

RESPONSE TO PETITION

Petition Number: 515
Petition Sponsored by: David Ettershank
Directed to: Hon Melissa Horne MP
Tabled on: 30 July 2024

Petition Grievance:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the *Road Safety Act 1986* is severely impacting thousands of Victorian medical cannabis patients. Tens of thousands of Victorian residents are prescribed medical cannabis by their doctor, but risk fines and loss of licence due to the current laws. We should not criminalise those who are legally prescribed medications, who are unimpaired and can drive safely. That is how we treat every single other prescription medicine and medical cannabis should be no different.

Petition Action:

The petitioners therefore request that the Legislative Council call on the Government to amend the *Road Safety Act 1986* to make it no longer an offence for a driver who is unimpaired to have detectable THC in their blood or oral fluid, provided they have taken their medication as prescribed.

Reply:

Drug-driving remains a significant road safety concern and the Victorian Government is committed to reducing deaths and serious injuries on our road network. As such, we must ensure the risk of harm on our roads from impaired driving is minimised.

With medicinal cannabis containing Delta-9-tetrahydrocannabinol (THC) use on the rise to treat various conditions, the Victorian Government understands that restrictions on patients who use medicinal cannabis with THC prevents these individuals from driving and has consequently impacted other aspects of their lives.

We recognise the needs of different medicinal cannabis patients are complex, however, we know that THC impairs key cognitive and motor skills required for safe driving. When a driver is impaired, it poses a risk to the both the individual operating a motor vehicle as well as others using the roads.

The Government has committed to consider a proposal for a legal defence for patients prescribed medicinal cannabis who drive - without compromising road safety. Right now, it's illegal in Victoria to drive with any detectable amount of THC in your system. Under current presence-based drug driving laws, any detectable amount of THC results in an offence, including if it was from taking prescribed medicinal cannabis. In the five years from 2017 – 2021, fifteen per cent of people killed and 12 per cent of people seriously injured in road crashes tested positive for THC. There is no test available that distinguishes medicinal and recreational cannabis presence.

We also acknowledge that people with a medicinal cannabis prescription who are found to be driving with THC in their system are currently subject to the same penalties as those who are using illicit cannabis. To prevent this cohort from driving whilst impaired, we are developing better advice for healthcare providers and practitioners on medicinal cannabis and driving via an updated Medicinal Cannabis Decision Support Tool, and improved information and guidance materials for their patients.

We are committed to developing a sound, evidence-based policy position regarding driving with medicinal cannabis which acknowledges the safety of all road users, whilst also considering the needs of medicinal cannabis users.

To demonstrate this commitment, this year, we announced a \$4.9 million investment into a world-first trial that will assess the effects of prescribed medicinal cannabis on people's driving in a closed-circuit track. This track trial will support us to close knowledge gaps and develop a policy position in light of new evidence. It is designed to answer several key research questions and evidence gaps relating to the change in driver behaviour and risk of impairment following consumption of medicinal cannabis in a real-world driving scenario.

This is a challenging public health issue, and the Victorian Government is continuing to explore options that provide for safe, conditional access to legal driving for those prescribed medicinal cannabis with THC whilst ensuring the risk of harm on our roads to drivers and the community from impaired driving is minimised. The Government is committed to completing this work to ensure that any policy decision making will not compromise the safety of any Victorian.

A handwritten signature in blue ink, appearing to read 'Melissa Horne'.

Hon Melissa Horne MP

Minister for Casino, Gaming and Liquor Regulation

Minister for Local Government

Minister for Roads and Road Safety

Minister for Ports and Freight