

Correspondent 20

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 little Collins dispensary

From: [REDACTED]
Sent: 04 February 2021 22:32
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Cbd little Collins dispensary

Hi Helen.

I hope your well.

My son has [REDACTED] we have had great results with CBD oil over the last few months.

We buy jelly sweets off little Collins dispensary.

Could I just express my support for them.

I'd appreciate if you could intervene.

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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. Toirmisctear 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[ag]justice.ie chomh maith.

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 16:49

To: [REDACTED]

Subject: DJE-MO-01402-2021

[REDACTED]
Minister's Reference: DJE-MO-01402-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. 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 cannabis, 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.

You should therefore 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.

The role of An Garda Síochána is to implement the law as it stands.

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If the owners of Little Collins CBD Dispensary are not satisfied with how their concerns were 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 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

Correspondent 21

Memo

From : Alison Finnegan <Alison.Finnegan@oireachtas.ie>
To: "Minister of Justice (Phone Listing)" <info@justice.ie>,
cc:
Date : 04/02/2021
Subject: FW: Abhorrent and illegal raids of CBD businesses

From: [REDACTED]
Sent: 04 February 2021 21:47
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Abhorrent and illegal raids of CBD businesses

Dear Minister Helen McEntee,

I am writing to inform you that Little Collins CBD dispensary in Galway was raided yet again on Thursday February 4th 2021.

This came just hours after the owner went on KCLR FM to talk about he and his wife's business, CBD and cannabis.

These continued unlawful raids are a direct violation of the ruling made by the European Court of Justice on November 19th 2020:

"A Member State may not prohibit the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the Cannabis sativa plant in its entirety and not solely from its fibre and seeds"

This case ruled that CBD products should not be contained within illegal narcotic legislation of member states, in our case, CBD products should not be contained in the Misuse of Drugs Act 1977. I would like to highlight a few statements of the ruling that may be of interest to you in your role as Minister for Justice.

The Court noted at Para 75, upon the Court's interpretation of international law and the objective and spirit of the Single Convention, the court stated that "it would be contrary to the purpose and general spirit of the Single Convention to include it (CBD) under the definition of 'drugs' within the meaning of that convention as a cannabis extract." This establishes that cannabidiol (CBD) is not a drug.

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The Court at para 80-82 considered the Free Movement of Goods principle, which is a fundamental principle of the EU and the cornerstone of the single market contained in Article 34 TFEU. The Court noted that restrictions of goods from other member states may be a Measure Equivalent to a Quantitative Restriction (MEQR). These measures are ones that are capable of hindering, directly or indirectly, actually or potentially, inter-union trade, as noted in the case of *Austria v Germany*, C-591/17.

Again at Para 82 of the judgment, the court noted that any "prohibition on marketing CBD lawfully produced in another Member State – when it is extracted from the *Cannabis sativa* plant in its entirety and not solely from its fibre and seeds – constitutes a measure having equivalent effect to quantitative restrictions within the meaning of Article 34 TFEU."

As I'm sure you are aware, these MEQR's can be justified on grounds of public health which are subject to a narrow interpretation by the Court. On this issue, the Court stated at Para 34 that CBD has no "recognized psychoactive effects", and it had "little to no effect on the central nervous system". The Court determined that "the public health objective appears to be already taken into consideration in Regulation No 1308/2013 in so far as that regulation limits the scope to varieties providing safeguards to be determined in respect of the content of intoxicating substances and adopts, first, a restriction regarding seeds, and second, a level of 0.2% in respect of THC content of hemp" .

To summarise:

"Articles 34 and 36 TFEU must be interpreted as precluding national legislation which prohibits the marketing of cannabidiol (CBD) lawfully produced in another Member State when it is extracted from the *Cannabis sativa* plant in its entirety and not solely from its fibre and seeds, unless that legislation is appropriate for securing the attainment of the objective of protecting public health and does not go beyond what is necessary for that purpose. Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 and Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 must be interpreted as not applying to such legislation."

I'm sure as Minister for Justice you are well aware that EU law does enjoy supremacy over our own Laws and Constitution. The current restriction of CBD products in Ireland is in direct conflict with the above EU ruling. The recent raiding of Little Collins shop in Kilkenny is therefore unjustified, in direct conflict with EU law, and frankly unconstitutional.

I would urge you to remove CBD products from the Misuse of Drugs Act Schedule, as the inclusion of CBD products is having a detrimental effect not only on people's livelihoods but also has the effect of suppressing substantial business opportunities and business growth in Ireland.

Further targeting of these businesses are only pushing the people further towards demanding full legalisation. It is coming, regardless of how much our government want to keep their heads in the sand.

I would appreciate your attention on this urgent matter, and acknowledgement of this correspondence.

Sincerely



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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 16:46

To: Ms. [REDACTED]

Subject: DJE-MO-01401-2021

[REDACTED]
Minister's Reference: DJE-MO-01401-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. 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 cannabis, 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.

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I hope 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

Correspondent 22

Memo

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

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

Date : 04/02/2021

Subject: FW: Little Collins CBD Raid Kilkenny

From: [REDACTED]
Sent: 04 February 2021 18:31
To: Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: Little Collins CBD Raid Kilkenny

I am writing at the dismay of Little Collins CBD shop being raided. You are the justice minister and must stop the intimidation of shop owners. Put an end to prohibition of cannabis once and for all. First by stopping the Garda from prosecuting shops and citizens. Second by supporting Gino Kenny Bill to legalise cannabis. Prohibition is harming far more ppl than any substance.

Sent from Yahoo Mail on Android

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 16:36

To: [REDACTED]

Subject: DJE-MO-01399-2021

[REDACTED]
Minister's Reference: DJE-MO-01399-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. 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 cannabis, 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.

