

**Grainne X. Jones**

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**From:** ePQ (Justice) <justice-epq-noreply@cloud.gov.ie>  
**Sent:** Wednesday 10 February 2021 09:39  
**To:** Hannah X. Barron; Grainne X. Jones  
**Cc:** Cormac X. Flood  
**Subject:** PQ 8080/21, 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 and the legal ramification of EU legal decisions on the Irish legislation. Kind regards, Cormac Flood

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### Dail Question No:

To ask the Minister for Justice if her attention has been drawn to the recent EU ruling in a case (details supplied) in which the Court of Justice of the European Union ruled that CBD is not a narcotic under EU law the 1961 UN Convention as it does not have any psychotropic or harmful effects on human health on the basis of available scientific data; if her attention has been further drawn to the fact that the court also ruled that EU states cannot ban the marketing of CBD legally produced in another member state; if she will clarify the measures, if any in progress to amend the Misuse of Drugs Act 1977 to reflect this ruling; and if she will make a statement on the matter.

**Details Supplied:** *the Kanavape case*

- Gino Kenny.

\* For Written answer on 17/02/2021  
Ref No: 8080/21

Reply

Minister for Justice (Helen McEntee):

## Grainne X. Jones

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**From:** ePQ (Justice) <justice-epq-noreply@cloud.gov.ie>  
**Sent:** Wednesday 10 February 2021 09:40  
**To:** Hannah X. Barron; Grainne X. Jones  
**Cc:** Cormac X. Flood  
**Subject:** PQ 8083/21, 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 and the legal ramification of EU legal decisions on the Irish legislation. Kind regards, Cormac Flood

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### Dail Question No:

To ask the Minister for Justice the reason CBD shops in Ireland are currently having their stock seized and business owners criminalised when the CBD products in question are legal in the EU; and if she will make a statement on the matter.

- Gino Kenny.

\* For Written answer on 17/02/2021  
Ref No: 8083/21

Reply

Minister for Justice (Helen McEntee):

## Grainne X. Jones

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**From:** Cormac X. Flood  
**Sent:** Wednesday 10 February 2021 14:10  
**To:** Hannah X. Barron  
**Cc:** Grainne X. Jones  
**Subject:** RE: PQ 8083/21, for answer 17/02/2021, Written from - Gino Kenny

Thanks for that Hannah

Cormac Flood

*Oifigeach Riaracháin | Coieacht agus Póilíneacht | Trédhearcacht - Ábhar agus Imeachtaí*  
*Administrative Officer | Crime and Policing | Transparency - Content and Events*

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 **An Roinn Dlí agus Cirt**  
Department of Justice

7-8 Plás Íle, Baile Átha Cliath 2, D02 TW98  
7-8 Ely Place, Dublin 2, D02 TW98

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T 01 8592361 T [REDACTED]  
E [cxfflood@justice.ie](mailto:cxfflood@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

**From:** Hannah X. Barron  
**Sent:** Wednesday 10 February 2021 12:19  
**To:** Cormac X. Flood  
**Cc:** Grainne X. Jones  
**Subject:** RE: PQ 8083/21, for answer 17/02/2021, Written from - Gino Kenny

Hi Cormac,

D/Health have agreed to accept PQ 8080, 8081 and 8082. They have refused to accept 8083.

Kind regards,  
Hannah

**Hannah Barron**  
*PQ Co-ordinator | Transparency Co-ordination*

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**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

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E [hxbarron@justice.ie](mailto:hxbarron@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

**From:** ePQ (Justice) <[justice-epq-noreply@cloud.gov.ie](mailto:justice-epq-noreply@cloud.gov.ie)>  
**Sent:** Wednesday 10 February 2021 09:40  
**To:** Hannah X. Barron <[HXBarron@justice.ie](mailto:HXBarron@justice.ie)>; Grainne X. Jones <[GXJones@justice.ie](mailto:GXJones@justice.ie)>  
**Cc:** Cormac X. Flood <[CXFlood@justice.ie](mailto:CXFlood@justice.ie)>  
**Subject:** PQ 8083/21, 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 and the legal ramification of EU legal decisions on the Irish legislation. Kind regards, Cormac Flood

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- Gino Kenny.

\* For Written answer on 17/02/2021

Ref No: 8083/21

## Reply

Minister for Justice (Helen McEntee):

## Grainne X. Jones

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**From:** Cormac X. Flood  
**Sent:** Wednesday 10 February 2021 16:24  
**To:** Grainne X. Jones  
**Subject:** FW: PQ 8083/21 - Gino Kelly

The below will be of interest to you

Cormac Flood

*Oifigeach Riaracháin | Coieacht agus Póilíneacht | Trédhearcacht - Ábhar agus Imeachtaí*  
*Administrative Officer | Crime and Policing | Transparency - Content and Events*

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Department of Justice

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7-8 Ely Place, Dublin 2, D02 TW98

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T 01 8592361 T   
E [cxlflood@justice.ie](mailto:cxlflood@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

**From:** Criminal Collaboration  
**Sent:** Wednesday 10 February 2021 16:16  
**To:** Cormac X. Flood ; Criminal Collaboration  
**Subject:** RE: PQ 8083/21 - Gino Kelly

Hi Cormac,

We have been advised that this is an operational matter for AGS and also DoH should be able to provide general material re CBD products and the licencing of them.

