



New South Wales

Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021

Explanatory note

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

Overview of Bill

The object of this Bill is to exclude users of medicinal cannabis from the application of the offences 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 the offences relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine do not apply if the only drug present is delta-9-tetrahydrocannabinol (also known as THC) that the person had obtained and administered for medicinal purposes.



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Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021

No. _____, 2021

A Bill for

An Act to amend the *Road Transport Act 2013* to exclude users of medicinal cannabis from the application of the offence relating to driving with the presence of certain drugs in a person's oral fluid, blood or urine; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Act 2021</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Road Transport Act 2013 No 18	7
(1) Section 111 Presence of certain drugs (other than alcohol) in oral fluid, blood or urine	8 9
Insert after section 111(1)—	10
(1A) Subsection (1) does not apply if, at the time the person engaged in the conduct that is alleged to have contravened the subsection—	11 12
(a) the only prescribed illicit drug present in the person’s oral fluid, blood or urine is delta-9-tetrahydrocannabinol (also known as THC), and	13 14 15
(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.	16 17 18
(2) Schedule 4 Savings, transitional and other provisions	19
Insert at the end of the Schedule, with appropriate Part and clause numbering—	20
Part Provision consequent on enactment of Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Act 2021	21 22 23
Application of amendment relating to presence of THC in person’s oral fluid, blood or urine	24 25
Section 111(1A), as inserted by the <i>Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Act 2021</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 that subsection.	26 27 28 29 30