

# The Compassionate Use of Medical Cannabis Act 2010

The purpose of this act is to make available to patients who could benefit from it, medical cannabis. It has been proven by many Universities, Professors, Researchers & Doctors that cannabis is one of the most effective medicines in the treatment of many ailments. These include, but are not limited to, cancer, MS, Muscular Dystrophy, arthritis, chronic pain, depression, glaucoma, HIV/AIDS, cerebral palsy, Post Traumatic Stress Disorder, Fibromyalgia or any ailment listed in the accompanying document **Appendix A**. It is also an effective prevention against many forms of cancer, osteoporosis, heart disease and strokes to name a few. This act provides the necessary security in the dispensation of medications, health & safety protections, protection of patients, physicians, caregivers and providers rights under the law against prosecution for legally held medicine. It also provides legal recourse for the abuse of the protections of this law.

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## Section 1 Glossary of terms

1. **Patient** is described herein as a person prescribed medical cannabis from a registered physician who legally operates and resides within Ireland.
2. **Physician** is described herein as a person, registered with the state to legally operate within Ireland and who normally resides within the state. The physician must be legally registered to prescribe medication.
3. **Caregiver** is described herein as a person nominated by the patient to obtain/ produce cannabis for the patient in cases of severe disability or the inability of the patient to obtain/ produce their own medication. The caregiver shall be required to register with the state and carry an identification card similar to patients cards.
4. **Provider** is described herein as a producer of medicinal cannabis. They shall be subject to criminal background checks prior to being licensed by the state. They must normally be a resident of Ireland and shall be required to follow the guidelines put forth in this law. The state shall be required to inspect the provider's production area to ensure it is secure, meets the standards of this law and is producing organically grown medicine of the highest standard. Patient safety is our primary concern.
5. **Dispensary** is described herein as a state licensed dispensary of medicinal cannabis. Proprietors shall be subject to criminal background checks prior to being issued with a licence. Proprietors shall be required to follow the guidelines put forth in this law. Licences may be revoked if a dispensary is found to be in violation of this law. Proprietors may be subject for prosecution under the Misuse of Drugs Act if found guilty of repeated offences wherein

sales have been made to persons for whom it has not been prescribed, except in cases where it can be shown the proprietor took every step to follow the law as set out.

6. **Cannabis** is described herein as being the dried flower of the female plant of either genus, Cannabis Sativa or Cannabis Indica, oils from either genus, processed forms of cannabis flowers such as hashish, kif, food products infused with cannabis, Sativex & Marinol.

## **Section 2 Rights & Responsibilities of Physicians**

1. Physicians shall not be prosecuted under existing Drug or Health & Safety laws, or suffer any impairment to operate or to be licensed by the state for discussing the use of cannabis as a medicine with any patient.
2. Physicians shall not be subject to any increase in liability insurance based upon the prescription of medical cannabis as full responsibility is accepted by the patient.
3. Physicians must warn patients of any potential side-effects of the use of cannabis and the potential for abuse. Physicians must also warn patients about keeping medication in a secure place out of the reach of children.
4. Physicians shall be required to discuss alternative medications to cannabis for the ailment the patient has been diagnosed with. If the patient has previously been prescribed such medication or has experienced negative side-effects and feels cannabis is a better alternative that shall be noted.

5. Physicians can freely discuss the use of cannabis as a medicine and can refuse to recommend its use if it is in the best interest of the patient.
6. Physicians have the responsibility to prescribe medical cannabis in a fair and professional manner.
7. Physicians must monitor a patient's progress under treatment at regular intervals as with other medications, at which point further recommendations can be made.
8. Physicians have the power to request that a patient's recommendation be withdrawn if cannabis is believed to be having a negative effect on the patient's physical or mental well-being.
9. This request must be made to the state and enforced by either return of the card to the state or confiscation by a dispensary upon presentation after a request has been made by the state, or other means based upon the powers of the state.
10. Physicians shall be required to have the patient sign a disclaimer form, which protects the physician from liability, confirming they have discussed all the health & safety issues mentioned in Section 2 of this law. The patient accepts full responsibility for their use of medicinal cannabis.
11. Physicians shall be permitted to suggest a recommended dosage of cannabis in various forms.

