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### **Alex Wodak urges intervention to curb black market SMH August 28, 2014**

- **ADLRF President Dr Alex Wodak:** "A safe source of medicines is really one of the



fundamental tools of public health along with a safe water supply, a safe food supply and safe air to breathe. Medicinal cannabis should be regulated just like penicillin and insulin.”

- **Dr Wodak** said the best way for governments to provide safe access was for the department of health to contract a company to produce high-grade botanical cannabis that is protected from contaminants. It could then be packaged like other medicines and prescribed to people for inhalation through a vapouriser.
- **Dr David Allsop**, a research fellow in psychopharmacology and addiction medicine at the University of Sydney, agreed governments should take control of cannabis and contract out production. He said there was enough scientific evidence to show that medicinal cannabis was a useful treatment for people with rheumatoid arthritis, cancer, neuropathic pain, PTSD and anxiety.

<http://www.smh.com.au/national/health/top-medico-alex-wodak-urges-intervention-to-curb-black-market-for-illness-marijuana-20140827-10960o.html>

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#### **Tasmanian Health Minister supports clinical research ABC 9 Sep 2014**

- **Following the government’s rejection in July** of a proposal for a cannabis trial by Tasman Health Cannabinoids, the Tasmanian Upper House launched an inquiry into medicinal cannabis. In a submission to the inquiry welcomed by the Green’s Cassy O’Connor, Tasmanian Health Minister Michael Ferguson has reversed the earlier position.
- **"We do support appropriately conducted clinical research** to allow any claims of that nature to be tested, in the correct and robust way, in an evidence-based robust fashion, where it is science not politics that determines what new medicines enter the legal drug supply in Australia," Mr Ferguson said. "We will objectively consider any proposal regarding a trial of medicinal cannabis on a case-by-case basis."

<http://www.abc.net.au/news/2014-09-08/tas-government-changes-tack-on-medicinal-cannabis-trial/5727162>

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#### **Push for pot ABC Lateline, 16Sep14**

- **When Rita Cappelleri was diagnosed with breast cancer** five years ago she found the chemotherapy unbearable. When the cancer returned this year treatment with cannabis oil completely removed nausea and all other chemotherapy side effects.
- **West Australian Health Minister Kim Hames** today called on the Federal

Government to take the lead by undertaking national cannabis trials.

- **Queensland Liberal MP Warren Entsch** is working on a private members bill to persuade his federal colleagues of the benefits of medical cannabis.
- **Tasmania, the ACT and the Northern Territory** are considering the possibility of medical trials; Queensland and South Australia are not.
- **NSW AMA President Saxon Smith** wants more scientific research. Alex Wodak referenced his AMA Journal research paper, citing 82 successful trials.
- **Cannabis is currently listed as a prohibited substance** by the Therapeutic Goods Administration and any state which legalises cannabis for medical use will have to grow and extract the product within state borders.
- **Assistant Federal Health Minister Senator Fiona Nash** said the Abbott government had no plans to change the legal status of cannabis.

<http://www.abc.net.au/lateline/content/2014/s4088288.htm>

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#### **Mike Baird takes medical marijuana case to the party room Macleay Argus 16 Sept 16, 2014**

- **Premier Mike Baird today took control of a bill** to decriminalise cannabis for the dying. The move received cross-party Coalition support and will give those with a terminal illness exemption from prosecution, effective immediately.
- **The government's announcement negated** the need for Tamworth MP Kevin Anderson to lodge his private member's bill. Under Mr Anderson's proposal, those living with a terminal illness would be issued with a special licence and allowed 15 grams or less of dry cannabis.
- **"The Premier is committed to making this work** and the government is taking it [his bill] on lock, stock and barrel," Mr Anderson said. "This will make it happen faster than the private member's bill would have." He remained confident the Coalition would have a medical marijuana policy finalised by the March election.
- **NSW Opposition leader John Robertson** today said if the government did not support a medical marijuana bill, Labor would take its own policy to the March state election.
- **Tony Bower**, Crescent Head's vocal advocate for medicinal cannabis and proprietor of Mullaways Medical Cannabis, was sentenced on 27 August to 12 months jail for cultivation of a commercial quantity of cannabis. Mr Bower was placed on unconditional bail until his appeal hearing on October 7.

