



INQUIRY INTO ALTERNATE APPROACHES TO REDUCING ILLICIT DRUG USE.



Dear Members,

Loren Paul Wiener

Cannabis Law Reform Australia

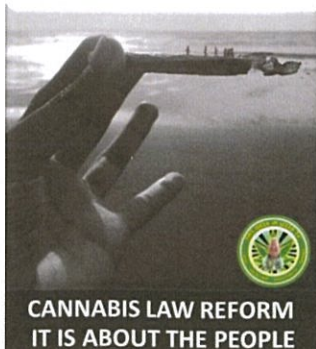
(this week in weed tv, ASX Cannabis Stocks Australia, the Law Review (USA) Australia Editorial Director
Government Cannabis Consultant, 2016 Cannabis Access Bill (amendment- Liberals Opposition Health
Minister, Vic) – Hansards - 2017,2018,2019 NSW Cannabis Bill (Labor)

Thank you for the opportunity to comment on this very important topic.

My focus is really on Cannabis alone, what has worked & what has not and a direction forward to perhaps consider.

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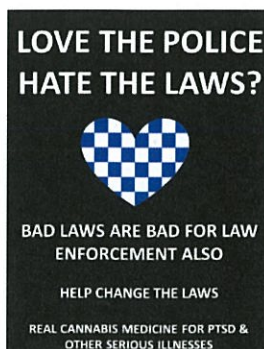
My focus is totally on Cannabis alone, what has worked, what has not worked and how to address Australia.



Legalising REAL Cannabis for Medical Use in Australia - Is best said to be about giving dignity to those with or those caring for those with terminal or other chronic illnesses, & used for relieving pain and suffering & not be treated as criminals or having to be one of over 100,000 using the black market and not even clear on what they are purchasing, while the legal Cannabis market offering inferior product, at up to 20 times the black market is also fair form helpful for those that chose pharma cuticle Cannabis over REAL Cannabis for medical use, I will explain later.

A Personal Insight - My Early Awareness of Cannabis Law Reform - I was personally confronted with the issue of Cannabis law issues at the age of 9, living in Texas USA, an Army brat (my father was ex US Army Intelligence & a policeman). In 1968 my brother with 3 close friends were arrested and charged with a possession of a single Cannabis seed amongst the 3 of them at age 18. All facing 20 years in jail, all were kicked out of our USA home state of Texas as was the practice, but for one that chose to join the army as an alternative and was subsequently killed in Vietnam the same year. It was traumatic seeing my older brother leave and his next return visit to bury his friend, I was age 9. Then 43 years later in 2011 after losing my father to Cancer, I then lost my older brother as well who was my business partner and my best friend. A builder, he never drank, and he never smoked. Before he passed he benefitted greatly from the early days of using real Cannabis/Marijuana oil, to treat his side effects of chemo – Only 7 years ago they did not know as much as they do today, and only 1 or 2 years later on dosage of real Cannabis oil now referred to as RSO or FECO (Rick Simpson Oil / Full Extraction Cannabis Oil). I flew out to see my brother one last time in 2013 and am amazed now how many others with Cancer were also benefiting there and in since Australia it moved me. – Seeing what works is hard to them “unsee”, especially with Children involved. –

Having been involved in USA law reform in 1996, I then made contacts here in Australia in 2013 onward with Australia MPs, health ministers, law enforcement, activists, patients etc. I have since had my own amendment in the senate picked up in the 1st Cannabis Access Bill in Victoria worked with the LIV (Law Institute Victoria) on other bill issues, the VLRC (Victoria Law Review Commission), prior to help from the Victoria 2016 Cannabis legislation, Worked with Labor NSW on the 2018-2019 Cannabis Bill, I currently write occasionally for Sydney Criminal Lawyers, and the Law Report (USA) as Australia editorial director on Cannabis. I now worked across many groups globally and have around 70,000 regular followers on social media, podcasts etc. A bit of a different activist / consultant I am also pro law enforcement seeing how much law enforcement helped law reform in California in 1996. Being a Judo competitor / instructor with the USA and England Judo teams for decades, my own injuries are well documented mainly neuropathic pain complicated by a chronic lower arthritic pain, that also responded well to small legal Cannabis doses for pain and inflammation.



