

[Your Name]

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[Date]

To: The Crown Agent and Chief Executive
Crown Office and Procurator Fiscal Service
Scotland

Subject: Request for Direction to Cease Prosecution of Lawfully Prescribed Medical Cannabis Patients

Dear Sir or Madam,

I write to request that the Crown Office and Procurator Fiscal Service urgently review and amend current prosecution policy relating to patients lawfully prescribed cannabis-based medicinal products in Scotland.

At present, prescribed medical cannabis patients continue to face criminal investigation and prosecution for possession or use of their prescribed medication in circumstances where a clear statutory defence exists. This includes cases where prescribed cannabis flower is not carried in its original dispensing container, where the medication is combusted rather than vaporised, or where practical circumstances prevent use of a vaporiser.

The current position places an unreasonable and discriminatory burden on disabled patients who rely on prescribed cannabis medicines to manage serious medical conditions. It is deeply concerning that patients remain vulnerable to arrest, seizure of medication, criminal charges, and reputational harm despite lawful prescription and clear medical status.

There are numerous practical realities that require urgent consideration:

1. Cannabis vaporisers are often prohibitively expensive for disabled patients and may fail, become lost, damaged, discharged, or otherwise unavailable at times when medication is medically required.
2. Some approved or commonly used vapourisation devices are electronically heated, while others are heated by flame. In many circumstances, neither police officers nor forensic drug experts would be capable of reliably distinguishing between cannabis that has been vapourised and cannabis that has been combusted.
3. A patient who resorts to using rolling papers or another improvised method of administration due to hardship, equipment failure, or urgent medical need should not thereby lose legal protection for possession of prescribed medication.

4. The notion that a prescribed medicine becomes criminal solely because of the manner in which it is consumed creates an irrational and unjust legal position, particularly where the patient remains lawfully prescribed the medication itself.
5. Patients are currently subjected to arrest, prosecution, financial hardship, stigma, and barriers to employment before they are ultimately required to prove their lawful status and innocence. The burden of establishing lawful medical use has in practice been shifted onto disabled patients themselves.

This position risks placing the Crown Office and associated public authorities in breach of obligations under the Equality Act 2010, particularly the duty to make reasonable adjustments for disabled persons and the prohibition against disability discrimination.

The continuation of prosecutions where prosecutors and police are aware that a statutory defence exists may amount to ongoing discriminatory treatment of a vulnerable and identifiable minority group, namely prescribed medical cannabis patients.

I therefore respectfully request that the Crown Office and Procurator Fiscal Service:

- Issue immediate national guidance to Police Scotland and Procurators Fiscal directing that prosecutions against verified prescribed medical cannabis patients for possession offences should not be taken forward where a statutory defence is available.
- Clarify that absence of original packaging alone should not justify prosecution where lawful prescription can be otherwise established.
- Clarify that disputes regarding combustion versus vaporisation should not form the basis of prosecution in the absence of clear and reliable evidence.
- Recognise that patients may need to consume prescribed medication through alternative means where vaporisers are unavailable, unaffordable, lost, broken, or impractical.
- Introduce reasonable adjustments to prevent disabled patients from suffering avoidable criminalisation, financial hardship, reputational damage, and barriers to employment.
- Review all past and current prosecutions involving prescribed medical cannabis patients where a statutory defence existed.

Urgent action is required to ensure compliance with equality legislation, proportionality in prosecution policy, and protection of vulnerable patients acting under lawful medical prescription.

I would welcome confirmation that this matter is under active consideration and that appropriate prosecutorial guidance will be issued at the earliest opportunity.

Yours faithfully,

[Your Name]