<http://www.macleayargus.com.au/story/2562678/mike-baird-takes-medical-marijuana-case-to-the-party-room/>

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### **Victorian Government to allow Medical cannabis trials ABC 16 Sep 2014**

- **Victorian Health Minister David Davis** said the legislation would amend the Drugs, Poisons and Controlled Substances Act to support "properly-structured clinical trials" with ethical approvals in place.
- **Victorian Greens Senator Richard di Natale** said medicinal cannabis had significant benefits for conditions such as nausea from chemotherapy, some forms of neogenic pain, and muscle spasms for conditions like multiple sclerosis. TGA scheduling of cannabis should be amended so medicinal cannabis can be prescribed by a doctor.
- **The Victorian Labor Party** pledged in August to legalise medical cannabis treatments for terminal illnesses and life-threatening conditions if it wins the November election.

<http://www.abc.net.au/news/2014-09-16/victorian-government-backs-trials-of-medical-cannabis/5746112>

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### **NSW Government announces trial of medical marijuana ABC 17 Sep 2014**

- **The New South Wales Government** has formed a working group to set up a clinical trial of the medical use of marijuana. The group will also look at ways to address issues of supply and distribution, and report back by the end of the year.
- **NSW police guidelines** will be formalised so that people who possess small amounts of cannabis will not be charged if their name is on a register of terminally ill patients.
- **NSW Premier Mike Baird** told Parliament he was touched by the plight of terminally ill Tamworth man Daniel Haslam.
- **Nationals MP Kevin Anderson** hoped the State Government would be able to take a firm plan to the next state election. "There are no other jurisdictions across Australia that are this far advanced in terms of doing what this government is doing", he said.

<http://www.abc.net.au/news/2014-09-16/nsw-government-announces-medical-marijuana-trial/5747882>

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## **Medicinal cannabis 'a miracle' treatment**

**ABC 19 Sep 2014**

- **The Tasmanian Upper House inquiry** into legalised medicinal cannabis began public hearings today. The inquiry is chaired by independent MP Ruth Forrest. Nicole Cowles was the first person to address the inquiry.
- **Ms Cowles has used an oral liquid form of medical cannabis** to control the severe seizures that had afflicted her daughter, Alice, from birth. She said for all intents and purposes the difference in Alice's overall health and wellbeing was a 'miracle'. Unfortunately Alice's respite carers were not able to administer the treatment because it was illegal.
- **Ms Cowles** said she has been contacted by scores of people in chronic pain or watching terminally ill loved ones suffer since telling her family's story.
- **Dr Eric Ratcliff**, from the Royal Australian & New Zealand College of Psychiatrists, told the inquiry a medicinal cannabis trial "probably would be a good idea" but it must be a proper scientific trial.
- **The Tasmanian Government** had already made a written submission to the committee saying it would back clinical testing in the right circumstances.
- **Huon Valley Council** believed a medicinal cannabis industry would help diversify the local economy and improve economic development.
- **Prime Minister Tony Abbott** weighed into the debate on Wednesday saying he had no problem with the medical use of cannabis. State Opposition leader Lara Giddings welcomed the Mr Abbott's comments
- **Premier Will Hodgman** wants to discuss consistency and security around medicinal cannabis at a federal level. The issue is expected to be on the agenda at next month's Council of Australian Government's (COAG) meeting in Canberra.

<http://www.abc.net.au/news/2014-09-18/parliamentary-inquiry-into-legalized-medicinal-cannabis-begins/5752716>

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## **Kevin Anderson – the unlikely cannabis crusader**

**SMH 22 Sept 2014**

- **The NSW Government's first steps towards decriminalising medicinal cannabis** had their beginnings in The Old Bell Tower cafe in Tamworth in May, when owners Lou and Lucy Haslem invited their local Nationals MP Kevin Anderson for a cuppa.

- **The Haslems' 23-year-old son, Daniel**, was dying from bowel cancer and cannabis was the only medication that eased the dreadful side effects of his chemotherapy.
- **Health Minister Jillian Skinner** had rejected the recommendations of an upper house committee to decriminalise cannabis for card-carrying patients and their carers six months earlier. The Haslems implored Anderson, a clean-cut Nationals MP and former television anchor who despised drugs, to reanimate the issue on their behalf.
- **Anderson was surprised** because "Daniel's father is a career cop from the drug squad and his mother's a nurse." But he knew people were using cannabis for this purpose "behind closed doors". There was also a lot of local support: Police Superintendent Clint Pheaney declared he wouldn't prosecute Daniel Haslem for marijuana possession; and lifetime anti-drug campaigner Councillor Warren Woodley announced he would make an exception for medicinal cannabis.
- **Anderson realised** the only way to bring the issue back before parliament was through a Private Member's Bill. He sought and gained approval from Premier Mike Baird and Deputy Premier Andrew Stoner to fashion a bill, but only on condition it solved the issue of supply.
- **Anderson presented the Bill privately to the Premier** about four weeks ago. It was then massaged into the [TICS] policy announced 17 September.
- **Anderson is unapologetic** about the change from legislation to a police discretionary scheme. The last thing he wanted was to spend a lot of time on a bill that was rejected out of hand. "Let's get this running, and then we can maybe start to look at what happens beyond that," he said.

