

13 MAY 2016

Chris Fowlie
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Ref: H201601460

Dear Mr Fowlie

Response to your request for official information

Thank you for your request of 14 April 2016 under the Official Information Act 1982 (the Act) stating

‘you outlined the Ministry's position that cannabidiol is now considered an "isomer" of tetrahydrocannabinol. This appears on the face of it a novel position which may not be beyond dispute.

I would like a copy of the information used to reach this position, including documents and notes relating to the review you referred to, as well as any briefings, correspondence, research, and communications.’

A copy of the information used to reach the Ministry of Health's (the Ministry's) position that cannabidiol (CBD) is now considered an "isomer" of tetrahydrocannabinol (THC), including documents and notes relating to the review referred to, as well as any briefings, correspondence, research, and communications relating to this request is itemised below, with copies of documents attached.

You will notice from the documents supplied that the classification of CBD and reasoning around this has changed over time. In the most recent review of the classification of CBD, the advice provided in March 2015 (item 4) detailing that CBD is an isomer of THC, was confirmed. This decision was made following legal advice received by the Ministry that is summarised in item 17. The legal advice itself has been withheld under Section 9(2)(h) of the Act to maintain legal professional privilege.

The question of the current classification of CBD was not pursued any further as the Ministry's focus was redirected to determining whether CBD should be a controlled drug going forward (withheld under Section 18(d)). A final decision on the reclassification of CBD has not been made by the Expert Advisory Committee on Drugs (EACD) but has been deferred to the next meeting which is due to occur in October 2016.

I have decided under **Sections 9(2)(a), 9(2)(ba)(i), 9(2)(g)(i) and 18(d)** of the Act to withhold information. This is:

- to protect the privacy of natural persons, including that of deceased natural persons
- to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
- to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty
- because the information requested is or will soon be publicly available.

The information withheld under Section 18(d) is entitled *Submission to the Expert Advisory Committee on Drugs Prepared by the Ministry of Health 12 April 2016*.

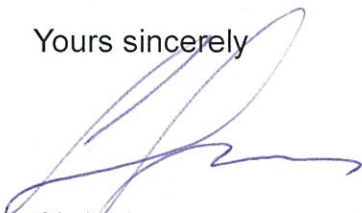
I have also decided to withhold information that is outside the scope of your request. Specific grounds are noted in each document where information has been withheld.

| Request | Response |
|--|---|
| <p><i>Information used to reach this position, including documents and notes relating to the review you referred to, as well as any briefings, correspondence, research, and communications.</i></p> | <p>Attached are:</p> <ol style="list-style-type: none"> 1. <i>Email. Subject: Query about classification of CBD. Sent 16/03/2015 02:34 p.m.</i> 2. <i>Attachment 1 of Email 1. Consisting of 3 email chains:</i> <ol style="list-style-type: none"> a. <i>Email. Subject: Re: Cannabidiol (CBD) classification Class B1 MODA. Sent 21/03/2014 10:22 a.m.</i> b. <i>Email. Subject: Fw: Classification of cannabidiol CBD. Sent 10/02/2012 09:55 a.m.</i> c. <i>Email. Subject: Re: Fw: Cannabidiol. Sent 01/10/2009 09:37</i> 3. <i>Attachment 2 of Email 1. Letter to Ministry of Health Thursday 12th March 2015.</i> 4. <i>Response to Letter 3. Title: Relationship between Cannabidiol and THC. Date: 24/03/2015.</i> 5. <i>Email. Subject: Fw: Cannabidiol scheduling (some notes). Sent 26/01/2016 11:30 a.m.</i> 6. <i>Email. Subject: Fw: Classification of CBD. Sent 22/02/2016 08:30 a.m.</i> |

7. *Attachment of Email 6. Title: Classification of Cannabidiol Discussion Document. 17 February 2016.*
8. *Email. Subject: CBD. Sent 25/02/2016 03:12 p.m.*
9. *Attachment to Email 8. Research. Title: Response to: ESR CBD Discussion Document 17 February 2016.*
10. *Email. Subject: Fw: cannabidiol related offences. Sent 12/05/2016 09:03 p.m.*
11. *Email. Subject: RE: Contact RE meaning of "isomer within the specific chemical designation". Sent 29/03/2016 08:45 a.m.*
12. *Email. Subject: Fw: Article re Aceso Decision. Sent 06/04/2016 10:47 a.m.*
13. *Email. Subject: Fw: EACD meeting papers. Sent 13/04/2016 07:38 a.m.*
14. *Attachment to Email 13. Title: Interest in 'Medicinal Cannabis' and the Classification of Cannabidiol. 12 April 2016.*
15. *Email. Subject: Fw: Interpretation of "specific chemical designation" 11/04/2016 03:00 p.m.*
16. *Email. Subject: Comments on CBD submission to EACD. Sent 11/04/2016 11:43 a.m.*
17. *Research. Title: Cannabidiol as a Class B1 Controlled Drug.*
18. *Email. Subject: Fw: legal status of cannabidiol. Sent 10/05/2016 12:59 p.m.*

I trust this information fulfils your request. You have the right, under section 28 of the Act, to ask the Ombudsman to review my decision to withhold information under this request.

Yours sincerely



Chris James
Acting Group Manager
Protection, Regulation and Assurance

