



PRESCRIPTION USE OF CANNABIS IN RESIDENTIAL PROPERTIES

WEBINAR Q&A

Delivered in partnership with:



TACKLING CANNABIS SMOKING IN RESIDENTIAL PROPERTIES

The questions below were submitted by attendees at the webinar which was delivered in March 2025. A recording of this session can be found [here](#). A link to the Cannabis Industry Council's report can also be found on the same page.

The answers have been prepared by panel members. They do not constitute specific legal advice. Practitioners will need to consider the most appropriate action to take on a case-by-case basis.

CANCARDS AND PRESCRIPTIONS

Who can prescribe Cannabis?

Only specialist Doctors can prescribe Cannabis. The vast majority of patients are prescribed at private clinics who must be registered with the General Medical Council.

How can a prescriber be accessed?

Patients can contact the private clinics directly. They will require healthcare information from the patient's GP, in order to assess suitability.

Are CanCards proof of permission to lawfully use Cannabis?

CanCards are not proof of a legitimate prescription and should not be accepted as such. Patients are encouraged by private clinics to ensure they have other forms of proof, such as a letter from the prescriber, a valid prescription or the medication packaging with their name and address on. They should also carry ID which matches the details on these items.

Can a prescription be faked? Is there any way to check authenticity?

Fraudulent prescriptions can be created. The patient can be asked to provide some of the alternative evidence detailed above, or the prescriber can be contacted for confirmation.

Is it a requirement to prove you are disabled before getting a prescription?

No, Cannabis can be prescribed to treat a wide range of conditions, not just those which are classed as a disability. The prescriber will assess suitability on a case by case basis.

Is there a standard period of time that a prescription remains valid for?

Prescriptions will usefully be for a rolling 28-day period, with the patient being required to request a further prescription every 28 days. It is therefore important that where evidence is requested, the current period's prescription is provided.

Can a neighbour be told about a person's prescription?

Telling a neighbour personal and sensitive information about a person's medical circumstances would be a breach of data protection. Parties should be encouraged to discuss matters between each other and try to reach agreement on how any impact from use can be minimised. This could be achieved through mediation.

USE AND IMPACT

What methods of consuming medical cannabis are lawful?

The two main methods of consumption are medical dried cannabis flower (which is vaporised) and medical cannabis oil (which is placed under the patient's tongue)

Do any of these methods create an odour? Is it worse with some methods than others?

Vaporising cannabis flower will create an odour, although this should not be as strong as when cannabis is smoked. This is because the heat is lower and less smoke is created. Cannabis oil does not create an odour.

Do the different methods bring different benefits for the user?

Cannabis flower usually has a quicker impact and can be more effective. The effects may not last as long, which may lead to it being vaporised more frequently.

Can a user drive?

Yes, as long as they are not impaired and have evidence of the prescription. More details can be found [here](#)

How can you prove vaping and not smoking?

Whilst not easy to prove, there are some points to consider.

Vaping cannabis flower will give off less odour and smoke than cannabis smoking. In addition, undertaking a property inspection (where you are able to do so) can provide further evidence, such as finding smoking materials within the property etc.

It may be that all of these pieces of evidence are enough to show, on the balance of probabilities, that the smoking is more likely than not and civil action possible.

However, it is also important to remember that the prescription gives permission to lawfully consume cannabis, not to cause a nuisance whilst doing so.

If you are looking to take action due to the nuisance being caused by the odour, the source of the odour (e.g. the method of consumption) does not need to be proven.

Does a prescription for a disability automatically trigger the Equality Act?

No – the disability must be one that meets the definition of disability within the Act:

“A physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities”

Not all disabilities will meet this definition. In addition, cannabis can be prescribed for a wide range of conditions, with not all being classed as a disability.

When does the impact on the victim outweigh the patient’s right to consume medical cannabis?

This has to be a decision made on a case-by-case basis, balancing up all relevant factors. You will need to consider things such as:

- How much harm is being caused to the victim/s? Do you have medical evidence to prove this?
- Is the victim vulnerable or at risk of harm? Completing a vulnerability risk assessment may be useful.
- Is the user willing to assist in minimising any harm? Are there reasonable alternatives (e.g. taking in a different room) which would reduce the impact? Are they refusing to consider these?

LEGAL ACTION

What happens if the user owns their own home?

Whilst there won't be the options of tenancy action, other ASB tools are tenure neutral and apply equally, as long as the evidential threshold is met.

Should cannabis use be a matter for the Police alone?

Cannabis use is a criminal offence (where there is no prescription) and therefore should be reported to the Police. Whilst this may not result in arrest and/or prosecution, it will help build an intelligence picture.

Where the use of the Cannabis is causing a nuisance or annoyance – for example, the smoke is transferring into a neighbour's property and exacerbating health conditions, then it can also meet the definition of anti-social behaviour (ASB).

ASB is dealt with by Police, Council and Housing. All will, therefore, have powers available under ASB legislation to deal with nuisance from smoking cannabis. For housing, the nuisance must be housing related and tenancy powers may also be possible. It will be down to local agreement as to who leads on these matters.

If this is currently unclear, you may wish to have a partnership conversation to try and agree a joint approach. An example of such an approach can be found [here](#).

Why use a CPW/CPN rather than criminal action?

Criminal action won't be possible if the user has a prescription and are consuming in the way they are lawfully able. A CPW/CPN could still be considered if the use of the Cannabis is causing a nuisance.

In addition, for criminal action to be taken, there would have to be evidence that Cannabis has been smoked unlawfully beyond all reasonable doubt (as well as meeting the public interest test).

CPW/CPNs can be used to deal with the nuisance arising from the Cannabis use, meaning that it need not be proven that the substance causing the nuisance is Cannabis. The test is whether the behaviour is having a detrimental impact and this is a far lower threshold than criminal action.

Example of suggested wording for a CPW/CPN in relation to noxious substances.

"We are writing to you about the following problem which is having a detrimental effect on the quality of life of others. This behaviour is considered to be unreasonable.

This unacceptable behaviour includes:

- Using or allowing the use of illegal drugs or lawful substances; where the smoke or odour from these illegal drugs or lawful substances causes or is likely to cause a nuisance or annoyance to others in the vicinity of your premises.

This letter is formal notification that you are required to stop behaving in such a manner in order to avoid further consequences.

This is an **official warning** which requires you to take the following action:

- You must stop using or permitting people on the premises to use illegal drugs or lawful substances; where the smoke or odour from these illegal drugs or lawful substances causes or is likely to cause a nuisance or annoyance to others in the vicinity of your premises."

Should a CPW/CPN be used where there is only 1 person affected?

Yes – it is reasonable for the person issuing the CPW/CPN to do so on the basis of the behaviour being likely to be causing others in the locality a detrimental impact. This means that multiple reporters are not required. It would still be good practice to investigate the extent of the impact of the issue, in order to identify any vulnerable residents, ensure that the CPW/CPN is the most appropriate tool to use and to justify the action.