<http://www.smh.com.au/nsw/kevin-anderson--the-unlikely-cannabis-crusader-20140921-10jeb6.html>

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### **Hospital withdrew son's treatment due to 'legal pressure'** **ABC 5 Oct 2014**

- **Rhett Wallace and Cassie Batten** said doctors at the Northern Hospital in Melbourne had been helping administer medicinal cannabis oil to their three-year-old son Cooper up until this week. Ms Batten said the treatment dramatically reduced Cooper's epileptic seizures and improved his wellbeing.
- **The parents said the hospital had withdrawn the treatment** due to uncertainty about potential criminal charges. Northern Hospital spokesman Ryan Brown said the hospital could not "condone the use of an illegal substance".
- **Mr Wallace said a hospital lawyer also warned them** that if staff suspected the parents were administering the oil on hospital grounds they would confiscate it and hand it over to the police.

- **Opposition Leader Daniel Andrews confirmed there had been a policy change** at the hospital relating to Cooper's treatment. "His story and others like it are the reason Labor has committed to dragging this law into the 21st Century", Mr Andrews said.
- **Premier Dennis Naphine said while he has sympathy the family**, the doctors at the hospital were only doing their duty. Mr Naphine said the family should make a request to their doctor to use a provision in the Health Act to ask the chief medical health officer for special authorisation to use the cannabis oil.

**UPDATE:** Cooper's parents were thrust into the national spotlight in July when police raided their home and confiscated a cache of cannabis oil. Ms Batten continued administering the cannabis oil despite fears she could have her children taken into custody by Victoria's Department of Human Services. Daniel Andrews was elected Premier of Victoria 29 November 2014. In the week before Christmas, police told Ms Batten their investigation had been dropped.

<http://www.abc.net.au/news/2014-10-05/medicinal-cannabis-melbourne-parents-claim-hospital-withdrew/5791336>

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**Medical cannabis trial: ACT Chief Minister calls for national approach**  
**By Michael Donaldson**  
**ABC 7 Oct 2014**

- **ACT Chief Minister Katy Gallagher** has written to NSW Premier Mike Baird requesting the ACT be included in its planned clinical trial. Ms Gallagher also wrote to Federal Health Minister Peter Dutton in August proposing the NHMRC support a national trial. "Every state or territory is dealing with a campaign being run in their local jurisdictions and it just makes sense that it should be done from a national point of view," Ms Gallagher said.
- **ACT Opposition Leader Jeremy Hanson** agreed there should be a national response to legalising medical cannabis.
- **An ACT Legislative Assembly committee** will consider legislation to establish a medical cannabis scheme in the territory, with a report due in mid-2015.

<http://www.abc.net.au/news/2014-10-07/act-call-for-medical-cannabis-use-trial/5794982>

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**ACT resident calls for legalisation of medical marijuana**  
**ABC 8Oct14**

**Brendan broke the law to buy cannabis for his wife**, who died 31 August from lung cancer. He said other pain relief was not working in her final months and he was forced to score street cannabis from a pimply adolescent as an alternative.

**"We found the marijuana really helped** because it lifted her mood and helped her sleep," Brendan said. "It was by far for us the best choice. She died at home in the arms of her two daughters. That's what she wanted."

**Brendan said it was important to help people in need access the drug**, as well as legalising it. He said most terminally-ill patients who want to use the drug are elderly and would not be able to grow cannabis themselves or find it safely on the street. He refused to give his surname for fear of prosecution.

**The ACT Government** is pushing for a nation-wide approach to trial and potentially legalise medicinal cannabis. Brendan said while he applauded this if it was going to take five years, that would be lamentable.

