

Cross Party Group on Medicinal Cannabis

Wednesday 15th November 6pm

Committee Room 6 / Hybrid

Topic: Policing of medicinal cannabis in Scotland

Present

MSPs

Tess White

Pauline McNeil

Collette Stevenson

Invited guests

Kyle Esplin – patient group and cannabis industry expert

Lynn O'Connor – patient presentation

Dr. Lucy Troup – presentation on policing and stigma

Non-MSP Group Members

In-person

Anna Ross

Linda Hendry

Cheryl Davies

Andrew Lundy

Jim Mills

Lynne O'connor

Jan Alexander

Andrew Lundy

Karen Grey

Online

Carol Dew

David Johnstone

Marc Landers

Kirsty Morrison

Scott Hughes
Will Ewart
Laura Brennan-Whitefield
Kayleigh Ross
Alison Strath
Lisa Quarrell
Claire Bywalec
Rob Forbes

Apologies

Unknown

Agenda item 1.

Minutes of AGM - outstanding items and agreement

- The committee agreed that this was no longer required at the meeting.

Agenda item 2

Standing item - Cole and Bedroilte issue

Agenda item 3

Presentations:

- **Kyle Esplin on an overview of policing - 5 minutes**

Key points from Kyle on the topic of roadside detection of THC:

- Patients need to know what to expect with the scenario and process of being stopped at the roadside – this includes the fact that medication must be used as directed in order to allow for a medical defence after being tested for the standard legal limit while driving.
- Patients also need to be aware that there is a difference between an impairment and being over the limit. However, being over the limit warrants further investigation in a random police check. Police Scotland do random checks quite frequently.

- Patients should also know the difference between possession and driving, and that medicinal cannabis has higher levels of THC than other forms.

Additional topics discussed following the presentation:

- Some people avoid driving and avoid taking their medication at certain times in order to avoid the anxiety of getting stopped and taken for blood tests.
- There is still stigma in the media around THC and THC use.
- Clear guidelines are needed for the police on when to take a person for further tests. It is police discretion over when to take someone for further tests. This discretion leads to inconsistent use by location, race, age of the officer, and potentially other factors. One suggestion is for officers to ask someone about their use before an arrest is made.
- There is a fear in the police about not stopping or making an arrest – and this is largely affected by career status and age. There is also unawareness of the law and legislation within the police. For example, some police do not know that cannabis can be legally prescribed.
- While it may be theoretically good to arrest people based on how the cannabis affects them individually, rather than by a set standard, it would take a long time to be able to introduce this. Here, there is also no international example, and the UK standard driving limit is already higher than many other countries, if not the highest.
- The swab company which provides tests to Police Scotland will not sell to anyone other than Police Scotland. This means people cannot self-test.

- **Lynn (patient) on challenges around policing medicinal cannabis and a call to 'educate to medicate' - 7 minutes**

Key points from Lynn:

- It is easier and cheaper to buy illegally than by prescription.
- There are barriers to being a legal customer
- Legal growth and use such as through cannabis cafés would mean money is saved and earned and would go back into the Scottish economy. 56% of drug arrests are for cannabis and these resources would be better spent on other well needed areas.

Additional topics discussed following the presentation:

- The Lord Advocate made a statement recently about personal possession and Pauline McNeill MSP will find this. The discussion surrounding this post will also be taken offline.
- Police do have the right to arrest for the same thing even after a judge has already ruled that something like home growth is okay.
- It was agreed to move discussion about Police powers and liaison with Police Scotland to next years agenda.
- Suggestion made to ask for a certificate of exemption like the CAN card in England. Police Scotland will ONLY take a Lord Advocate's reference – i.e., no type of certificate like CAN card. However, decisions can be brought forward by Police Scotland, even if they can't actively change the law.
- Medical cannabis users are often dismissed by doctors and other services, so where are they supposed to go to instead for their cannabis/ medication? Example given of Taiwan: where it is not prescribed for misuse or non-pain relief issues, which suggests that, if it was prescribed on the NHS, there would still be blocks and general issues.
- Cannabis is not included in the piloting of the safe consumption van/s.
- Pharmaceutical process loses a lot of its compounds – better quality is home grown
- Distress and harm is caused by arrest often for people who already have chronic illness and disabilities.
- Germany are about to legalise cannabis for recreational use.

- **Dr Lucy Troup will present data on the impact of policing and criminalisation on medical patients**

Key points from Dr Troup:

- There is a misconception that medical cannabis is used as a backdoor to recreational cannabis and Dr Troup presented evidence against this understanding.

- It is, however, difficult to get accurate data on illicit use because people with medical use can often revert back to an illicit source, and due to the restrictions on legitimate access during the pandemic.
- There are risks with any medication but regulation reduces this risk for vulnerable persons.
- The data presented in the meeting can also be found in: Troup, L., Erridge, S., & Sodergren, M. H. (2023). *The extent of illicit cannabis use in the UK to self-treat chronic health conditions: a cross-sectional study*. Poster session presented at International Cannabinoid Research Society, Toronto, Canada.
- Many users will spend over £200 pcm on their medication.
- A key issue is that stigma needs to be reduced as well as harm reduction = associated through legitimate prescription
- Older police officers have shown to be less restrictive with cannabis
- The 4 areas which would benefit from improvement are: harm reduction, legitimising CBMPs, supporting legislation, and education
- Troup agreed to share her slides and posters from her research and also agreed to send her data for it to be sent to the Lord Advocate.

After the floor was opened for questions:

- There was a concern for the potential to blur the line between medical and recreational cannabis with research and challenges.
- It should also be noted that there is a difference between buying from a small producer and from a huge network – It is this that helps police connect medicinal use to criminality.

Agenda item 2 was taken as number 4

Notes from Anna Ross:

- Anna would like to call for a Lord Advocate's Reference on the policing of cannabis in Scotland to be discussed.
- She also hopes to have future meetings recorded, notes taken, and wants to find a way to keep this info available for the future and discussed. She also went over the plans for the next two meetings in February and May.

- Wants to look at Bedrolite for epilepsy. She wants proper prescribing guidance in a parliamentary motion as well as shared care (i.e., so that there is an option for private and GP clinics to work together on cannabis prescribing). The committee agreed to work towards this motion.

Agenda item 4 taken as item 5

- AOCB / open floor
- People need to record whether they use herbal vapes by 6th December on a UK government survey on creating a smoke-free generation. Although targeted at stopping 14 years old and younger from ever using vapes and smoking, it could have an impact on those who use herbal vapes for their medicinal use.
- Committee should be aware that there are two people in England getting an NHS refund for flower regarding their cancer symptoms. This is in Leeds and is so far not available in Scotland.

Conclusions

- Pauline McNeill MSP acknowledged that, from all the presentations, it is clear that there are obstacles at every turn.
- One participant in the discussion is the author of a book on the history of cannabis use and is willing to have his own agenda item in a future meeting.
- It was also agreed that the job of officers at Police Scotland needs to be as easy as possible
- Pauline McNeill MSP thanked everyone for coming.
- She also reminded everyone of the importance of focus and offline discussions – doesn't want to wait until February (next meeting) to start discussing things – potential to start a survey monkey.
- Potential action points
 - Sign guidance
 - Lord Advocates reference
- Tess White MSP clarified the nature of the CPG and the roles within it – the CPG will find out *what* people are hoping to achieve, while it is the job of the MSPs to work behind the scenes on the *how* it can be done.

