

STATES OF JERSEY



BEDROCAN BV: POSSESSION FOR TREATMENT PURPOSES – PETITION (P.126/2014) – COMMENTS

**Presented to the States on 9th September 2014
by the Minister for Health and Social Services**

STATES GREFFE

COMMENTS

Cannabis and cannabinoid-based products are tolerated, if not legal, in some European countries and, indeed, on a wider international scale. Neither Jersey nor the UK is among them.

This petition, however, is not about the rights and wrongs of legalising cannabis and cannabinoids products, whether for medicinal use or otherwise.

Part (a) of this petition specifically relates to the issuing of a licence to an individual allowing for the importation and supply of an unlicensed cannabinoid-based product, which is currently unavailable in Jersey, as well as the UK.

Part (b) seeks to charge the Minister for Health and Social Services to review procedures for authorising patients to be prescribed Cannabis Sativa where all other legally licensed clinical options have been exhausted.

Background

Discretionary powers vested in the Minister for Health and Social Services grant the authority to issue a licence for the possession of cannabis for “research or other special purposes”.

Jersey legislation is identical to that of UK legislation in this matter.

While there is no legal definition of “special purpose”, the longstanding interpretation of “special purpose” in the UK has been confined to industrial hemp production.

It is unlikely that “special purpose” was ever intended to cover medicinal use, as any substance which is acknowledged as having recognised medicinal benefit would be classified differently under misuse of drugs legislation, negating the requirement for the issuing of a special licence.

The broader and more fundamental question, therefore, is whether or not Bedrocan BV should be classified in the same way as, for example, morphine, to allow for medicinal use.

It would not be for the Minister for Health and Social Services to predetermine that a drug should be classified differently under the provisions of the Misuse of Drugs (Jersey) Law 1978, as this can only happen after consultation with the Misuse of Drugs Advisory Council.

The classification of Bedrocan for medicinal use is not, however, the issue in question in this proposition.

Issues

The petitioner is not a clinician, but a patient, supported by a States Member who is seeking the granting of an individual licence for her to be professionally prescribed and supplied with the unlicensed Bedrocan BV products.

In this specific case, the petitioner has not exhausted all other possible treatments for her condition, including, if it were deemed an appropriate course of action by her consultant, any one or both of the UK licensed cannabinoid-based medicines.

Good clinical practice dictates that, where professional medical assessment of a patient's clinical condition dictates a particular course of action, or a treatment worthy of therapeutic trial, a licensed medicine should always be used in preference to an unlicensed one.

Bedrocan remains an unlicensed product in the UK.

All applications made in the UK to the Home Office for the granting of a licence for Bedrocan under discretionary powers have been rejected.

A decision on the suitability of a cannabinoid-based product for medicinal purposes should always be a clinical one, made by the appropriate professional consultant.

The procedures for managing a patient's treatment in these circumstances reflect those required for any medical condition; that is, referral by a G.P. or other health professional to an appropriate consultant to provide professional clinical diagnosis and appropriate recommended treatment.

It would be wholly inappropriate for the States to intervene in this professional process, creating a position where medical professionals were compromised in their diagnosis or determination of appropriate treatment.

Summary

There is currently no definition or advice that would warrant the granting of a licence under the "special purposes", in this case.

Even if the Minister for Health and Social Services were to be in a position where the granting of a licence was appropriate, she could not prescribe or insist on the prescription of Bedrocan, or any licensed or unlicensed drug, in a particular case.

This decision will always rest, rightly, with the medical professionals in whom we have vested responsibility for clinical care and treatment, because they have the knowledge and medical expertise to do so.

I cannot support this Proposition and would urge members to vote against both parts (a) and (b), agreeing that the prudent position must be to await the professional advice of the Misuse of Drugs Panel before any further consideration of this issue.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were received by the States Greffe after the deadline set out in Standing Order 37A due to an administrative error in the Livelink process within the presenting Department.