<http://www.abc.net.au/news/2014-10-07/man-bought-marijuana-illegally-for-dying-wife/5796972>

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#### **COAG deal 10 October flags 'nationwide approach'**

- **At the 10 October 2014 meeting of the Council of Australian Governments**, the Commonwealth agreed to work collaboratively with other jurisdictions relating to the use of medicinal cannabis.
- **The Victorian Government** said the COAG agreement paved the way for a nationwide approach. Health Minister David Davis has appointed an expert advisory committee, chaired by Monash University Professor John McNeil, which will meet next week.
- **Tasmanian Premier Will Hodgman** said his Government would collaborate on a national approach and that could include trials in the state.
- **ACT Chief Minister Katy Gallagher** said the NSW Premier at Friday's COAG meeting had agreed the ACT would be a part of this important research.

<http://www.abc.net.au/news/2014-10-14/nsw-medical-cannabis-trial-could-expand-interstate/5811286>

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#### **Tasmanian Greens propose temporary defence ABC 15Oct14**

- **The Tasmanian Greens have tabled an amendment bill** in State Parliament to provide temporary legal protection for users of medicinal cannabis, their parents and carers.

- **Under current Tasmanian law** someone using medicinal cannabis during chemotherapy or giving it to their children to control seizures faced up to 21 years in prison, Greens MP Cassy O'Connor said.
- **The proposed amendment to the Misuse of Drugs Act** covered controlled plant or controlled plant products, so it took into account use of cannabis tincture or plant material.
- **The amendment would apply only for 12 months if passed**, because the State Upper House was currently reviewing the situation, and reforms for medicinal cannabis nationally were under way.

<http://www.abc.net.au/news/2014-10-15/greens-propose-temporary-defence-for-use-and-supply-of-cannabis/5814980>

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### **Decisions need to be made about medicinal cannabis Opinion by Laurie Mather & Alex Wodak SMH 18Nov14**

**Proposals to legalise medicinal cannabis have fallen into a deep hole.** In 2003 and again in 2014, NSW Premiers proposed legalising medicinal cannabis. In 2003 they were prevented from proceeding by their political parties. In 2014, NSW Premier Mike Baird has instead announced a medicinal cannabis "trial", and COAG Health Ministers then agreed to support this trial. What's more, any political willingness to consider medicinal cannabis seems confined to "terminally ill" patients. This is nonsense and illustrates the inevitable problems with a politics-based approach rather than expert appraisal of the evidence.

**Tamworth police will not charge the Haslam family** for providing medicinal cannabis to their 24-year-old son with advanced bowel cancer. Some other law enforcement officials are adopting a similar stance.

**The Haslam family's change.org petition** to "decriminalise the use of medicinal cannabis for people with terminal cancer" has attracted some 200,000 signatures. PM Tony Abbott is supportive.

**Politicians and the AMA alike proclaim that “more research is needed”** – but in saying this they are deliberately or naively dismissing the already available robust supportive evidence.

**Some medical experts claim the evidence is weak and the risks unacceptably high.** Both claims defy the substantial evidence. Of over 100 published research trials on medicinal cannabis, the vast majority have been supportive. The evidence of side effects shows these as modest, especially compared to many conventional medications.

**Rigorous studies evaluating cannabis for childhood epilepsy have not been published.** But it is impossible to ignore the impressive anecdotal evidence their desperate parents provide. Similarly, medicinal cannabis has been found to help chronic pain patients, despite the difficulties of objectively ranking their pain.



**Proprietary pharmaceutical cannabis medicines** are very expensive and are not readily available in Australia. Many patients consider them less effective than smoked or vapourised plant cannabis.

**Nausea following cancer chemotherapy** is an example of a very distressing condition where conventional medicines often don't work. Many patients find cannabis to be an effective alternative.

**The risk of overdose deaths from prescription opioids** may be reduced by medicinal cannabis.

**No associated increase in recreational cannabis** use has been shown in several studies.

**Medicinal cannabis is now being used widely in Australia** but without quality control or regulation.

<http://www.smh.com.au/comment/decisions-need-to-be-made-about-medicinal-cannabis-20141117-11m5d4.html>

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#### **The effectiveness of medical marijuana for epilepsy needs to be tested ABC 20Nov14**

- **Anecdotal evidence** from epilepsy sufferers and their families suggests marijuana can alleviate symptoms in some cases.
- **The American Academy of Neurology** concluded in April there was not enough information to show if medical marijuana was effective in treating epileptic seizures.
- **Griffith University neurologist Professor Roy Beran** said this week a trial was essential because some epileptic syndromes had no effective treatment.
- **Pharmaceutical companies won't fund a trial** because marijuana can't be patented. Funding has to come from state and federal governments.