12. Physicians shall be required to verify in writing to a Dispensary or Provider, confirmation of a patients recommendation prior to medication being dispensed.
13. Physicians shall be required to register each patient with the state. The state shall at this point issue an identification card to the patient.
14. Physicians shall be permitted to request reasonable administration costs in regards to the extra overheads incurred by the processing of medical forms under this act, not to exceed €150.
15. Physicians shall be required to verify the identification of the patient by signing the back of a current passport-sized photograph and providing written confirmation as to the identity of the patient.
16. This photograph and accompanying confirmation shall be sent by the physician directly to the state along with the patients accompanying request and payment for an identification card. Payments may be made by postal order or other forms.
17. This request shall include the patients full name, current address, date of birth, physicians name and period of prescription no longer than 12 months.
18. The state shall be required to issue a secure identification card, with holographic or other security features incorporated to reduce potential for forgery.

19. The state shall charge an administration fee of €20 per card issued. Cards are renewable on a 12 month basis if required. This fee shall remain at €20 and cannot be increased for a minimum of 5 years.

20. The state shall not have the power to refuse a patients request for an identification card if the request has been confirmed by their physician and all information provided is true and correct at the time of issue.

### **Section 3 Rights & Responsibilities of Patients**

1. A patient who is under a physicians care for any ailment listed in the accompanying document labelled as Appendix A, or any ailment for which cannabis may provide relief, may legally possess cannabis in plant or processed form provided they have been recommended by a physician.
2. Patients have the right to discuss the use of medical cannabis with their physician in the event of them being diagnosed with one of the ailments listed in Appendix A.
3. Patients have the right to be treated according to existing Health & Safety laws in regards to patient's rights and shall not be discriminated against in any way for requesting or using medical cannabis.
4. Patients can request a consultation with another physician in the event that their primary physician has refused a recommendation. This consultation must include a physical exam and review of the patient's medical history.

5. Patients shall not be discriminated against in regards to employment law for using medical cannabis except in instances of a high risk of potential public safety issues such as pilot, physician, train driver, Garda etc.
6. Patients prescribed medical cannabis are required to apply for a state-issued ID card.
7. Provisions must be made by employers in the event of an employee in a position of potential for a public safety issue, being issued medical cannabis, to provide them with another position of employment within the company, which does not place them or the public at risk.
8. Patients must not at any time operate any large machinery while under the influence of medical cannabis.
9. Any patient in a high-risk position for causing public safety issues while under the influence of medical cannabis during employment hours must immediately advise their employer of their status as a medical cannabis patient. Failure to do so shall be considered potential grounds for dismissal and they shall be held liable civilly for their actions.
10. Patients found in violation of Section 3 subsection 8, can be held accountable under the Misuse of Drugs Act or Road Traffic Acts etc. as applicable.
11. Patients have a duty to act in accordance with all provisions of this law at all times.

12. Patients have a duty to be responsible in their use of medical cannabis.  
Medication must be stored in a secure place out of the reach of children.
13. Patients must not smoke medical cannabis in any closed environment where children are present. Patients shall be required to act responsibly with regard to public decency and safety if they need to medicate outside the home.
14. Patients shall not smoke cannabis in any public building or any space where smoking is prohibited.
15. Patients found in breach of any of the provisions of this law may have their card and status revoked in cases of serious or repeated violations.
16. Patient's prescribed medical cannabis by a physician must carry their state-issued ID card at all times while in possession of medical cannabis in public.
17. Patients must present their state-issued ID card on each visit to a dispensary.
18. Patient purchases must at all times be logged on a database linking each dispensary and provider to ensure that patients are not abusing the law to obtain more medicine than they require. This will provide safeguards against supply to persons who are not in possession of a valid prescription or recommendation.
19. Patients shall not provide prescribed medical cannabis to any other person who is not in possession of a state-issued ID card.

20. Patient's prescribed medical cannabis by a physician may not be subject to confiscation of their medication by An Garda Siochana or any other state body except in instances whereby they have been recorded providing cannabis to a person for whom medical cannabis has not been prescribed.
21. Patients found in possession of cannabis in public who cannot present their valid state-issued card may have their medication confiscated. Patients have 7 calendar days to produce their valid ID card, or a photocopy in the case of lost cards, at the Garda Station involved and claim their medication, except in cases where investigations are pending in violation of Section 3 subsection 20.
22. Any medical cannabis confiscated and held by An Garda Siochana must be weighed and recorded with the patient present; it may be destroyed only after 7 calendar days. Any medication confiscated and destroyed before 7 calendar days has passed shall be replaced at cost to the state.
23. Patients shall if requested to do so provide access to a state registered inspector in order that they may inspect the area where cannabis is being stored or produced in order to show that the highest standards of security and production are being met.
24. Patients must notify the state of any change in address in regards to places where cannabis may be stored or produced within 30 days of such a change.
25. Patients recorded in an act in violation of Section 3, subsection 20 may be subject to prosecution under the Misuse of Drugs Act and other laws as

applicable. Applicable sentences may be increased based on the violation of this law as the Judge may see fit.

