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Dear Mr Wasway,

Thank you for your emails of 4 & 8 of August to the Home Office, about the 'Cancard' scheme and how Releaf UK's 'Medical Cannabis Cards' is a suitable alternative. Your email was passed to the Drugs Legislation Team.

As you are aware, on 1 November 2018, Cannabis-based products for medicinal use (CBPMs) were introduced under Schedule 2 to the Misuse of Drugs Regulations 2001 ('2001 Regulations'). It is important to remember that only products meeting the definition of a CBPM were rescheduled. Products not meeting this definition (other than cannabis-based medicines that have received marketing authorisation and have been separately scheduled) have remained in Schedule 1 under the 2001 Regulations which means they cannot be accessed except under a Home Office licence.

If the CBPM product is unlicensed (i.e. without a marketing authorisation granted in accordance with the medicines legislation applicable in the UK), and is being ordered otherwise than for a clinical trial, the decision to order/prescribe the medicine can only be made by a doctor on the Specialist Register of the General Medical Council. Please note that the law itself does not restrict which conditions CBPMs may be prescribed for and there is no legal impediment to specialists' doctors prescribing CBPM where clinically appropriate and in the best interests of patients. However, patients cannot get unlicensed CBPMs direct from their general practitioner and will require referral to a specialist on the basis of their clinical need. Additionally, the legislation continues to prohibit smoking of cannabis, by banning the administration of CBPMs by smoking.

A Home Office circular was issued to accompany and provide guidance on the change in the law in November 2018. The circular was published on gov.uk and is available at the following link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753366/Medicinal Cannabis - Home Office Circular 2018 FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753366/Medicinal_Cannabis_-_Home_Office_Circular_2018_FINAL.pdf)

As the response from The Department of Health and Social Care (DHSC) indicates, the Government does not endorse the use of Cancard, or any similar scheme that purports to legitimise the possession and supply of cannabis from illegitimate sources. Cancard does not provide authority to possess cannabis.

The law is clear in that patients may legally possess CBPMs when in possession of a valid UK prescription or if they are a participant in a clinical trial. The NHS has provided information about CBPMs, including advice on how to prove that patients are in lawful possession, at the following link:

[Medical cannabis \(cannabis oil\) - NHS \(www.nhs.uk\)](https://www.nhs.uk/medicines/cannabis/)

We hope that this helps to clarify the Government's position on this matter.

Yours sincerely,

The Drugs Legislation Team

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