<http://www.abc.net.au/news/2014-11-20/medical-marijuana-effects-on-epilepsy-need-to-be-tested/5907478>

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#### **Tas Government rejects call to decriminalise medicinal cannabis ABC 20Nov14**

- **Interim report by Upper House committee** makes six recommendations, including the immediate protection of people who are using or helping others use cannabis to treat medical conditions.

- **But Health Minister Michael Ferguson** said the Government would not legislate to protect medicinal cannabis users from prosecution.
- **The inquiry's chairwoman Ruth Forrest said it was frustrating the police were basically turning a blind eye.** "But the law says that you can't possess and you can't use cannabis in any form, and so it's unfortunate the police have to be put in that position, and the law should reflect the reality."

<http://www.abc.net.au/news/2014-11-20/tas-government-rejects-call-to-decriminalise-medicinal-cannabis/5907574>

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### **Regulator of Medicinal Cannabis Bill 2014 BneTimes 26Nov14**

- **Queensland Coalition Senator Ian Macdonald** said he would co-sponsor the Regulator of Medicinal Cannabis Bill in order to promote robust debate on the issue.
- **The Commonwealth Parliamentary Group for Drug Policy and Law Reform** produced the Bill which was introduced into the Senate on Thursday 27Nov14.
- **The LNP state conference passed two motions in support of medical marijuana trials**, one calling for the party to support the "Commonwealth Multi-party Group's Bill to allow medical trials for the use of cannabis oil in the treatment of illness" while the other called for Queensland trials to begin.

<http://www.brisbanetimes.com.au/queensland/medical-marijuana-legalisation-closer-20141126-11u7z8.html>

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### **NSW announces medicinal cannabis trials ABC 21Dec14**

- **Premier Mike Baird announced up to \$9 million would be spent on at least three trials** of cannabis-derived medicines to examine the benefits for patients suffering a range of debilitating illnesses, including epileptic children, terminally ill adults and chemotherapy patients suffering severe nausea. He expected hundreds of patients to take part in the trials.
- **The NSW Government would consider importing or producing cannabis** once it had clinical evidence the drug could reduce suffering, Mr Baird said.
- **NSW Police will be given discretion not to charge terminally ill patients** in possession of 15 grams of cannabis or less, Mr Baird said. "Police are already exercising their discretion in these sorts of circumstances. We are formalising it."

- **AMA NSW president Saxon Smith** said it was important that the New South Wales Government had taken this step to have this discussion within a medical trials framework. "All of the trials that have been performed to date have really had flawed research protocols and methodology ... You can't compare across the trials because they are all very different products, all very different situations."
- **Labor's deputy leader in the Upper House, Adam Searle**, supported the move but said the science was already in and the time for trials had passed.
- **Greens MP John Kaye agreed the process was taking too long.** He predicted it would leave an awful lot of people without access to medicinal cannabis for maybe for 3-5 years. The international evidence showed it would work.
- **Newly elected Victorian Premier Daniel Andrews** said the effectiveness of cannabis-based medicines was "undeniable". "You've got momentum for change, you've got an undeniable campaign and you've got momentum to drag these laws into the 21st century", Mr Andrews said.
- **Tasmania's State Growth Minister Matthew Groom** said the move by NSW was a positive development.

<http://www.abc.net.au/news/2014-12-21/medicinal-marijuana-nsw-govt-to-run-trial-for-epileptic-children/5981648>

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### **Discretionary police powers baffling Byron Bay Echo 22Dec14**

- **North coast medicinal-cannabis advocate Tony Bower** says the government's announcement that police will have discretion to not charge terminally-ill cannabis users and their carers is "baffling" and raises a "moral dilemma". "When have the police of all of a sudden become our doctors?" he asked.
- **Mr Bower's company Mullaways Medical Cannabis** has in the past 12 years supplied a medicinal cannabis tincture to more than 150 people with debilitating or terminal illnesses, many of them children.
- **Mr Bowers was arrested this year for cultivating plants** while still on a good behaviour bond from the District Court for a previous cultivation offence. In October he won an appeal against a 12-month jail sentence.
- **NSW Deputy Opposition leader Adam Searle** said the trials are moving too slowly and the new police guidelines are creating grey areas in the law. "The terminally ill have little to look forward to from these clinical trials, which could take years that many people simply do not have to wait," Mr Seale said.