26. Patients who are parents of children under the age of 18 shall be held accountable to all Social, Family and Health laws in regards to the welfare of their children and may be subject to investigation by the Social, Family & Welfare Dept. if there are reports of child-endangerment in regards to medical usage or the abuse of same.

27. Patients under investigation by the state for violations in regards to Section 3, subsection 20, have the right to a fair hearing and shall not be discriminated against based solely upon their use of medical cannabis, i.e. the state must show good cause for such an investigation.

28. Patients shall not be discriminated against in legal child custody cases in a court of law based on their usage of medical cannabis. Cannabis shall be considered no different to other prescribable medications in this regard.

29. Patients shall be permitted to grow a suitable number of plants based upon their physician's recommendation, up to a maximum of 20 mature plants and 20 immature plants at any one time.

30. Patients must register their production area where cannabis is grown and this information recorded on a government database for reference purposes.

31. Patients who nominate a Provider must register this information with the government. This information will be stored on a database to ensure that

Providers are only producing the number of plants applicable per patient as set out in Section 3, subsection 29.

32. Patients can nominate one caregiver or provider to obtain/produce medical cannabis in the event of the case of severe disability or other reasons prohibiting the patient from producing their own medication.

33. Patients have the responsibility of registering their caregiver or provider with the state and obtaining the necessary state-issued ID card allowing the caregiver to act on behalf of the patient at dispensaries etc.

34. Patients who nominate a caregiver must verify each purchase made on their behalf by telephone with the dispensary on their phone number which shall be on the dispensary database. Dispensaries shall not be able dispense to any person without such confirmation, unless the request is made by their physician on behalf of the patient.

35. Patient cards may not be subject for confiscation except under direct order from a Minister's office that has concluded an investigation and has responsibilities in regards to applicable Health & Safety or Welfare laws.

## **Section 4 Rights & Responsibilities of Caregivers**

1. Caregivers are nominated by the patient as a person designated to purchase and/ or produce medical cannabis on behalf of a patient prescribed by a physician and are registered with the state.

2. Caregivers bear the responsibility of ensuring the patient's prescription and ID card are valid and that the patient is registered with the state for the purposes of ensuring their protection under the provisions of this act.
3. Caregivers are permitted under the provisions of this law to possess cannabis in order to obtain/produce cannabis for a registered patient as described herein.
4. Caregivers shall be required to carry an ID card similar to that of the patient, listing their name, address, patients name and the name of the patient's physician.
5. Caregivers must be registered with the patient's physician.
6. Caregiver's cards shall be issued by the state upon the request of the patient and shall be subject to the same administration fees and regulations.
7. Caregivers are given the same protections under the provisions of this law as patients in regards to employment, discrimination etc.
8. Purchases made by a caregiver on behalf of a patient will be logged in the same manner as those of a patient on a database linked to each dispensary and provider.
9. Caregivers must notify the state of any change in address in regards to places where cannabis may be stored or produced within 30 days of such a change.

10. Caregivers shall if requested to do so provide access to a state registered inspector in order that they may inspect the area where cannabis is being stored or produced in order to show that the highest standards of security and production are being met.
11. Caregivers may be requested by Inspectors to provide additional security based on a reasonable threat of theft or danger to minors etc.
12. Caregiver's cards may not be subject for confiscation except under direct order from a Minister's office that has concluded an investigation and has responsibilities in regards to applicable Health & Safety or Welfare laws, or immediately in the effect of the revocation or completion of a patient's prescription.

## **Section 5 Rights & Responsibilities of Providers**

1. Providers who are normally resident in Ireland and who meet the requirements of this act in regards to criminal background checks, security of production area, safety measurements, organic production and pest control, may be licensed by the state to produce cannabis for supply to dispensaries.
2. Providers shall be required to ensure the area where cannabis is produced is secure. This shall include but not be limited to steel reinforced doors, bars on windows, security alarms and cameras in place outside and inside the area.