Cannabis has been legal for over 20 years - in the USA for Medical Use since 1996 and much research has been done from the likes of Harvard University and others to dispel the myths of Cannabis in the "reefer madness" era of the 1930's & 1940's –

In Australia 2013 - bi-partisan committees in NSW agreed to progress law reform but it never happened. – this has since progressed with the release of the NASEM (national academies of science, engineering and medicine) that looked at over a 100 different conclusion summaries based on thousands of documents to reach very effective to sum up how effective REAL Cannabis is for certain conditions, with everything from pain to epileptic seizures and more. Offering ample evidence.

<https://www.youtube.com/watch?v=0Y4Elve4X-M&feature=youtu.be> - Despite all of this even those that have applied and even received approval for Legal Medical Cannabis have not been able to get access to real Cannabis, because the government has placed doctors and if those doctors are too far away then they are also denied access, per the DOH!

All states need a safe, legal supply for medical use grown in Australia and why not WA.

Why Real Cannabis For Medical Use ? – Good question, Simply put, according to the Pharmacy Guild in Australia 90% of those that purchase (OTC) Over the counter drugs do so for pain – the same for prescription, 90% are for pain. In countries with legal REAL Cannabis for medical use in the USA, Spain, Israel, Canada etc 90% of all use is also for pain. Cannabis is a natural plant filled with Cannabinoids that similarly work to balance, and top up the human ECS (Endocannabinoid System) – Many have said Real Cannabis doesn't actually cure ANYTHING, but what it does is super empower the body to fix itself, and this is why dosages differ so much from one person to the other.

What is REAL Cannabis? – The United Nations, the USA, Canada and most of the world define Cannabis/Marijuana as being High in THC (10% or more) and low in CBD, with THC and CBD being 2 of the over 110 **cannabinoids** and over 400 **other elements**. Medical Cannabis is that same thing In Australia the definition is intentionally been altered, is now intentionally more vague, allowing Cannabis to be anything that "Acts like Cannabis including HEMP, pure CBD, GMO, pharmaceuticals, and even synthetics as not even from a plant at all. This allows the government to state that 1375 scripts have been given out since 2016 for legal medical Cannabis with ZERO of these needing to come from REAL Cannabis at all.

What is Hemp (low or high CBD, low THC) vs REAL Cannabis (high THC) ? - To confuse things further hemp and cannabis/marijuana share a botanical genus of Cannabis Sativa L. This is both historical and a little hysterical, as botanists believe this is now a mistake. However, it also creates many levels of confusion. Hemp by global definitions tends to indicate 1% or less THC and high or low CBD and is legally almost always patented. Due to some work on the genetic make up of hemp vs Cannabis, research in 2014 (by a Dr Paige) determined there is a medical difference on how hemp and real Cannabis work slightly differently also. In REAL Cannabis, CBD is considered an antagonist to the THC, balancing the effects in a ying and yang type scenario – This is why globally high THC is not needed for ANY Conditions as REAL Cannabis will do it better. Ref. <http://bit.ly/Cannabis-Genome2>

How does the UN define Cannabis?

The WHO <http://bit.ly/WHO-2018> defines the categories of each as follows all broken down by Chemistry, Pharmacology, Therapeutic Use and Epidemiology.

Cannabidiol – CBD (High CBD hemp low THC)

Cannabis plant & Resin – High THC (over 10%) low CBD (all real Cannabis)

Extracts & Tinctures – Pharmaceutical / GMO / Synthetic Cannabis / Isolates / Distillates – Cannabis is a mix of over 110 major elements (cannabinoids) THC is prevalent to CBD and also included 400 other minor elements. Together they are Real Cannabis otherwise they are industrial hemp or pharmaceuticals.

Cannabis Is Already Legal in Australia – The government legalised all types of Cannabis for Medical use in 2016 – but made sure ALL states opted out before the laws took place in 2016 to all REAL Cannabis for any medical use. As of late 2018 Labor NSW has a bill tabled in the upper house (LC) authored by leader of the opposition Adam Searle MLC to legalise REAL Cannabis for medical use, bypassing the road blocks of the TGA, and addressing imports of things called Cannabis that do not include Cannabis by the DOH ! (Department of Health).

What is legal Cannabis in Australia ?

7 Meaning of cannabis product

Clause 7 provides the meaning of **cannabis product** as any product that is or was a part of, or derived from, the plant of the genus *Cannabis*, whether living or dead, or a product that is intended to have a substantially similar effect. *Clause 7(c)* ensures synthetic cannabis products will be included within the meaning of **cannabis product** for the purposes of the Bill.

