

Letter to the Editor

Cannabis in the ear – the legal aspects

Dear Sir,

We read with interest the article by Mason *et al.* (1993) on cannabis in the external ear. May we firstly add two further cases to their series but also clarify the situation in terms of the law (Timms *et al.*, 1987).

As cannabis resin is a class B controlled drug under the Misuse of Drugs Act 1971, a doctor faced with the situation of a patient possessing the drug has four options:

(a) Keep the drug and face the risk of being charged with either aiding and abetting an offence or illegal possession.

(b) Keep the drug with a view to destroying it or handing it to someone entitled to take custody of the substance – the burden of proof of intention however lies with the doctor.

(c) Arrest the patient, an unlikely course of action as one would run the risk of being sued for false arrest.

(d) Notify the police. This is the most practical line of action as the onus to act further is then shifted to the law enforcement agency.

The legal stance is therefore clear in that the safest course of action is to inform the police and hand over the material. Failure to do so on ethical or patient confiden-

tiality grounds potentially leaves the doctor open to prosecution, bearing in mind that professional confidentiality does not apply to police inquiries about a criminal offence.

Yours faithfully,

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References

- Mason, J., O'Flynn, P., Gibbin, K. (1993) Cannabis in the external ear. *Journal of Laryngology and Otology* **107**: 444.
Timms, M. S., Davies, F. G., Saeed, S. (1987) Doctors, patients and possession of illegal drugs. *Lancet* **2**: 46 (Letter).

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