

Submission
No 104

**INQUIRY INTO ROAD TRANSPORT AMENDMENT
(MEDICINAL CANNABIS-EXEMPTIONS FROM
OFFENCES) BILL 2021**

Organisation: Positive Life NSW

Date Received: 9 May 2022

The Honourable Chris Rath MLC
Standing Committee on Law and Justice
Legislative Council
Parliament of New South Wales

Submitted via website: www.parliament.nsw.gov.au/lawandjustice

Re: Submission into the Inquiry into Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021

To the Honourable Chris Rath MLC

Positive Life NSW (Positive Life) welcomes the opportunity to provide a submission into the Inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021.

Positive Life is the largest peer-led and run representative body of all people living with and affected by HIV in Australia based in NSW, and the voice of all people living with HIV (PLHIV) in NSW since 1988. We provide leadership and advocacy in advancing the human rights and quality of life of all PLHIV, and to change systems and practices that stigmatise and discriminate against PLHIV, our friends, family and carers in NSW. More information can be found at www.positivelife.org.au

Positive Life welcomes this amendment to the Road Transport Act 2013 which addresses the injustice faced by PLHIV of legally prescribed medicinal cannabis who are at risk of a drug-driving offence and other unintended consequences.

HIV health-related impacts

Medicinal cannabis is used by a proportion of PLHIV to ease their HIV-related symptoms of nerve pain (peripheral neuropathy)¹, reduce inflammation² and the cognitive impacts of HIV³, insomnia⁴, anxiety⁵, nausea⁶, appetite⁷ and weight. Peripheral neuropathy causes painful stabbing, burning or tingling sensations in the hands, legs and feet, which can be triggered by some HIV antiretroviral

¹ Hjorthøj C, La Cour P, Nordentoft M, Posselt CM. Cannabis-based medicines and medical cannabis for patients with neuropathic pain and other pain disorders: Nationwide register-based pharmacoepidemiologic comparison with propensity score matched controls. *Eur J Pain*. 2022;26(2):480-491. doi:10.1002/ejp.1874

² Costiniuk CT, Jenabian MA. Cannabinoids and inflammation: implications for people living with HIV. *AIDS*. 2019;33(15):2273-2288. doi:10.1097/QAD.0000000000002345

³ Watson CW, Campbell LM, Sun-Suslow N, et al. Daily Cannabis Use is Associated With Lower CNS Inflammation in People With HIV. *J Int Neuropsychol Soc*. 2021;27(6):661-672. doi:10.1017/S1355617720001447

⁴ Walsh JH, Maddison KJ, Rankin T, et al. Treating insomnia symptoms with medicinal cannabis: a randomized, crossover trial of the efficacy of a cannabinoid medicine compared with placebo. *Sleep*. 2021;44(11):zsab149. doi:10.1093/sleep/zsab149

⁵ Costiniuk CT, Saneei Z, Salahuddin S, et al. Cannabis Consumption in People Living with HIV: Reasons for Use, Secondary Effects, and Opportunities for Health Education. *Cannabis Cannabinoid Res*. 2019;4(3):204-213. Published 2019 Sep 23. doi:10.1089/can.2018.0068

⁶ Breijyeh Z, Jubeh B, Bufo SA, Karaman R, Scranio L. Cannabis: A Toxin-Producing Plant with Potential Therapeutic Uses. *Toxins (Basel)*. 2021;13(2):117. Published 2021 Feb 5. doi:10.3390/toxins13020117

⁷ Riggs PK, Vaida F, Rossi SS, et al. A pilot study of the effects of cannabis on appetite hormones in HIV-infected adult men. *Brain Res*. 2012;1431:46-52. doi:10.1016/j.brainres.2011.11.001

medication and other co-morbidities such as diabetes. When HIV weakens the immune system sufficiently, other opportunistic infections can also lead to peripheral neuropathy. Additionally, evidence shows the use of medicinal cannabis to reduce the pain and discomfort of peripheral neuropathy among PLHIV is associated with a lower use of prescription opioid analgesics⁸, and therefore a reduced risk of opioid dependence amongst this group.

Social impacts

Today HIV is considered a chronic manageable health condition. A HIV diagnosis is no longer a certain death sentence, and PLHIV can expect to enjoy a life span on par with others who do not live with the condition. As such, today greater numbers of PLHIV are actively employed in the workforce, responsible for families and care of children, and meaningfully participate in the wider community. However, for those PLHIV who were diagnosed in the early years of the epidemic and experienced side effects from the early HIV medications or those diagnosed late or with an advanced HIV diagnosis even in the modern era⁹, many still live with a range of HIV-related health impacts and co-morbidities.

PLHIV who use medicinal cannabis to alleviate their pain, inflammation, nausea or insomnia with medicinal cannabis, are also often active members in their communities and social networks. The Bill removes the concerns or fears of these PLHIV who risk a drug-driving offense under the current law in their travel to contribute and participate within the community, meet with friends or family, and independently attend work commitments or their medical appointments.

Additionally, in the interests to mitigate the risk of HIV disclosure, many PLHIV travel extensive distances outside of their social footprint and networks to their HIV specialist appointments to access their HIV antiretroviral medication. For these PLHIV the threat and risk of HIV stigma and discrimination from their own communities, especially in areas that overlap their employment environments is unfortunately still a probable and credible likelihood. The Bill will remove this additional threat of a drug-driving offense for these PLHIV who are compelled to travel while managing their HIV symptomology with medically prescribed medicinal cannabis.

In conclusion, Positive Life supports this Act to amend the Road Transport Act 2013 to exclude users of medicinal cannabis from the application of the offence relating to driving with the presence of delta-9-tetrahydrocannabinol (THC) in a person's oral fluid, blood or urine. By enabling PLHIV to use their medicinal cannabis without fear of arrest, their quality of life is increased and enhanced, and they can maintain a strong sense of agency over their choices.

Positive Life would like to commend the NSW Legislative Council's Standing Committee on Law and Justice in their dedicated and thorough research and consultation process with the aim of reforming the Road Transport Act 2013 (Medicinal Cannabis-Exemptions from Offences) to grant fair and equitable rights for all Australian medicinal cannabis patients who drive including those of us living with HIV.

⁸ Sohler NL, Starrels JL, Khalid L, et al. Cannabis Use is Associated with Lower Odds of Prescription Opioid Analgesic Use Among HIV-Infected Individuals with Chronic Pain. *Subst Use Misuse*. 2018;53(10):1602-1607. doi:10.1080/10826084.2017.1416408

⁹ Kirby Institute. HIV, viral hepatitis and sexually transmissible infections in Australia: annual surveillance report 2021. *Late and advanced HIV diagnoses*. Sydney: Kirby Institute, UNSW Sydney; 2021.

We are comfortable with the publication of this submission in full on the website under the name of Positive Life NSW.

Yours respectfully,

*Jane Costello
Chief Executive Officer
April 2022*