

Correspondent 7

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>

To: "Minister of Justice (Phone Listing)" <info@justice.ie>,

cc:

Date : 04/02/2021

Subject: FW: CBD

From: [REDACTED]

Sent: 04 February 2021 20:58

To: Helen McEntee <Helen.McEntee@oireachtas.ie>

Subject: CBD

Hi Helen

I am mailing about the current state of CBD in Ireland and the absolutely disgraceful behaviour of Garda raiding legitimate businesses. I myself am a business owner that sells perfectly legal CBD flower under European law yet I'm living in fear of my business getting raided and the shame and stigma that carries.

Regards

[REDACTED]
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Beartas ríomhphoist an Oireachtais agus séanadh.

oireachtas.ie/ga/email-policy/

Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder@justice.ie chomh maith.

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 15:50

To: [REDACTED]

Subject: DJE-MO-01095-2021

[REDACTED]
Minister's Reference: DJE-MO-01095-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD, regarding CBD. The Minister has requested that I respond to you on her behalf.

I hope you will appreciate that the licensing of controlled drugs is a matter for the Minister for Health under the Misuse of Drugs Acts 1977 to 2016 and regulations made thereunder. The matter of changing the law as it currently stands, and introducing new legislation and drug policy related to the cannabis herb lies with the Minister for Health, Stephen Donnelly, and the Minister of State with responsibility for Public Health, Wellbeing and the National Drugs Strategy, Frank Feighan.

Minister McEntee would encourage you to contact Minister Donnelly and Minister Feighan in relation to this issue. The Department of Health can be contacted by email at info@health.gov.ie or by post at Block 1, Miesian Plaza, 50 – 58 Lower Baggot Street, D02 XW14.

It is important to be aware that the law currently forbids the growing or importing of cannabis cultivation equipment in Ireland, as well as cannabis use for recreational purposes either for personal use or supply to others. Use of cannabis products for medical purposes are decided under the Medicinal Cannabis Access Programme and can require a doctors prescription and may involve case-by-case approval by the Minister for Health

I hope you will appreciate that the role of An Garda Síochána is to implement the law as it stands around the running of growth houses, and the sale and supply of Cannabis and its products.

I trust this information will be of assistance to you.

Yours sincerely,

Patrick McCabe
Private Secretary to the
Minister for Justice

An Roinn Dlí agus Cirt
Department of Justice
51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

Grainne X. Jones

From: Andrew X Payne
Sent: Monday 8 February 2021 17:01
To: Press Office Document Library
Subject: RE: Cannabis dispensary 'raided' & threatened with closure according to owner - press query

Hi Colm,

I think it would be a question for the Garda Press Office really but yes drug legislation is under D/Health. I don't think our Minister could comment on an individual operation/investigation.

A

From: Press Office Document Library
Sent: Monday 8 February 2021 16:58
To: Andrew X Payne
Subject: FW: Cannabis dispensary 'raided' & threatened with closure according to owner - press query

Hi Andrew just FYI, I will send the journo to the guards, I think the legislation might be under the remit of D Health Colm

From: [REDACTED]
Sent: Monday 8 February 2021 16:39
To: Press Office Document Library <pressooffice@justice.ie>
Subject: Cannabis dispensary 'raided' & threatened with closure according to owner - press query

Dear press office

Can the Dept of Justice clarify under what legal circumstances this business has been 'raided' (according to owner) and threatened with closure.

The owner also claims Gardai are removing stock from the store?

Under which law are the Garda operating in this instance?
See tweets below - thanks

https://twitter.com/little_cbd/status/1358802957467324417

https://twitter.com/little_cbd/status/1358805306244005888

Kind regards
[REDACTED]
[REDACTED]

Memo

From : Darragh O'Brien <Darragh.O'Brien@oireachtas.ie>

To: "'minister@justice.ie'" <minister@justice.ie>,

cc:

Date : 09/02/2021

Subject: FW: Illegal Recent Gardaí Raids

Dear Minister,

Please see the email below I received from a constituent in relation to CBD hemp shop raids.

Any advice you may be able to provide on this issue would be greatly appreciated.

Kind Regards,

Darragh

(Embedded image moved to file: pic08826.jpg)

Coronavirus (COVID-19)

www.hse.ie for further updates

Protect yourself and others

****Wash your hands****

After coughing or sneezing

Before and after eating

Before and after preparing food

If you were in contact with someone who has a fever or respiratory symptoms (cough, shortness of breath, difficulty breathing)

After being on public transport or in a crowd (especially an indoor crowd)

If you have handled animals or animal waste

Before having a cigarette or vaping

If your hands are dirty

After toilet use

I'd like to stay in touch with you. If you do not wish to receive any further information or contact from me, please email 'STOP' to this address.

Designated Public Official under the Regulation of the Lobbying Act.

Please note that any personal data contained in your email correspondence with Darragh O'Brien TD will be processed by Darragh O'Brien TD and my staff as a data controller in accordance with applicable data protection law. Much of this data processing will be done in connection with representations/requests made and also for electoral purposes. For further information on data protection, including your data protection rights, please refer to the data protection section of my webpage at darraghobrien.ie. If you have received this email in error, please notify

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us immediately and then delete it. Please do not copy it, disclose its contents or use it for any other purpose.