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Yours sincerely,

Patrick McCabe
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51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

Correspondent 23

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 11:59
 To: Helen McEntee <Helen.McEntee@oireachtas.ie>
 Subject: CBD

Dear Helen,

I write to you with disappointment today after learning that An Garda Síochána have raided Little Collins CBD dispensary in Kilkenny. This company has struggled enough with the pandemic without having Garda coming in making matters worse for no genuine reason. Their products are plant based and completely legal. I can't understand why Garda seem to think they have a right to harass people working in shops like this. It is your responsibility to lead by example and stop this nonsense, this is not the first time I have heard of CBD shops being raided in this country. The narrow minded attitude that anything cannabis is bad or something along those lines is so far out of date. Please take this matter seriously and do something about it as this is not acceptable. "Misuse of drugs" for a plant based product that helps people sleep, is beyond madness. Do you think this is acceptable?

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From: Ministers Office <info@justice.ie>

Sent: 12 March 2021 16:08

To: [REDACTED]

Subject: DJE-MO-01397-2021

[REDACTED]

Minister's Reference: DJE-MO-01397-2021

Dear [REDACTED]

Thank you for contacting the Minister for Justice, Ms. Helen McEntee TD. 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 cannabis, 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.

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Patrick McCabe
Private Secretary to the
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Department of Justice
51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52
51 St Stephen's Green, Dublin 2, D02 HK52

Correspondent 24

Memo

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

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

Date : 04/02/2021

Subject: FW: Raid on CBD dispensary today

From: Thomas Kerin <thomas.kerin@gmail.com>

Sent: 04 February 2021 17:15

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

Subject: Raid on CBD dispensary today

Dear Minister McEntee, a chara,

I wish to raise a serious matter with you. Today I learned the Little Collins CBD Dispensary was raided by An Gardaí Síochána. I understand they are selling CBD products which are not restricted by the misuse of drugs act. I would also call your attention to a recent EU ruling saying 'CBD is not a narcotic'

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

It is utterly appalling for the gardai to be involved. The company has lab testing of their products to ensure THC levels are below the threshold of 0.2% which would class the material as 'THC containing'.

Since these lab results were also shared with the Gardai I find it hard to accept there was a convincing reason for the raid to take place. This should not be a matter for the Department of Justice.

Even pharmacies are selling CBD containing products in this day and age - there can't be this much of a double standard that warrants a garda raid.

I would love to discuss matter this with you further if you have some time.

Kind regards,
Thomas Kerin

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Memo

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

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

cc:

Date : 09/02/2021

Subject: FW: Raid on CBD dispensary today

From: Thomas Kerin <thomas.kerin@gmail.com>

Sent: 08 February 2021 23:19

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

Subject: Re: Raid on CBD dispensary today

Dear Minister McEntee, a chara,

https://twitter.com/little_cbd/status/1358800548204535810

I wish to call to your attention that the raids against CBD dispensary are to be continued? I call on you to act and stop the raids and allow the judicial review to come out next week.

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

The family behind the dispensary have suffered a miscarriage since the raid on the weekend. This is heartbreaking.

I hope you will respond with acknowledgement of this matter.

Best regards,
Thomas Kerin

On Thu, Feb 4, 2021 at 5:15 PM Thomas Kerin <thomas.kerin@gmail.com> wrote:
Dear Minister McEntee, a chara,

I wish to raise a serious matter with you. Today I learned the Little Collins CBD Dispensary was raided by An Gardaí Síochána. I understand they are selling CBD products which are not restricted by the misuse of drugs act. I would also call your attention to a recent EU ruling saying 'CBD is not a narcotic'

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

It is utterly appalling for the gardai to be involved. The company has lab testing of their products to ensure THC levels are below the threshold of 0.2% which would class the material as 'THC containing'.

Since these lab results were also shared with the Gardai I find it hard to accept there was a convincing reason for the raid to take place. This should not be a matter for the Department of Justice.

Even pharmacies are selling CBD containing products in this day and age - there can't be this much of a double standard that warrants a garda raid.

I would love to discuss matter this with you further if you have some time.

Kind regards,
Thomas Kerin

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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[ag]justice.ie chomh maith.

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Memo

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

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

Date : 04/03/2021

Subject: FW: CBD dispensary raids back-firing?

From: Thomas Kerin <thomas.kerin@gmail.com>

Sent: 04 March 2021 08:00

To: Minister of Justice (Phone Listing) <info@justice.ie>; Helen McEntee
<Helen.McEntee@oireachtas.ie>; Helen McEntee <Helen.McEntee@oireachtas.ie>
Subject: CBD dispensary raids back-firing?

Dear Minister McEntee, a chara,

I found a clip of a CBD dispensary owner I thought you might be interested in - he explains why he setup the business

<https://twitter.com/nurtureCBD/status/1367070127171260416>

I almost missed the message at the top of the tweet, that they were unlawfully raided last week by Gardai!

I'll be honest, CBD isn't the hill I want to die on, but it's disgraceful to see government actively discriminating against a store the EU says is legal. It's a sign of what they'll do any other fringe area it doesn't understand. Ireland has repealed plenty of backwards laws, and cannabis criminalization is going to be one of them.

If anything, it's emboldened me to no longer sit in silence. It's not just me:

Since the Gardai started raiding CBD customers, they've started working for the CBD dispensaries

Since the Gardai started raiding CBD stores, cannabis users have bought CBD for solidarity.

Since the Gardai have started raiding CBD stores, they've fuelled the most organic anti-criminalization social media campaign Ireland has ever seen.

All this because Ireland is ignoring the EU position on CBD.

Best regards,
Thomas Kerin

Beartas ríomhphoist an Oireachtais agus séanadh.

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