

News Victoria

EXCLUSIVE

Medicinal cannabis users could soon be allowed to drive in Victoria

Victorians taking medicinal cannabis could soon legally get behind the wheel under an Australia-first trial being considered by the Andrews government.

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Drivers would not be impaired by medicinal cannabis when they drive. Picture: Hamish Blair

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In 2016, Victoria became the first state to approve the use of weed for medicinal purposes, but it remains a criminal offence for any person to drive with any THC — including from medicinal cannabis — within their system.

Despite the potential effects of cannabis having been abated by morning, traces of the drug will remain in a person's system for weeks and will likely be picked up in a roadside drug test.

It is a [serious offence under Victorian road rules to test positive](#) and there is currently no universally accepted technology to test for impairment instead.

This has led to many users being driven to instead take addictive high-risk medications like codeine and Valium, which have the potential to cause drowsiness, but aren't screened in roadside drug tests.

A trial would be a major win for the Legalise Cannabis Party who surprised by picking up two upper house seats at the state election. Their votes are now crucial for the government to pass legislation.



A small number of medicinal cannabis users would be allowed to drive under the trial. Picture: Mark Stewart

In February, the minor party introduced [a Bill to parliament to amend the Road Safety Act](#) and allow prescribed users of medicinal cannabis to drive.

Premier Daniel Andrews has flagged a willingness to review roadside testing for medicinal cannabis after they made it a policy priority.

But he warned that road safety needed to remain paramount, with government figures reluctant to make major changes to drug testing during a horror year for the states road toll and as Victoria Police deal with other major changes such as the removal of the public drunkenness offence.

As a compromise, it can be revealed that work is underway to establish a trial running for at least a year which could pave the way for a permanent change if successful.

It would involve a small closed group of medicinal cannabis users and focus on ways to mitigate the issue of how to handle impairment.

The Herald Sun understands that one of the measures being canvassed would be to ensure trial participants must be aged over 25 and have a zero blood alcohol limit.

Legalise Cannabis MP David Ettershank said the government was due to have a proposal confirmed by July 1.

“We would be extremely distressed if this trial was not up and running before Christmas,” he said.

Senior Criminal Lawyer Ben Watson said he has represented many clients who had lost their licence for having traces of THC in their system, despite lawfully having taken medicinal cannabis.

One recent client had a terminal cancer diagnosis with just six months to live.

“No one should be ostracised from society due to taking a prescribed medication which impacts their life so positively,” he said.

“People should not have to choose between their choice of pain management and the freedom to drive.”

A government spokesperson said there were “no plans to legalise cannabis beyond medical use”.

“The safety of all road users is the highest priority and we make no apologies for our focus on this,” they said.

“We also recognise that medicinal cannabis patients need to be able to get around.”

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