3. Providers shall be required to show that electrical and other necessary wiring etc. meet all safety regulations.
4. Providers shall be allotted a quota of plants to be grown based on the number of patients in the dispensary being supplied. This shall be strictly enforced by government inspectors.
5. Providers shall be required to meet E.U. organic food standards to ensure the highest quality medicine is produced. This is to ensure patient safety.
6. Providers shall be required to pay tax on medicine sold to dispensaries in line with other agricultural produce.
7. Providers shall be afforded the same protections from prosecution and discrimination etc. as patients, and caregivers described herein.
8. Providers shall be required to label produce as to the strain of the flower, the thc and cbd levels, whether of the Sativa or Indica genus, weight, ingredients and all required food labelling in the case of edible food products, warnings for health & safety etc.
9. Providers shall be required by law to register the address of the production area with the government and ensure that it meets all safety and security standards as stated in Section 5, subsection 2, prior to production being commenced.
10. Providers shall be required to provide unfettered access to government inspectors who shall upon inspection, certify the area as safe and secure, or otherwise.

11. Providers, who are engaged in the production of food products, or any processed forms of cannabis, shall be required to meet all HACCP and all current Health & Safety requirements in regards to food production. This shall include the appropriate labelling and warnings.
12. Providers shall permit access at any time asked by government inspectors to registered production areas.

## **Section 6 Rights and Responsibilities of Dispensaries**

1. Dispensaries as described herein shall, under the provisions of this act, be licensed by the state to purchase, sell and distribute cannabis and cannabis products to prescribed patients, carrying a state-issued ID card.
2. Dispensaries will be issued a licence based upon stringent conditions including, Garda background check, ability to provide a safe, clean, secure place of business etc. This license can be revoked if any connection between the dispensary and organized crime can be proven. Any dispensary operating in such a manner shall be subject to investigation by the Criminal Assets Bureau.
3. Dispensaries shall be permitted to operate within certain business hours and within the guidelines set forth in this act.
4. Dispensaries shall not be permitted to operate within .5 kilometres of any existing school, day-care centre or community centre.

5. Dispensaries shall be required to store medication in a secure manner at all times. Government inspectors shall be required to inspect the manner in which it is stored and may request that reasonable additional security measures be taken.
6. Dispensaries shall provide unfettered access to government inspectors within reasonable hours, to allow for inspections.
7. Dispensaries shall be required to confirm the patient's prescription with their physician prior to dispensing medical cannabis to either a patient or their nominated caregiver. The details of the prescription shall be recorded on the patient's first visit and may be renewed based on the physician's recommendation in writing.
8. Dispensaries shall be required to have a database, linking each dispensary, in which the patient's information, including physician, caregiver, prescription details etc. is stored. Each purchase made by a patient or caregiver shall be logged on this database to ensure attempts are not made to abuse the system.
9. Dispensaries are prohibited from dispensing medication to any person who is not prescribed by a physician and who is not registered in the database as a patient or caregiver, under any circumstance.
10. Dispensaries found in violation of Section 6, subsection 9, of this act, shall be prosecuted under the Misuse of Drugs Act and shall have their license to dispense revoked.

11. Dispensaries shall be required to have security personnel on site during business hours. These security operators must be registered with the state and operate within existing laws.
12. Dispensaries shall be required to confirm the identity of any patient or caregiver prior to their entry where medication is dispensed. Only registered caregivers and patients are permitted into these areas.
13. Dispensaries shall be permitted/ required to provide an area where patients are permitted to medicate.
14. Dispensaries shall be required to ensure that all medication is labelled according to the provisions of this act prior to dispensation.
15. Dispensaries **must** operate in accordance with existing E.U. and state laws in regards to employment and health & safety regulations.
16. Dispensaries found to be in serious breach of this act or existing health and safety regulations may have their licence revoked, based on the findings of a public investigation.

## Section 7 Addendums

1. The State shall issue a minimum of **6 licences** in the first year to successful applicants based on the conditions set forth in the provisions of this act.
2. Patients under the age of 18 shall be required to have a recommendation from a consultant in order to obtain medical cannabis, and only then in extreme cases.
3. The issuing of licences shall be tightly controlled by the state in order to maintain the integrity of the system.
- 4.