**TEMPLATE MOTION - Medical cannabis prescription patients**

To be moved by [INSERT COUNCILLOR NAME] and seconded by [INSERT COUNCILLOR NAME]

**[INSERT COUNCIL NAME] notes that:**

1. Cannabis-based products for medicinal use (CBPMs) in oil and flower form have been legally available under prescription in the UK since 1st November 2018.
2. There are over 30,000 patients prescribed CBPMs in the UK, the vast majority of whom receive private prescriptions.
3. CBPMs are prescribed for a multitude of conditions, including:

o Chronic pain conditions: Arthritis, Back and/or Neck Pain, Cancer Related Pain, Complex Regional Pain Syndrome, Ehlers-Danlos Syndromes, Endometriosis, Fibromyalgia, Musculoskeletal Pain, Neuropathic Pain, Palliative Care Pain

o Psychiatric conditions: Agoraphobia, Attention Deficit Hyperactivity Disorder, Cancer Related Anxiety, Eating Disorders, Generalised Anxiety Disorder, Insomnia, Major Depressive Disorder, Obsessive Compulsive Disorder, Other condition that causes Anxiety, Palliative Care Anxiety, Panic Disorder, Post Traumatic Stress Disorder, Social Anxiety Disorder, Substance Use Disorder

o Neurological conditions: Autism Spectrum Disorder, Cluster Headaches, Epilepsy, Migraines, Multiple Sclerosis, Parkinson’s Disease, Stroke, Tourette’s Syndrome, Tremors

o Other conditions: Chronic Fatigue Syndrome, Crohn’s and/or Ulcerative Colitis, Irritable Bowel Syndrome, Restless Legs Syndrome

1. Most, if not all, the above-mentioned conditions to which cannabis is prescribed can meet the statutory definition of a disability and are covered in Schedule 1, Part 1 of the Equality Act 2010 and in Regulation 7 of the Equality Act 2010 (Disability) Regulations 2010.
2. As with any medication, it is needed to alleviate or prevent the symptoms of a condition, and often in the case of vaping cannabis the medical user will decide when it is needed. This is not dissimilar to the use of an asthma inhaler or an insulin injection for diabetes.
3. Medical cannabis is provided in two forms, an oil which is taken orally and the flowering tops of cannabis plants for vaporisation. The oil often takes longer to take effect and is often taken at certain intervals, whereas the flower provides an almost instant effect and is administered as required. This quick effect is often helpful for people suffering from neurological pain conditions, psychiatric conditions or epilepsy.
4. The vaporiser is a medical device that does not cause combustion and so is absent from legislation for smoking or vaping e-cigarettes indoors.
5. Tandem mass spectrometry has shown that there is no risk of second-hand exposure for bystanders.
6. The Equality Act 2010 Statutory Code of Practice (6:20) states: *It is never unlawful to treat a disabled person more favourably than a non-disabled person. Therefore, service providers may provide services on more favourable terms to a disabled person compared to a non-disabled person.*
7. Requiring CBPM patients to use an outdoor smoking area to consume medication may be a breach of the Equality Act, and puts their health at risk by exposing them to the dangerous carcinogenic second-hand smoke of tobacco smokers and/or adverse climatic conditions.
8. Due to lack of awareness, housing associations across the UK have been threatening tenants with evictions and anti-social behaviour bonds for using their prescribed medication at home and officers from police forces have been unlawfully arresting patients for possession and driving (S.5A RTA 1988) offences, despite a statutory exemption.

**[INSERT COUNCIL NAME] resolves to urge the [MAYOR/LEADER - DELETE AS APPLICABLE] to:**

1. Ensure all council premises supports CBPM patients who need to take their medication to do so, in a safe and appropriate place, such as within a medical room or other suitable area, in line with the Equality Act 2010, all other reasonable adjustments and medications and that council employees and visitors are not discriminated against.
2. Ensure all [INSERT PLACE NAME] licensees are aware of CBPMs and their legal status.
3. Provide training to relevant officers on CBPMs, how they differ from black-market cannabis and how to avoid potential discrimination under the Equality Act.
4. Ensure that proposed bylaws to reduce smoking and nicotine-vaping near schools and public places are drafted in a way as not to inadvertently include use of CBPMs.
5. Ensure that ongoing and future Equality Impact Assessments consider CBPM patients.
6. Write to the Chief Constable of [INSERT LOCAL POLICE NAME] to enquire as to what information or training is given to police officers to ensure they are aware of the legal position, and to publish a copy of the letter and response.
7. Write to [INSERT PLACE NAME] Housing Associations to confirm that they are aware of the legal position, and to request that measures are put in place to ensure that housing association tenants prescribed CBPMs are not discriminated against, and to publish a copy of the letter and any response(s).
8. Write to [INSERT PLACE NAME] NHS, to request they ensure they have reasonable safe spaces and policies for CBPM patients, in all [INSERT PLACE NAME] NHS services, hospitals, medical facilities and Mental Health / Psychology based services, in accordance with the Equality Act and to publish a copy of the letter and response.
9. Write to [INSERT PLACE NAME] LEA requesting they also ensure all educational facilities have reasonable safe spaces and practices for CBPM patients in line with the law and to publish a copy of the letter and response.

