

STATES OF JERSEY



CANNABIS: DECRIMINALISATION OF PERSONAL POSSESSION AND RECREATIONAL USE (P.31/2024) – AMENDMENT (P.31/2024 AMD.) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 13th June 2024
by Deputy I. Gardiner of St. Helier North**

STATES GREFFE

CHILDREN’S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Deputy I. Gardiner of St. Helier North
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Elected Member
Assessment completed by (if not completed by duty bearer):	Members’ Resources Team
Date:	11.06.2024

<p>1) Name and brief description of the proposed decision</p> <p>The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the ‘decision’</p> <ul style="list-style-type: none"> • What is the problem or issue the decision is trying to address? • Do children experience this problem differently from adults? <p>The amendment seeks to remove the [perceived] anomalies surrounding the classification of all types of cannabis by reclassifying cannabino and cannabino derivatives, except where contained in cannabis or cannabis resin, from Class A controlled drugs to Class B controlled drugs under the control of the Misuse of Drugs (Jersey) Law 1978. They would then be classified the same as cannabis and cannabis resin.</p> <p>This would be in keeping with the original proposition to relax the approach to cannabis by decriminalising low-level possession and recreational use.</p>
<p>2) Which groups of children and young people are likely to be affected?</p> <p>Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children</p> <p>All children will have the potential to be affected if cannabino and cannabino derivatives are reclassified from a Class A controlled drug to a Class B controlled drug.</p> <p>All children have the potential to be affected <i>indirectly</i> in that parents, carers or other family members will be permitted to possess a personal amount cannabino and cannabino derivatives for recreational use.</p>
<p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> • Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision? <p>All children may be <i>indirectly</i> impacted if a parent, carer or other family member were to be in possession of and use cannabino and cannabino derivatives.</p>

In simplistic terms, more adults are likely to be using cannabidiol and cannabidiol derivatives (should it be reclassified) around children thereby increasing the risk to children of accidental exposure to, and increased availability of, these substances with the consequential effects of these on children.

4) Is a full Children's Rights Impact Assessment required?
If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion

Although the preliminary assessment has determined that there are indirect impacts on children, there is no requirement under Article 6(2) of the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) to complete a full assessment.

The [CRIA prepared for the Proposition](#) identifies a substantial number of impacts, all of which should be considered equally relevant to this amendment, and which would likely require further mitigations to be considered.

Where the original proposition requires further legislation to be brought to the Chamber, this amendment seeks a direct action which is within the remit of the Minister for Health and Social Services. The Minister, when making the required subordinate legislation needs to be cognisant of the potential indirect impacts on Children identified within the original CRIA and ensure that mitigation is considered.