From: [REDACTED]
 Sent: Tuesday 9 February 2021 01:27
 To: Darragh O'Brien <Darragh.O'Brien@oireachtas.ie>
 Subject: RE: Illegal Recent Gardaí Raids

Dear Darragh,

I am writing to you today as a concerned constituent. As I'm sure by now you are aware, Gardaí have recently been carrying out raids of CBD hemp shops and cafés. The objective of these raids is to confiscate CBD in its flower/bud form and eventually force these businesses into closure. These are businesses that are operating legally, providing valuable services to their communities and providing CBD products to those people that require them desperately.

These raids are illegal under EU law which states that CBD cannot be labelled as a narcotic drug and therefore any legislation blocking the sale of hemp-derived CBD products is in contradiction of EU law. (More on this here:

<https://www.theguardian.com/society/2020/nov/19/cbd-is-not-a-narcotic-says-eu-court-french-ban>
)

Whatever your feelings are about cannabis prohibition with relation to the THC element of the plant, this is simply a matter of lazy lawmaking. The adjustments needing to be made to the Misuse of Drugs Act are so minimal it's ridiculous to think it hasn't been done yet.

Our government's inaction and incompetence in this area is embarrassing. The Gardaí have better things to be doing than knocking down the doors of people who are selling something that has already been made legal under EU law. Very recently [REDACTED]

[REDACTED] part perhaps due to the stress of constant raids and threats from Gardaí.

I would like this issue to be sorted out as soon as possible so that no more innocent people are being bothered by our Gardaí for no good reason.

Best Regards,
 [REDACTED]

Beartas ríomhphoist an Oireachtais agus séanadh.
oireachtas.ie/ga/email-policy/
 Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

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seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

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From: Ministers Office <info@justice.ie>

Sent: 19 March 2021 16:06

To: Minister Darragh O'Brien <Darragh.O'Brien@oireachtas.ie>

Subject: DJE-MO-01177-2021

Minister Darragh O'Brien
Darragh.O'Brien@oireachtas.ie

19th March 2021

Minister's Reference: DJE-MO-01177-2021

Dear Minister O'Brien,

Thank you for your email on behalf of [REDACTED] regarding CBD.

As you will appreciate, the licensing of controlled drugs is a matter for the Minister for Health under the Misuse of Drugs Acts 1977 to 2016 and regulations made thereunder. The matter of changing the law as it currently stands, and introducing new legislation and drug policy related to cannabis, therefore lies with the Minister for Health, Stephen Donnelly, and the Minister of State with responsibility for Public Health, Wellbeing and the National Drugs Strategy, Frank Feighan.

I would encourage [REDACTED] to make contact with the Department of Health in relation to this matter. The Department can be contacted by email at info@health.gov.ie or by post at Block 1, Miesian Plaza, 50 – 58 Lower Baggot Street, D02 XW14.

I hope [REDACTED] will appreciate that the role of An Garda Síochána is to implement the law as it stands.

Under Irish law, criminal investigations can only be carried out by An Garda Síochána, who then submit a report to the Director of Public Prosecutions (DPP). The DPP, who operates independently of myself and my Department, then decides whether or not someone should be prosecuted and for what crime. I am unable to intervene in this independent process.

If the owners of shops selling CBD products are not satisfied with how their concerns are dealt with by An Garda Síochána, it is open to them to contact the Garda Síochána Ombudsman Office (GSOC). GSOC is the independent body charged with receiving complaints from the public concerning members of An Garda Síochána.

Contact can be made with GSOC at their offices at: 150 Upper Abbey Street, Dublin 1 and by telephone on Lo-Call Tel: 1890 600 800. Further information is also available on GSOC's "Get in Touch" page, accessible via the following link: <https://www.gardaombudsman.ie/site-pages/get-in-touch/>.

I hope this information will be of assistance to [REDACTED]

Yours sincerely,

Helen McEntee T.D.
Minister for Justice

An Roinn Dlí agus Cirt
Department of Justice
51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

Grainne X. Jones

From: ePQ (Justice) <justice-epq-noreply@cloud.gov.ie>
Sent: Wednesday 10 February 2021 09:35
To: Hannah X. Barron; Grainne X. Jones
Cc: Cormac X. Flood
Subject: PQ 8082/21, for answer 17/02/2021, Written from - Gino Kenny

Hi Hannah, Can you please seek a transfer to Health on this PQ. It is more appropriate for D/Health as the Misuse of Drugs Act is primarily the responsibility of D/Health and the question refers to regulations of certain products regulated under this Act. Kind regards, Cormac Flood

Dail Question No:

To ask the Minister for Justice the measures, if any, in progress to ensure that a full range of CBD products will be available to Irish consumers, including oils, pastes, flowers, teas and other products; and if she will make a statement on the matter.

- Gino Kenny.

* For Written answer on 17/02/2021
Ref No: 8082/21

Reply

Minister for Justice (Helen McEntee):

Grainne X. Jones

From: ePQ (Justice) <justice-epq-noreply@cloud.gov.ie>
Sent: Wednesday 10 February 2021 09:37
To: Hannah X. Barron; Grainne X. Jones
Subject: PQ 8081/21, for answer 17/02/2021, Written from - Gino Kenny

Hi Hannah, Can you please seek a transfer to Health on this PQ. It is more appropriate for Health as the Misuse of Drugs Act is primarily the responsibility of D/Health and the question refers to regulations of certain products regulated under this Act. Kind regards, Cormac Flood

Dail Question No:

To ask the Minister for Justice the measures, if any, in progress to raise the THC levels permitted in CBD products to 0.3% as is currently legally permitted in the EU; and if she will make a statement on the matter.

- Gino Kenny.

* For Written answer on 17/02/2021
Ref No: 8081/21

Reply

Minister for Justice (Helen McEntee):