- **Prime Minister Tony Abbott supports the NSW trial for medicinal cannabis** and indicated he wished to wait for the outcome. He dodged suggestions a national experiment should happen. “In the end, it is more state law than federal laws that govern this,” he told the Seven Network.

<http://www.echo.net.au/2014/12/medical-cannabis-trials-draws-mixed-reaction/>

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**2015**

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**NSW Terminally Ill Cannabis Scheme (TICS)  
AFR 2 Jan 2015**

- **Catherine Cusack, the Liberal state MP** co-ordinating cannabis policy changes, announced the government had arranged for the Department of Justice to administer a register to reduce the need for terminally ill cannabis users to deal with police.
- **Under the Terminally Ill Cannabis Scheme (TICS)**, a certificate from a doctor will in theory protect terminally ill patients and up to three of their carers from prosecution.
- **Ms Cusack said the register** would bring relief to people immediately and would probably have greater practical effect than the three clinical trials of medicinal cannabis announced last week.
- **Laurence Mather, Emeritus Professor of Anaesthetics** at the University of Sydney, said doctors were conservative and scared of prosecution and would be reluctant to sign a certificate for the terminally ill because it would effectively prescribe cannabis to patients.
- **Professor Mather said another concern was that it would still be illegal to take cannabis** and the new system only guided police in their discretion whether to charge people. “It should be up to doctors, not police, to decide whether to prescribe cannabis. They should just change the law and make it legal,” Professor Mather said.

<http://www.afr.com/business/health/nswgreen-light-for-cannabis-for-terminally-ill-20150101-12gpkk>

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**Dad charged after giving sick daughter cannabis oil  
EB 8Jan15**

- **Adam Koessler was arrested** at Lady Cilento Children's Hospital, Brisbane, Friday 2 January for giving his two-year-old daughter Rumer Rose Maujean cannabis oil drops

to treat her stage four neuroblastoma. He was charged with supplying drugs to a minor under 16 years of age, and banned from having any contact with his daughter as part of his bail conditions.

- **Mr Koessler claims his daughter showed a "miraculous" improvement in her condition after he gave her the cannabis oil.** However, his estranged partner Sacha Maujean says much of what he claims about their daughter is "very false". She supported the Child Protection Unit's decision to arrest him and charge him.
- **Mr Koessler has taken to social media** to campaign for the rights of parents to administer medical grade cannabis oil to relieve suffering for their sick children. His 'Fearless Father' Facebook page has already attracted more than 16,000 followers.

<http://www.essentialbaby.com.au/life-style/current-affairs/dad-charged-after-giving-sick-daughter-cannabis-oil-20150108-12k2kv.html>

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#### **Legalise medical cannabis ASAP: NSW Labor Party leader Luke Foley Sunday Telegraph 11Jan15**

- **Chronically ill people should be given access to legalised cannabis "as soon as possible"** with the medicinal marijuana grown locally in NSW, newly-elected NSW Labor Party leader Luke Foley says. Mr Foley said Premier Mike Baird should "skip" the proposed trial — something he first called for in 2012.
- **Mr Foley was the driving force behind the 2012 Upper House Inquiry** into the Use of Cannabis for Medical Purposes, coaxing and cajoling five political parties to take part. Mr Foley said it was unfinished business from the Carr years, because the controversy surrounding the safe injecting room issue in 2000 had sidelined medicinal cannabis. When the unanimous findings of the inquiry were blocked by Health Minister Jillian Skinner, Mr Foley said he started work with national party members he knew were on the side of reform.
- **Dan Haslam, the 25-year-old who went public with his cannabis use to treat his terminal cancer,** is now a registered user immune to prosecution. However, his mother said the trials would take too long for her son to benefit. Tenders had been called but it would take 6-12 months to set up a trial and most trials normally took 5 years.

<http://www.dailytelegraph.com.au/news/nsw/legalise-cannabis-for-sick-as-soon-as-possible-nsw-labor-party-leader-luke-foley-says/story-fnfn1181-1227179233461>

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#### **Tasmanian Government leaves users at mercy of police discretion ABC 14Jan15**

- **Tasmanian police will not seek to prosecute terminally ill users** of medicinal cannabis, or those who comment on its benefits, State government says. But police say they want the discretion to assess each case.
- **Two Tasmanian women who admit to cultivating cannabis** for family members with neurological illnesses say the uncertainty is very unsatisfactory, including for the carers who assist them.