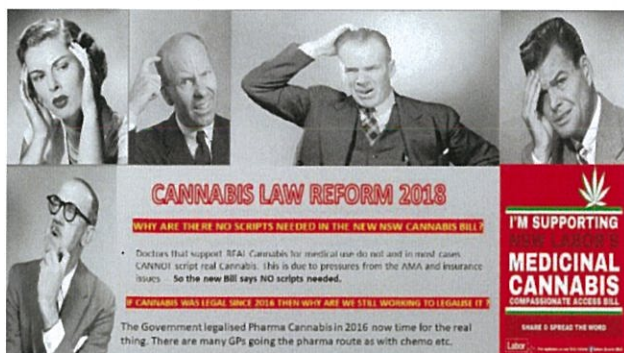
There are no licenses to grow REAL Cannabis in Australia For Human Access - Due To Legal

Wordsmithing- In line with DOH! & ODC (Office of Drug Control), in July 2016 the “Demand” for what legal is medical cannabis was going to be left up to manufactures, growers and Medical Practitioners. IN October 2016, on concerns from the AMA (Australia Medical Association), Government, DOH !, ODC and others, Doctors were then left out of the equation – This resulted is DEMAND is now based federally simply on “LEGAL DEMAND”. Again working with the states, this meant there is “ZERO LEGAL DEMAND” for real Cannabis (because it is illegal) – This means licenses to grow REAL Cannabis are still limited to export, and research only with the DOH! Furthermore, guidelines of 3-5 or 5-10 years testing from 2017, is being expected. This leaves only non-Cannabis products being legal Cannabis. A majority of this is imported from Canada, (over 90%) and per Australia laws these drugs are not tested, and as the pharmaceutical Cannabis products unlike REAL Cannabis are not considered medicine outside of Australia most have no testing at all only the REAL Cannabis that is illegal in Australia and not able to be imported or grown for human access.

Australia Created New Black Markets Since 2016 - One of the driving forces for Cannabis law reform outside of Australia has been to control or eliminate the Black Market. Because Australia kept REAL Cannabis illegal, this drove the DOH!, Government, and the anti-Cannabis Pharmaceutical Industry and Hemp industry to promote the use of CBD (made from hemp / pharmaceuticals) over REAL Cannabis – This showed up in government hemp grants, and promoting the hemp industry supported by government like the anti-Cannabis Lambert Initiative that is spending \$34m on medical Cannabis using per them no REAL Cannabis. However with CBD being emphasized, but no easy access either drove those seeking CBD now to illegally obtain it globally. The same CBD medicine that is legal externally topically, is able to be legally obtained, still untested and used internally as CBD (Hemp/Cannabis). Due

to the ease to import non-THC Cannabis (Hemp/CBD) this has resulted in millions of dollars of hemp SEED oil (no THC and no CBD) to be imported and sold as CBD oil. Once company alone states that they are selling thousands of bottles of what is illegally imported hemp oil sold as CBD oil – The AFP, TGA, ODC, COMB, Customs are all aware and helpless to do anything about it. Then due to the higher demand of REAL Cannabis, criminal gangs are getting more involved that offer more than low priced Cannabis, with weapons, and other more lucrative drugs on offer, as well as the traditional grower / caregiver. This means in Australia there are now multiple & NEW black markets, most created by Government law changes;

- 1) Standard Black Market Cannabis Grower - (a few plants for themselves or as a care giver)
- 2) Criminal Gangs – Cannabis is just on the list of other drugs and weapons
- 3) Large illegal growers based on huge unanswered demand / supply
- 4) Those seeking any “legal medical Cannabis” that can include many pharmaceuticals
- 5) Those buying hemp oil thinking it is Cannabis or CBD.



Survey Says – An Australian government referenced survey shows 94% of all Australians support the use of REAL Cannabis for medical use - <http://bit.ly/Cannabis-Survey> - Over 400,000,000 now have legal access to real Cannabis in Mexico, the USA, and Canada.

Constitutional Jurisprudence – Australia has seen a long and historic relationship with other countries on law reform. In the Australia Constitution c109 is analogous to the Supremacy Clause in the United States Constitution and the Paramountcy doctrine in Canadian constitutional jurisprudence, and the jurisprudence in one jurisdiction is considered persuasive in the others. This is relevant because Australia has even seen it tested in High Court of Australia in D'Emden v Pedder (1904) – With the USA & Canada being 22 years ahead of Australia in Cannabis law reform the relevance is compelling there are current and historic reasons that what has worked in the USA & Canada need not be ignored needlessly. Specific to all of the this the Australia TGA recognizes many medicines, and herbs based not on Australia testing but on that from other countries. Cannabis should be no different.

