

Guide to submitting to the Ministry of Health on medicinal cannabis

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Te Tūāpapa Tarukino o Aotearoa

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The Ministry of Health is calling for public submissions on their proposals for a new medicinal cannabis scheme.

Submissions are due on Wednesday 7 August 2019.



If you or a family member use cannabis for medical reasons, it's important to let the Ministry of Health know what you think of these proposals. Now, more than any other time in the process, it's essential that the Ministry hears from patients.

The purpose of the scheme is to improve patient access to quality medicinal cannabis products. The proposals set standards for how products will be cultivated and manufactured, who can prescribe cannabis products, and to whom.

Even if the scheme we get at the end isn't perfect, you can suggest improvements that could make a big difference in the long run. So please gather your forces for one last push!

What do the proposals mean for patients?

The lowdown: this is a step forward, but there's plenty of room for improvement

The scheme as proposed should provide better and cheaper access to cannabis-based medicines, especially in the medium/long term. Cannabis-based medicines will now be produced in New Zealand, which should bring prices down. A wider range of products will become available, including dried cannabis - and the quality of those products will be high. This is good news for patients.

The proposals should also give doctors more confidence to prescribe, because they'll know that products are produced to a consistent standard and dose. Prescribing rules will be simplified, making medicinal cannabis accessible to a greater number of patients.

On the other hand, we worry that cost will continue to be a barrier for many people. Although cannabis medicines are likely to become cheaper over time under this scheme, it is not clear how long this will take, and how much prices will fall.

The proposed scheme doesn't mention the option of allowing patients to grow their own cannabis. We think this would have been a great solution for many patients, to keep costs down and protect them from prosecution. Another top concern is that most prescriptions will continue to need sign off from a specialist, inevitably reducing access.

Getting a prescription will now be easier – but it should be easier still

Currently, it is difficult to get approval to use medicinal cannabis - the Ministry of Health must sign off most prescriptions. Under these proposals, in most cases it will no longer be necessary to apply to the Ministry of Health, which is a big step forward.

Instead, your doctor will be able to prescribe to you. But – and it's a big 'but' - your GP will still have to get a recommendation to prescribe from a specialist. We worry that this will create an unacceptable barrier to access.

Many patients find it difficult, or too expensive, to access a specialist and there are sometimes long waiting times. These waiting times are likely to get even longer if every prescription for medicinal cannabis needs to go via a specialist. We think GPs are qualified to make decisions about medicinal cannabis prescribing in the same way they make decisions about other medicines.

The good news is that there won't be a list of conditions for which you can and can't get a prescription - instead, it will be up to the doctor or specialist to decide whether a prescription is right for you.

 **Our recommendation:** Allow GPs to write prescriptions without specialist involvement.

Medicines will cost less – but we're still worried

Currently, it costs a huge amount to use medicinal cannabis products in New Zealand. Prices are likely to fall under this new scheme because we'll be producing our own products in New Zealand and there will be more patients getting prescriptions. This will mean more local competition and less patient money going towards import duties. Patients should also be able to import a greater range of products, with less red tape.

What's not clear is how much costs will fall. New Zealand is a small market, so it may not be able to support many medicinal cannabis companies - and if that's true, there might not be much competition amongst them. And for those patients who are currently using illicit cannabis rather than imported medicines, prices would have to fall pretty low for them to want to switch over.

We think it's a shame that the proposals don't suggest the possibility of growing cannabis at home. Allowing patients to grow their own products, or to delegate this task to another, would be an even cheaper and easier option for many patients. Without this option, it's likely that many patients will continue to use the black market and risk prosecution.

Another way to keep pushing costs down would be to allow patients to buy their medicines direct from the producer, rather than going via pharmacies. The scheme doesn't allow this at present, but we think it would be a sensible idea given how high pharmacy mark-ups can be on some products. This is a system that works well in Canada.

We also think the government should consider subsidising patients who are unable to afford access. This won't happen through Pharmac because most cannabis-based medicines will not go through the rigorous clinical testing that Pharmac demands before funding a product.

Overall, we're a bit disappointed with the lack of creative thinking around keeping costs down in this scheme. We would like to see the Ministry of Health, or the Minister, come up with some solutions.

- ▣ **Our recommendations:** Allow patients to grow their own medicine
- Allow patients to buy direct from manufacturers
- Create a patient subsidy or look at other creative solutions to ensure patients can afford the products they need.

A good range of products should eventually be available

A wide range of products could eventually be made available under these proposals. These may include dried cannabis for vaping, oils, ointments, tablets, capsules, and patches. Edible medicinal cannabis products will not be produced or sold.

- ▣ **Our recommendation:** Keep the range of products wide, as proposed.

What cultivation standards should we be arguing for?

The consultation document asks submitters to give their opinion on two different cultivation and production standards – Good Production Practice (GPP) and Good Manufacturing Practice (GMP). GMP is the higher (pharmaceutical) standard, and it's the standard that companies will need to reach if they want to export their products.

In general, the higher the standards, the more expensive to monitor and enforce. These costs will inevitably be passed on to patients. On the other hand, the higher the standards, the more likely doctors will be to prescribe them.

Unfortunately, it's not clear which standard will cost more to monitor, so we don't have a strong view about whether GMP or GPP would be better. We would be keen to hear your views on this.

Having said that, we are very clear that patients need access to affordable products, and they need it yesterday. We would have liked to see a third option proposed as a stopgap until products are available and affordable. Options might include temporarily allowing products that are made to 'food grade' standard, or similar - or allowing patients to produce their own without legal penalty.

- ▣ **Our recommendation:** Come up with a creative interim solution so that patients can quickly access affordable and safe products.

This might take a while to get off the ground

In theory, new products might be available for patients as early as March or April next year. But let's be realistic - it could take several years for the scheme to bed in properly, with good quality and affordable products available to all those that need them.

Until this is the case, those people who are using cannabis for medical reasons should be protected from prosecution. Currently, only those who have a terminal illness are protected.

Our recommendation: Find a way to protect patients from prosecution until the scheme is properly delivering on its promises.

What about Te Tiriti o Waitangi obligations – does this scheme meet those?

The consultation document has some good words around meeting our commitments under Te Tiriti to protect and promote Māori health - but there are few practical suggestions outlined as to how this might be achieved in practice.

Māori are more likely to be prosecuted for cannabis use than non-Māori, so it's particularly important to ensure that no one is prosecuted for using or growing cannabis for medical reasons.

Māori are also statistically more likely to suffer financial hardship than non-Māori, so we need keep the costs of products down and come up with some creative ways to ensure everyone can afford the medicine that they need.

Our recommendation: Ensure costs are kept low, patient subsidies are in place, and no one is prosecuted for using medicinal cannabis.

How to submit

You can submit using the online tool, or by email

Online submissions: We recommend using the [online tool](#) on the Ministry of Health webpage page to submit. It makes the long document very easy to follow. You can add answers by section and save your answers to finish later if you need to.

Email submissions: You can email your submission to medicinal_cannabis@health.govt.nz. It's best to use the [downloadable submission form](#) on the Ministry's website and then attach it to your email.

You only need to submit on the parts that are relevant to you

You can make general comments on the scheme as a whole under the section entitled 'overall comments.' You can also make comments on different parts of the document. Leave any sections blank that aren't relevant to you.

Patients are likely to be most interested in submitting on:

- Section A4 - equity issues;
- Section E - prescribing rules; and
- Section F - how the scheme will be monitored after it is implemented.

Tell your story: for example, if the requirement for specialist sign off will affect you negatively, make sure that you explain how – personal stories have impact.