<http://www.abc.net.au/news/2015-01-13/medical2c-cannabis2c-legal-consequences2c-tasmania2c-prosec/6014786>

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### **Queensland Election 2015: Palaszczuk waits for NSW trial Brisbane Times 21Jan15**

- **Opposition Leader Anastacia Palaszczuk** says Labor has the same position as Premier Campbell Newman. "I think we should have a look at how the NSW trial eventuates and I am happy to give that due consideration once we have seen the outcomes of the views of that trial," she said.

<http://www.brisbanetimes.com.au/queensland/queensland-state-election-2015/queensland-election-2015-campbell-newman-and-anastacia-palaszczuk-agree-on-medicinal-marijuana-20150121-12uuup.html>

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### **High time medical marijuana was legalised in Queensland Opinion by Jane Fynes-Clinton, CM 22Jan15**

**It is heartbreaking and unjust** that Queenslander Adam Koessler is being kept from his dying toddler because he allegedly provided her with medicinal cannabis. It is outright wrong that he faces criminal charges over administering a substance that alleviated pain and suffering in her tiny body.

**110,000 people have signed an online Change.org petition**, his *Fearless Father FB* campaign has gone ballistic, and his story has caught the attention of media internationally.

**There is scientific evidence it not only relieves symptoms, but also has positive effects on the diseases themselves.** Last November, a team of researchers from St. George's University of London published their findings that medicinal marijuana shrank the worst kind of brain tumours in the journal *Molecular Cancer Therapies*.

**Queensland's resistance to decriminalising medicinal cannabis is ludicrous**, driven by fear and archaic attitudes to what may be the world's most-misunderstood plant. It is well past time for Queensland to get on the front foot so parents are not forced to choose between helping their child and breaking the law.

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**Father describes daughter's amazing response to cannabis oil**  
**Raylan Campbell 2Feb15**

- **Within just a few days of starting his daughter on cannabis oil treatment**, Adam Koessler said “her cancer-ridden little body was alive again – Rumer had almost instant quality of life. She would say, ‘Daddy, tummy’s not sore’ and she would be able to eat like a champion and began to gain weight. Her energy was up and she wanted to go outside with me instead of lay on her back with her legs curled up. Her skin colour came back, her eyes were sparkling again, and we just looked at each other in complete amazement.”
- **Since the start of this year, Adam Koessler has been banned** from having any contact with his daughter as part of his bail conditions. Koessler was re-arrested after he violated the ban by visiting his daughter in hospital.

<http://www.weedist.com/2015/02/father-jailed-giving-cannabis-extremely-ill-daughter/>

## Selected References

Applegarth, Peter (1993) Cannabis and the Law in Queensland. Submission to the Criminal Justice Commission Advisory Committee on Illegal Drugs. Accessible at:  
<http://qccl.org.au/publications/>

Australian Drug Law Reform Foundation (2013) Critique of NSW Government Response to the Final Report by the NSW Legislative Council Committee on their Public Inquiry into the Medical Use of Cannabis. <http://adlrf.org.au/medical-cannabis/>

Australian National Council on Drugs (ANCD) (2014) Medicinal use of cannabis: Background and Information Paper.  
[http://www.ncd.org.au/images/PDF/Generalreports/Medicinal Cannabis Information Paper.pdf](http://www.ncd.org.au/images/PDF/Generalreports/Medicinal_Cannabis_Information_Paper.pdf)

Dearden, Ian F M; Sutherland, Narelle; Ransley, John. (1991) Queensland Drug Laws: Reform? Legal Services Bulletin Volume: v. 16 no. 2 (p. 60-63.).  
<http://www.territorystories.nt.gov.au/handle/10070/85555>

Grotenhermen, Dr. Franjo & Müller-Vahl, Prof. Dr. Kirsten (2012) The Therapeutic Potential of Cannabis and Cannabinoids. Dtsch Arztebl Int. 2012 Jul; 109(29-30): 495–501.  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3442177/>

Gupta, Sanjay (2013) Why I changed my mind on weed. CNN August 2013 (Gupta is CNN's Chief Medical Correspondent). <http://edition.cnn.com/2013/08/08/health/gupta-changed-mind-marijuana/>

Mather, Laurence E; Rauwendaal Evert R; Moxham-Hall, Vivienne L; & Wodak Alex D (2013) (Re)introducing medicinal cannabis. Med J Aust 2013; 199 (11): 759-761.  
<https://www.mja.com.au/journal/2013/199/11/reintroducing-medicinal-cannabis>

