

2016-2017

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Medicinal Cannabis Legislation
Amendment (Securing Patient Access)
Bill 2017**

No. , 2017

(Senator Di Natale)

**A Bill for an Act to amend the law relating to
medicinal cannabis, and for related purposes**

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Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

Schedule 1—Amendments

Customs Act 1901

1 After section 51A

Insert:

51B Conditions on the importation of medicinal cannabis

- (1) This section applies in relation to the importation of prohibited goods intended to be used as medicinal cannabis products.
- (2) For the purposes of satisfying the conditions of a licence, permission, consent or approval to import the goods:
 - (a) the goods are taken to be drugs required for medical purposes; and
 - (b) if a condition permits the supply of the goods to a person for a purpose mentioned in paragraph 19(1)(a) or (b), or subsection 19(5), of the *Therapeutic Goods Act 1989*, that condition is taken to also permit the supply of the goods to a person in the circumstances mentioned in subregulation 12A(2) of the *Therapeutic Goods Regulations 1990*.

Note 1: Paragraphs 19(1)(a) and (b), and subsection 19(5), of the *Therapeutic Goods Act 1989* permit supply of imported medicinal cannabis under the Special Access Scheme Category—B, clinic trials scheme and authorised prescribers scheme.

Note 2: Subregulation 12A(2) of the *Therapeutic Goods Regulations 1990* permits the supply of imported medicinal cannabis, as exempted goods, under the Special Access Scheme Category—A.

2 Application provision

The amendment made by this Schedule applies in relation to the following:

- (a) a prohibited good imported on or after the commencement of this Schedule;
- (b) a condition of a licence, permission, consent or approval imposed before, on or after the commencement of this Schedule.

1 ***Narcotic Drugs Act 1967***

2 **3 After subparagraph 11K(2)(b)(ii)**

3 Insert:

- 4 (ia) supplied for the purposes of use in the circumstances
5 mentioned in subsection (2A) if the supply for that
6 purpose is, or is likely to be, notified to the Secretary
7 under the *Therapeutic Goods Act 1989*; or

8 **4 After subsection 11K(2)**

9 Insert:

10 (2A) For the purposes of subparagraph (2)(b)(ia), the circumstances are
11 the following:

- 12 (a) the medicinal cannabis is to be given to a person who is
13 seriously ill with a condition from which death is reasonably
14 likely to occur within a matter of months, or from which
15 premature death is reasonably likely to occur in the absence
16 of early treatment;
- 17 (b) the medical practitioner by whom, or at whose direction, the
18 medicinal cannabis is to be given to the person has complied,
19 or is likely to comply, with the requirements under the
20 *Therapeutic Goods Act 1989*, and regulations made under
21 that Act, in relation to the supply of the medicinal cannabis to
22 the person.