Notes:

• [https://www.gov.uk/government/collections/medicinal-cannabis-information[1]and-resources](https://www.gov.uk/government/collections/medicinal-cannabis-information%255B1%255Dand-resources)

• [https://www.drugscience.org.uk/t21/](https://eur02.safelinks.protection.outlook.com/?url=https://www.drugscience.org.uk/t21/&data=05%257C01%257CMike.Relph@salford.gov.uk%257Ce82365e7fa8d43144f5008dbdf9cc363%257C68c00060d80e40a5b83f3b8a5bc570b5%257C0%257C0%257C638349638343143636%257CUnknown%257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0=%257C3000%257C%257C%257C&sdata=Z9Yta3h4kT4xwOQapQ1t0QZTS47TBckR7B4tFGntAh0=&reserved=0)

• [https://www.theguardian.com/commentisfree/2023/mar/24/nhs-medical[1]cannabis-patients-private-law-products](https://www.theguardian.com/commentisfree/2023/mar/24/nhs-medical%255B1%255Dcannabis-patients-private-law-products)

• [https://www.bbc.com/news/health-65461319](https://eur02.safelinks.protection.outlook.com/?url=https://www.bbc.com/news/health-65461319&data=05%257C01%257CMike.Relph@salford.gov.uk%257Ce82365e7fa8d43144f5008dbdf9cc363%257C68c00060d80e40a5b83f3b8a5bc570b5%257C0%257C0%257C638349638343143636%257CUnknown%257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0=%257C3000%257C%257C%257C&sdata=9QYrKk4Jj4WXUy53pSwSHv8o4pr5/mLTBCqioQoCmHc=&reserved=0)

• [https://journals.sagepub.com/doi/full/10.1177/20503245231172535](https://eur02.safelinks.protection.outlook.com/?url=https://journals.sagepub.com/doi/full/10.1177/20503245231172535&data=05%257C01%257CMike.Relph@salford.gov.uk%257Ce82365e7fa8d43144f5008dbdf9cc363%257C68c00060d80e40a5b83f3b8a5bc570b5%257C0%257C0%257C638349638343143636%257CUnknown%257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0=%257C3000%257C%257C%257C&sdata=Iwcvw6r8tc70F0YIxgH3EmQlj1BOmgrI6riEv8SRB/8=&reserved=0)

• [https://www.drugscience.org.uk/medical-cannabis-working-group/](https://eur02.safelinks.protection.outlook.com/?url=https://www.drugscience.org.uk/medical-cannabis-working-group/&data=05%257C01%257CMike.Relph@salford.gov.uk%257Ce82365e7fa8d43144f5008dbdf9cc363%257C68c00060d80e40a5b83f3b8a5bc570b5%257C0%257C0%257C638349638343143636%257CUnknown%257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0=%257C3000%257C%257C%257C&sdata=e7v5ttlKSU6iDikkDwJ96tf4eDarlF8MI20dyikJqcA=&reserved=0)

• [https://cannabishealthnews.co.uk/wp-content/uploads/2022/07/Medical[1]Cannabis-and-Discrimination-What-you-need-to-know-1.pdf](https://cannabishealthnews.co.uk/wp-content/uploads/2022/07/Medical%255B1%255DCannabis-and-Discrimination-What-you-need-to-know-1.pdf)

• [https://www.equalityhumanrights.com/sites/default/files/servicescode\_0.pdf](https://eur02.safelinks.protection.outlook.com/?url=https://www.equalityhumanrights.com/sites/default/files/servicescode_0.pdf&data=05%257C01%257CMike.Relph@salford.gov.uk%257Ce82365e7fa8d43144f5008dbdf9cc363%257C68c00060d80e40a5b83f3b8a5bc570b5%257C0%257C0%257C638349638343143636%257CUnknown%257CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0=%257C3000%257C%257C%257C&sdata=gco2SyVqqXPcHjsMkOC49fv7BY7lwMmJdPSNfQt1c7I=&reserved=0)

. <https://www.seedourfuture.co.uk/wp-content/uploads/sites/11/2022/07/Medical-Cannabis-and-Discrimination-What-you-need-to-know.pdf>

• <https://www.cicouncil.org.uk/app/uploads/2023/09/FINAL_Cannabis-and-employment.pdf>

• <https://www.cicouncil.org.uk/app/uploads/2023/11/CIC23_04.2-Prescribed-Cannabis-Medicines-Possession-Use-and-Driving-Guidance-for-Police.pdf>