NSW Government (2013) NSW Government Response to the Final Report of the Inquiry into The Use of Cannabis for Medical Purposes. November 2013  
[https://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/fdb7842246a5ab71ca257b6c0002f09b/\\$FILE/Government%20response%20-%20Use%20of%20cannabis.pdf](https://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/fdb7842246a5ab71ca257b6c0002f09b/$FILE/Government%20response%20-%20Use%20of%20cannabis.pdf)

NSW General Purpose Standing Committee No 4 (2013) Final Report, The Use of Cannabis for Medical Purposes. May 2013.  
<https://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/FDB7842246A5AB71CA257B6C0002F09B>

NSW Parliamentary Research Service (2014) Medical Cannabis: Issues Backgrounder Number 5/June 2014.  
[http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/Medicalcannabis/\\$File/Medical+cannabis,+Issues+Backgrounder+June+2014.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/Medicalcannabis/$File/Medical+cannabis,+Issues+Backgrounder+June+2014.pdf)

NSW Private Member's Bill (2014) *Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014*.  
<http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/131a07fa4b8a041cca256e610012de17/b9afd6bd2425708eca257d71001b9bab?OpenDocument>



NSW Second Reading Speech (2014) *Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014*. By Dr John Kaye MLC. Hansard, 20 November 2014.

<https://www.parliament.nsw.gov.au/prod/parliament/hansart.nsf/V3Key/LC20141120032>

Ransley, John E (1993) Cannabis and the Law in Queensland: A Personal Assessment. 30pp. Submission to the Criminal Justice Commission Advisory Committee on Illegal Drugs.

Accessible at: <http://qccl.org.au/publications/>

Ransley, John E (2010) Prohibition Doesn't Work, It Never Has and Never Will. Submission to the Queensland Parliamentary Inquiry into Addressing Cannabis-Related Harm in Queensland.

Accessible at: <http://qccl.org.au/publications/>

Regulator of Medicinal Cannabis Bill 2014. Text of bill, Explanatory memoranda and Transcript of speeches. Private Members Bill introduced into Senate 27 November 2014. Second Reading Moved 27 November 2014.

[http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_LEGislation/Bills\\_Search\\_Results/Result?bId=s987](http://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bId=s987)

Srivastava, Ranjana (2015) What do doctors say to 'alternative therapists' when a patient dies? Nothing. We never talk. Guardian Australia 3Mar15.

<http://www.theguardian.com/commentisfree/2015/mar/03/what-do-doctors-say-to-alternative-therapists-when-a-patient-dies-nothing-we-never-talk>

Tasmanian Legislative Council Committee (2014) Interim Report on Legalised Medicinal Cannabis

<http://www.parliament.tas.gov.au/ctee/Council/Submissions/gaa.inquiry.LMC.SIGNED%20INTERIM%20REPORT.19.11.14.pdf>

TICS (2014) Terminal Illness Cannabis Scheme – NSW.

<https://cannabis.community.forums.ozstoners.com/topic/72166-terminal-illness-cannabis-scheme-nsw/>

TRANSFORM (2015) Debating drugs: Explaining how they are a health, rather than a criminal justice, issue. <http://www.tdpf.org.uk/blog/debating-drugs-explaining-how-they-are-health-rather-criminal-justice-issue>

Victorian Parliament (2014) *Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014*. <http://www.austlii.edu.au/au/legis/vic/bill/dpacsatb2014640/>

Victorian Parliamentary Library (2014) Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014. Research Brief Number 9, October 2014.

<http://www.parliament.vic.gov.au/publications/research-papers/9111-drugs-poisons-and-controlled-substances-amendment-clinical-trials-bill-2014/>

UNSW NDARC (2015) Medicinal cannabis in Australia - Framing the regulatory options, Drug Policy Modelling Program. National Drug and Alcohol Research Centre, UNSW Australia.

<https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/DPMP%20Medicinal%20Cannabis%20Paper%2010th%20March%202015.pdf>

Wang, Tongtong; Collet, Jean-Paul; Shapiro, Stan; & Ware, Mark A (2008) Adverse effects of medical cannabinoids: a systematic review. CMAJ. 2008 Jun 17; 178(13): 1669–1678. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2413308/>

Zimmermann, Kim A (2015) Medical Marijuana: Benefits, Risks & State Laws. Livescience January 2015. <http://www.livescience.com/24554-medical-marijuana.html>