



Your reference: n/a

Our reference: FOI_24_0087

E-mail: FOI

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Direct dial: 01452 754304

Postal Address: As above

Date: 26/02/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0087

On 22/01/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I wish to request, under the Freedom of Information Act (2000), the following from your Constabulary, Commissioner, or Panel:

- 1) a copy of the Constabulary's policy or procedure for the verification of the legitimate possession and use of prescribed medical cannabis/cannabis-based prescription medicine (CBPM);
- 2) if the Constabulary does not have a local policy regarding this, could you please confirm that the Home Office guidance is adhered to by the Constabulary - namely that someone claiming the legitimate possession and use of medical cannabis will be expected to produce: the original medication container complete with the pharmacy dispensing label bearing the name of the patient; with either a copy of their FP10 prescription or a letter from the prescribing clinician; and a form of recognised photo ID (such as a passport, driving licence, or a PASS accredited photocard) bearing the same name as displayed on the dispensing label and the copy of the FP10 or clinician's letter;
- 3) if your Constabulary does not have a policy relating to this, could you please provide the Constabulary's policy regarding compliance with the PSED (Public Sector Equality Duty), especially with regards to the avoidance of discrimination against disabled people for the legitimate possession and use of a prescribed medication;
- 4) a copy of any internal briefing documents provided to police officers regarding the existence of - and the process for the verification of - prescribed medical cannabis flower or other CBPM's following the Home Office Circular 2018: 'Rescheduling of cannabis-based products for medicinal use in humans' and The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 which allowed the prescribing of medical cannabis (CBPM);
- 5) the named lead for the Constabulary for matters pertaining to the verification of medical cannabis (CBPM);

- 6) the Constabulary's policy or position relating to the recognition of unaccredited card schemes such as Cancard or MedCannID, if such a policy exists.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

- 1) No information held. The Constabulary does not have a specific policy relating to this topic.
- 2) No information held. The Constabulary has no recorded information held that will specifically answer this question.
- 3) The Constabulary's website has a section regarding 'Our approach to Diversity, Equality and Inclusion'. This can be located via the following link:

[Better Together - Our approach to Diversity, Equality and Inclusion | Gloucestershire Constabulary](#)

- 4) Please see the 'Prescribed cannabis law guidance' at the end of this document that was issued in September 2021.
- 5) Police Sergeant – Drugs Expert Witness.
- 6) No information held. There is no such policy.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary

Prescribed cannabis law guidance

Authored by: █████ Openshaw

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Cannabis prescriptions for medicinal use guidance for officers

Specialist doctors can prescribe herbal cannabis.

They require a **medical practitioner's license** and a **Home Office Controlled Drug License**.

Herbal cannabis can only be vaped or used in spray / oil etc. It **cannot** be smoked in a joint/cigarette.

People can only be prescribed cannabis after the clinic liaises with their doctor and checks they have used two other forms of medication that hasn't worked previously.

If persons using prescribed cannabis do not do so responsibly, ie, smoking around children, smoking in cigarettes etc then contact the clinic who will likely rescind their prescription.

Links to check licenses this below:

To find out if someone has a home office licence to possess, sell, grow or import cannabis - 'DFLU.Dom@homeoffice.gov.uk'

To find out if a clinic is operating under the required medical practitioners licence - 'Casereferrals@mhra.gov.uk'

GP will also be aware of the prescription following consultation with the clinic.

The Law; below from government website.

Cannabis Based Products for Medicinal Use in Humans (CBPM)s – Regulation 2 and Schedule 2 MDR 2001

With effect from 1 November 2018, CBPMs will be listed in Schedule 2 to the MDR 2001.

[Regulation 2 of the MDR 2001](#) defines CBPMs as:

““cannabis-based product for medicinal use in humans” means a preparation or other product, other than one to which paragraph 5 of part 1 of Schedule 4 applies, which

(a) is or contains cannabis, cannabis resin, cannabinol or a cannabinol derivative (not being dronabinol or its stereoisomers);

(b) is produced for medicinal use in humans; and

(c) is (i) a medicinal product, or (ii) a substance or preparation for use as an ingredient of, or in the production of an ingredient of, a medicinal product”

If the three limbs are met, then the preparation or product is considered as a ‘cannabis-based products for medicinal use in humans’ and a Schedule 2 drug under the 2001 Regulations.

Only products meeting this definition are being rescheduled. Products not meeting this definition will remain in Schedule 1 and will be kept under strict controls and only available for use under a Home Office licence.

Existing Schedule 2 requirements under the 2001 Regulations will apply. Cannabis-based products for medicinal use in humans remain subject to the strict requirements of Schedule 2 to the 2001 Regulations, along with other harmful substances, such as morphine, ketamine and fentanyl.

- Safety Custody
- Prescription requirements
- Marking bottles
- Mandatory requisition forms
- Record keeping
- Destruction

Additionally, cannabis-based products for medicinal use in humans for administration are subject to specific access restrictions (new Regulation 16A of the 2001 Regulations) over and above the requirements applicable to other Schedule 2 drugs.

A CBD preparation or product containing controlled cannabinoids (e.g. THC) which meets the three limbs of this definition may be a CBPM.

Specialist Doctors can prescribe CBPMs without requiring a Home Office licence to lawfully write a prescription. However, as with other controlled drugs in Schedule 2, companies wishing to possess, supply, produce, manufacture and/ or import/ export these products will require Home Office Controlled Drug licences to lawfully undertake these activities, unless a limited licensing ‘exemption’ applies - e.g. a pharmacist or person conducting a retail pharmacy business acting in their respective capacities (however see [guidance on wholesale dealing](#)).

It should be noted that Regulation 16A of the MDR 2001 imposes additional controls for the order and supply of CBPMs for the purpose of administration.

Where a preparation or product containing cannabis, cannabis resin, cannabinol or a cannabinol derivative does not meet the definition of a CBPM, it will be a Schedule 1 drug under the MDR 2001 unless the exempt product definition applies.

The health harms of smoking are clear, therefore the regulations prohibit both the prescription and self-administration of a cannabis-based product for medicinal use in humans by way of smoking other than for research purposes, and patients should be informed of the health risks associated with such use.