Hon Andrew Little

Minister of Health
Minister Responsible for the GCSB
Minister Responsible for the NZSIS
Minister for Treaty of Waitangi Negotiations
Minister Responsible for Pike River Re-entry
Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques

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Chlöe Swarbrick
MP for Auckland Central
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Tēnā koe Chlöe

Importation of cannabidiol products

Thank you for writing to me and the Minister of Customs, Hon Meka Whaitiri, on 22 April 2021 regarding the importation of cannabidiol (CBD) products, on behalf of your constituent Katy Thomas.

I appreciate that this situation must be stressful for Katy, and I recognise that this specific CBD medication has been beneficial in the treatment of her son's seizures. I have also noted your broader comments about the Medicinal Cannabis Scheme and the Misuse of Drugs Act 1975.

Under the Medicinal Cannabis Scheme, medicinal cannabis products imported into or manufactured in New Zealand must be verified as meeting minimum quality standards before they can be supplied. The quality standards have been developed to protect the patient and to provide doctors with confidence in the quality and consistency of any medicinal cannabis products they prescribe to their patients.

I understand that this generally means that personal imports of CBD products are not allowed, unless the person importing the product holds a prescription for the product and can provide evidence to verify that the product meets the minimum quality standards set out in Misuse of Drugs (Medicinal Cannabis) Regulations 2019.

However, a doctor can import a CBD product that has not been verified as meeting the quality standard (or a pharmacy can import that product on the doctor's behalf) for a particular named patient under their care. I am advised that Katy and her son's general practitioner have discussed the importation of CBD products with Medsafe staff.

I am further advised that when receiving packages of medicine, including CBD products, the New Zealand Customs Service provides these to Medsafe for inspection and assessment for regulatory compliance. For CBD products, this includes checking documentation to verify the levels of THC, specified substances and controlled drugs to establish if the product meets the requirements of a CBD product. The product is held until verified and released to importers when Medsafe is satisfied that the legal requirements are met.

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If access to this product is not an option for Katy, there are currently two CBD products that have been verified as meeting the minimum quality standards. I encourage her to speak to her son's doctor about these options. More information on these products can be found on the Ministry of Health's website here: www.health.govt.nz/our-work/regulation-health-and-disability-system/medicinal-cannabis-agency/medicinal-cannabis-agency-information-health-professionals/medicinal-cannabis-products-meet-minimum-quality-standard.

Your letter mentions "the legally required review of the Medicinal Cannabis regulations" due by mid-December this year and notes a number of issues for explicit consideration. However, it should be noted that the scope of this review is quite narrow. As set out in Section 9 of the Misuse of Drugs (Medicinal Cannabis) Amendment Act 2018, it will focus on the implementation of the exception and defences provided by sections 7(3A), 8(6A) and 13(1A) of the Act for people who require palliation.

A review of the 2019 amendment to Section 7 of the Misuse of Drugs Act 1975 is also under way to assess how the use of police discretion for possession and use offences has changed since those changes were made. The report is due later this year.

There are currently no plans to review the definition of a CBD product. This was discussed at length by the Expert Advisory Committee on Drugs in 2017, which provided advice on the removal of CBD from the Misuse of Drugs Act 1975 so that it is no longer a controlled drug.

I am aware of a general reluctance among doctors to prescribe medicinal cannabis due to the lack of prescribing information and robust clinical data. I am advised that the Ministry has contracted the Best Practice Advocacy Centre New Zealand (BPAC) to develop an educational resource for healthcare professionals that provides an overview of the use of medicinal cannabis, including benefits, risks, and how to prescribe. The primary resource is expected to be published by August this year. To support the main resource, BPAC will also produce continuing medical resources (clinical audits, case studies and peer group discussions), which will also be published later this year.

Thank you again for writing. I wish Katy and her son the very best.

Nāku noa, nā

Hon Andrew Little

Minister of Health

cc Hon Meka Whaitiri
Minister of Customs

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