| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-1056Responded to: 19th April 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## 1) Copy of the Constabulary's policy or procedure for the verification of the legitimate possession, use, or presence (in saliva, blood, or urine) of THC resulting from prescribed medical cannabis/cannabis-based prescription medicine (CBPM);

## 2) if the Constabulary does not have a local policy regarding this, could you please confirm that the Home Office guidance is adhered to by the Constabulary.

## 3) if your Constabulary does not have a policy in response to question 1, could you please provide the Constabulary's policy regarding procedural compliance with the PSED (Public Sector Equality Duty) of the Equality Act 2010, especially with regards to the avoidance of discrimination against disabled people.

## 4) A copy of any internal briefing documents provided to police officers regarding the existence of - and the process for the verification of - prescribed medical cannabis flower or other CBPM's following the Home Office Circular 2018: 'Rescheduling of cannabis-based products for medicinal use in humans' and The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 which allowed the prescribing of medical cannabis (CBPM);

## 5) the named lead for the Constabulary for matters pertaining to the verification of prescribed medical cannabis (CBPM's);

## 6) the Constabulary's policy or position relating specifically to the Constabulary's \_recognition\_ of unaccredited card schemes such as Cancard, despite an absence of such recognition by the Home Office, if such a policy exists;

**7) if your Constabulary is responsible for a port of entry or a domestic airport, whether the policies or procedures you specify differ for those departing from the United Kingdom or passing from landside to airside - as the Home Office regulations in this regard apply to the regulations relating to the personal carriage of controlled drugs, but not the procedures that should be followed by patients locally in compliance with these regulations (i.e. in terms of the practical steps that should be followed by patients to comply with these regulations);**

**8) the dates upon which any of the procedures, policies or positions engaged by your response to the above is due for review.**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

By way of explanation, we have no formal guidance documents or standard operating procedures regarding medical cannabis generally or specifically in relation to the points raised in your request.  To be of assistance however, I can advise you that Police Scotland has provided internal briefings to officers in relation to a person's possession of Cannabis based products for medicinal use (CBPMs). This has included detail on that person's right to do so once lawful authority is established. Police Scotland engages with Scottish Government, Public Health and the Sapphire Clinic on this subject to ensure all current detail is known and shared.

Officers will conduct enquiries to prove that a prescription is in place for the Cannabis Based Product in a person's possession. Persons who have possession of cannabis for medicinal use should produce relevant supporting documentation that it is legitimately prescribed to them.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.