

From: SPL-Office of the DDG - Wednesday June 7th 2023.

Thank you for your emails to the Medicinal Cannabis Agency asking about the laws surrounding third party accessories used with legal medicinal cannabis vaporisers. It has been referred to the Ministry of Health for reply. The Ministry is not able to give legal advice on specific situations. However we have looked into the questions you raise and can provide the following clarification as to what the law permits.

The Ministry publication you refer to is from 2016 and is a discussion document. It is not intended to give advice to consumers of medicinal cannabis. Information for consumers of medicinal cannabis is found here: [Medicinal Cannabis Agency - Information for consumers | Ministry of Health NZ](#).

A person who possesses an accessory for the purpose of taking their prescribed medicinal cannabis would not breach the [Misuse of Drugs Act 1975](#) because they are not using it “for the purpose of the commission of an offence against this Act” [\(s13\(1\)\(a\)\)](#).

Under the [Misuse of Drugs \(Prohibition of Utensils\) Notice 2020](#), a vaporiser can only be imported and sold in New Zealand if it has been approved as a medical device by an overseas regulator. We note on the Mighty Medic’s website, there is a glass attachment available “designed to fit the Mighty Medic and Mighty Medic+ Vaporisers in place of the mouthpiece”. This appears to be legitimate. However, regarding third party accessories generally, we cannot give you a clear answer on the question of lawfulness because there could potentially be various legal arguments made in a court of law. We agree that there is no public interest in taking enforcement action in response to attachments that reduce harm.

With regard to the more general concerns in your follow up email, we are aware of concerns about the impacts of the [Notice](#). We intend assessing the [Notice](#) as part of our regulatory stewardship work programme next year. We will take into account the issue you have raised.

Thank you again for raising this matter with us.

Ngā mihi

Stephen Glover

Sent from:
Office of the Deputy Director-General
Strategy Policy and Legislation | Te Pou Rautaki
Manatū Hauora, 133 Molesworth Street Thorndon, Wellington 6011



MINISTRY OF HEALTH

The above information is shared from the community organisers of [MCANZ.org.nz](#). Who have reached out to the NZ Ministry of Health, for clarifications on the issues surrounding the use of legally prescribed Medicinal Cannabis from a Doctor. This is different to patients who require Palliation. Information for Palliative patients can be found here: [NZ Police Part 14 Medicinal Cannabis](#).