The following may be useful re the legislation:

The Criminal Justice (Psychoactive Substances) Act 2010 is a supporting criminal justice measure to specifically target what was then a very prominent and widespread headshop trade which had emerged very quickly in this jurisdiction. The Act gives An Garda Síochána and the courts appropriate powers to intervene quickly via civil procedures to prevent the sale of psychoactive substances and is designed so that it will not impact on legitimate trade. The Act does not apply to products which can legally be sold for human consumption, such as medicines, tobacco, alcohol and food. Provision is made for the exclusion of additional products by Ministerial order if considered appropriate.

The Misuse of Drugs Acts 1977-2016 and the Regulations made thereunder control the cultivation, licensing, possession, administration, supply, record-keeping, prescription-writing, destruction and safe custody of substances controlled under the Act – either by being listed in the Schedule to the Act or declared controlled by Government order. These include substances which have legitimate and therapeutic uses but which are open to abuse, e.g. heroin, cocaine, benzodiazepines, and substances which have no recognised or known legitimate and therapeutic uses.

In summary, the CJ (Psychoactive Substances) Act 2010 does not control substances. For substances not controlled under the Misuse of Acts, enforcement agencies are using Section 3 of the CJ (Psychoactive Substances) Act 2010:

3.— (1) A person who sells a psychoactive substance knowing or being reckless as to whether that substance is being acquired or supplied for human consumption shall be guilty of an offence.

Kind Regards,

Kerrie

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Kerrie Keegan

Oifigeach Feidhmiúcháin | Beartais Straitéiseacha, Pleanáil agus Taighde  
Executive Officer | Strategic Policy, Planning and Research

Comhar, Rianú agus Riaradh Tionscadal | Ceartas Coiriúil  
Project Collaboration, Tracking and Administration | Criminal Justice

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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

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T +353 (0)1 602 8273 Internal VOIP 60 8273  
E [kkeegan@justice.ie](mailto:kkeegan@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

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**From:** Cormac X. Flood <[CXFlood@justice.ie](mailto:CXFlood@justice.ie)>  
**Sent:** Wednesday 10 February 2021 14:53  
**To:** Criminal Collaboration <[CriminalCollaboration@justice.ie](mailto:CriminalCollaboration@justice.ie)>  
**Subject:** PQ 8083/21 - Gino Kelly

Dear colleagues,

Can you please provide obs on the below PQ which is for answer on 16 February.

Question

To ask the Minister for Justice the reason CBD shops in Ireland are currently having their stock seized and business owners criminalised when the CBD products in question are legal in the EU; and if she will make a statement on the matter.

I believe the substances referred to in the PQ are regarded as controlled substances under the schedule of the Misuse of Drugs Act ("Cannabinol, except where contained in cannabis or cannabis resin. Cannabinol derivatives. Cannabis and cannabis resin.") I tried to get it transferred to Health on these grounds but they refused to take it as it related to enforcement.

Are you aware whether these enforcement actions are carried out under the CRIMINAL JUSTICE (PSYCHOACTIVE SUBSTANCES) ACT 2010 or the Misuse of Drugs Act?


Could Policy please provide any relevant observations or comments which they believe would assist in the formulation of an answer by 12pm Monday 15 February.

I have also put this question to legislation for their obs.

Cormac Flood

Oifigeach Riaracháin | Coieacht agus Póilíneacht | Trédhearcacht - Ábhar agus Imeachtaí  
Administrative Officer | Crime and Policing | Transparency - Content and Events

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T 01 8592361 T   
E [cxflood@justice.ie](mailto:cxflood@justice.ie) W [www.justice.ie](http://www.justice.ie) [twitter.com/DeptJusticeIRL](https://twitter.com/DeptJusticeIRL)

**Grainne X. Jones**

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**From:** Andrew X Payne  
**Sent:** Wednesday 10 February 2021 19:13  
**To:** Grainne X. Jones  
**Subject:** RE: Correspondence case DJE-MO-07963-2020 has been sent to you for approval

Thanks Gráinne,  
I've cut it back a bit due to our previous correspondence with them and other issues raised and approved. You might send me up a draft for the general petition with some of the the material included and I'll consider whether to keep it in or not in the general answer.

Thanks,

Andrew

**From:** eCorrespondence (Justice)  
**Sent:** Wednesday 10 February 2021 14:16  
**To:** Andrew X Payne  
**Subject:** Correspondence case DJE-MO-07963-2020 has been sent to you for approval

Case DJE-MO-07963-2020 has been sent to you for approval by Grainne X. Jones.

Please click on the link to open the case DJE-MO-07963-2020.

Cannabis - Little Collins CBD Dispensary