



New South Wales

# Road Transport Amendment (Medicinal Cannabis) Bill 2023

## Explanatory note

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

## Overview of Bill

The object of this Bill is to create a defence for users of medicinal cannabis for the offence relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** amends the *Road Transport Act 2013* to provide that it is a defence to the offence relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine if the only drug present was delta-9-tetrahydrocannabinol, also known as THC, that the person obtained and administered for medicinal purposes.



New South Wales

# Road Transport Amendment (Medicinal Cannabis) Bill 2023

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Road Transport Act 2013 No 18	2



New South Wales

# Road Transport Amendment (Medicinal Cannabis) Bill 2023

No. , 2023

---

## **A Bill for**

An Act to amend the *Road Transport Act 2013* to provide that the offence relating to driving with the presence of certain drugs in a person's oral fluid, blood or urine does not apply to users of medicinal cannabis; and for related purposes.

---

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Road Transport Amendment (Medicinal Cannabis) Act 2023</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Amendment of Road Transport Act 2013 No 18</b>	6
(1) <b>Section 111 Presence of certain drugs (other than alcohol) in oral fluid, blood or urine</b>	7
Insert after section 111(1)—	8
(1A) It is a defence to a prosecution for the offence under subsection (1) if the defendant proves that, when the person engaged in the conduct alleged to have contravened the subsection—	9
(a) the only prescribed illicit drug present in the person’s oral fluid, blood or urine was delta-9-tetrahydrocannabinol, also known as THC, and	10
(b) the delta-9-tetrahydrocannabinol was obtained and administered in accordance with the <i>Poisons and Therapeutic Goods Act 1966</i> or a corresponding Act of another State or Territory.	11
(2) <b>Schedule 4 Savings, transitional and other provisions</b>	12
Insert at the end of the schedule, with appropriate part and clause numbering—	13
<b>Part Provision consequent on enactment of Road Transport Amendment (Medicinal Cannabis) Act 2023</b>	14
<b>Application of amendment relating to presence of THC in person’s oral fluid, blood or urine</b>	15
Section 111(1A), as inserted by the <i>Road Transport Amendment (Medicinal Cannabis) Act 2023</i> , applies to the presence of delta-9-tetrahydrocannabinol, also known as THC, in a person’s oral fluid, blood or urine before the commencement of the subsection.	16
	17
	18
	19
	20
	21
	22
	23
	24
	25
	26
	27
	28
	29