Constitutional Inconsistency – the ACT does not record a conviction for under 50g of Cannabis and only charges a small fine for possession or for 2 plants. New ACT Labor bill is pending in late 2018 to allow 4 plants and for the material of those 4 plants to be legal.

Cannabis Legalised in 1996 in USA - I reflected on all of this as, in 1995 when living in California a state with a larger population than all of Australia and the 6th largest economy of any country – only being surpassed by China, Japan, the USA and Germany but ahead of even the UK, and the issues that lead to

legalising REAL Cannabis for medical use for the 1st time. The end vote was close in 1996, 10m voters and about a 51-49% yes vote. I was involved with parts of the law reform movement then (22 years ago)

Considerations & Challenges in 1996 similar to Australia in 2019

1. Law enforcement were against REAL Cannabis even for medical use, as was government, alcohol, and tobacco industries, all for different reasons, but none really due to the issues with Cannabis itself.
2. The pharmaceutical industry was concerned over future lost revenue, but pharmaceutical Cannabis products like GW Pharma UK Sativex, would not be legalised for another 5 years (in 2001) and not on the market until 2003. This is why the USA & Canada have different challenges to Australia

Legalising Real Cannabis & Hurting the Black Market -

1. Prior to legalising, **ALL** users of cannabis (medical or recreational use) are of course **ALL** criminals and **ALL** part of or contributing to the black market –
2. Once legal 30-50% of those criminals that used Cannabis for medical reasons would then be legal, greatly impacting the black market and then more again once legal recreationally. That was important to law reform. Unfortunately, most of the USA police departments had budgets for DEA support, confiscation of illegal assets, arrest quotas etc. If Cannabis was to be legal even for 30-50% of the population, then the hit on funding would be massive. This was addressed early on and law enforcement came on board, this was major. The impact is the same in Australia with the arrests creating a lot of revenue for governments in Australia.
3. For Canada to legalise, quality of product and hindering the black market were top issues.

Why Portugal Drug Reform Will Not Work Outside of Portugal – Last year a delegation from the UK (Wales) visited Portugal <http://bit.ly/Port-2017> to see if the Portugal model would work outside Portugal. The architect of Portugal's drug policy, Dr Joao Goulao, was asked him if it could work in Wales. (UK), essentially he said no.

"Our drug problems were present across all social groups - this was a factor in favour of this law," he said. "In your country it's much more confined to marginalised people and that makes it more difficult [for] the acceptance of the rest of society."

The USA MODEL - REAL CANNABIS FOR MEDICAL USE BEFORE RECREATIONAL USE

Prior to the USA legalising Real Cannabis for recreational use, in 2016 real Cannabis was legalised for medical use first. Depending when it was legalised depended on how long it was before legalised recreationally, . California was legalised in 1996 but not recreationally until 2016. While Massachusetts and Washington state legalised recreational use in only for 4 years and only legalised medical use in 2012. Eventually it makes sense that that medical use is not required as a litmus test for recreational use.

State	Medical Use	Recreational	Years
California	1996	2016	20
Colorado	2001	2014	13
Maine	1999	2016	17
Mass	2012	2016	4
Michigan	2008	2018	10
Nevada	2000	2016	16
Oregon	1998	2015	17
Vermont	2004	2018	14
Washington	2012	2016	4
Canada	2001	2018	17

Australia Solutions to Australia Cannabis Law Reform 2019

The simple framework model offered by Labor NSW in 2017, 2018, & 2019 – is the simplest to consider. The bill is only 20 pages long, similar to that used in Uruguay. It addresses key issues and with little unnecessary political baggage- It addresses medical use only.

- **Legalise REAL Cannabis** - for medical use (currently illegal in all states for all / most conditions) – This results in “legal demand” of real Cannabis allowing domestic licensing for human access.
- **No scripts** - due to the AMA, insurance issues, and state health departments roadblocks, even doctors that support using REAL Cannabis for medical use cannot script it.
- **No new doctors** - In the course of 2016 law reform new processes were put in place where new doctors were needed often to far away from patients to get the medicine.
- **Less importing of things Called Cannabis that are not** – 90% of all LEGAL Medical Cannabis is imported from Canada and other countries with no testing required by law.
- **Support local farmers** – Local farmers can grow manufacture and supply.
- **Grow Your Own** – Protects caregivers and patients that may want to grow their own Cannabis for their own medical use.

Kind Regards

Loren Paul Wiener