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By email

19th May 2023

Dear Chair,

Regulations for the Licensing, Production and Export of Medicinal Cannabis in Jersey

Thank you for your letter of 2nd May, in which you provide a number of questions with regards to the Regulations for the Licensing, Production and Export of Medicinal Cannabis in Jersey. I have set out below answers to each of these in turn:

1. *What work, if any, is being undertaken with the Department of Home Affairs to ensure that all import and export of Medicinal Cannabis is legal and officers (including Customs and Police) have the adequate experience in which to handle both authorised and illicit substances?*

All imports of Medicinal Cannabis into Jersey must be accompanied by a valid Jersey import Certificate issued by the Minister for Health and Social Services in pursuance of Article 4(2)(b) of the Misuse of Drugs (Jersey) Law 1978.

Operationally, the certificate will be granted and issued by the Chief Pharmacist once she/he is satisfied that the application meets their criteria. The Jersey Customs and Immigration (JCIS) system for the Administration of Revenue (CAESAR) will identify and detain all control drugs based on the manifest detail. The individual importer will have to supply copies of the prescription, the invoice for the drug from the pharmacy and a copy of the import certificate (which is specific to that single import). Once Customs have received these documents and any taxes paid (GST/CCT), the consignment will be released from Customs control for delivery. The dispensing pharmacy in the UK (or EU) will need to have obtained an export licence to send the drug to Jersey.

In terms of being trained to be attentive to illicit drug importation and possession, this is a core function of officers from both teams, who are kept up to date on trends by their day-to-day activity and being linked into the national drugs expert community. Currently, SoJP have 6 nationally accredited drugs experts and JCIS have 5 who provide Jersey Courts with impartial evidence during drug trafficking cases. As part of their continued professional development, they attend seminar events and the annual drugs expert course. They are also linked into all drugs experts UK wide. This provides the experts with up-to-date trends.

2. *What work, if any, is being undertaken with the Department of Health and Social Services with regards to your involvement as Minister responsible for the medicinal cannabis in agricultural and economic related matters; specifically, regarding the regulation of licences, noting that the Minister for Health and Social Services holds responsibility for the issuance of those licences?*

The Minister for Health and Social Services and I work closely on a number of important areas. With regards to medicinal cannabis, the Medicinal Cannabis Ministerial Group will be holding its inaugural meeting this month and will serve as a forum to discuss issues affecting the sector. This group is due to meet later this month and will include the Minister for Home Affairs and Minister for the Environment alongside the Minister for Health and Social Services and myself.

An officer group has also been meeting to coordinate Government activity in relation to the medicinal cannabis sector.

3. *What work, if any, is being undertaken with the Department for the Environment with regards to the regulation of environmental issues that may be caused from sites being used for the cultivation of cannabis? This may include aspects such as noise, light pollution, water usage and security and whether current Planning Laws should highlight which sites are to be used for the cultivation of cannabis?*

The Environment Minister made the Planning and Building (Cannabis) (Miscellaneous Amendments) (Jersey) Order 202- which amends the Planning and Building (Environmental Impact) (Jersey) Order 2006 and the Planning and Building (General Development) (Jersey) Order 2011, in respect of planning matters relating to the cultivation of cannabis and the production of cannabis products.

Article 1 amends Schedule 1 to the Planning and Building (Environmental Impact) (Jersey) Order 2006 to include within the list of developments for which an environmental impact assessment is required the construction, development or installation of a building, or the change of use of a building (in whole or in part), for the purpose of cultivation of plants of the genus Cannabis or for the production of products including any part of, or derivative from, plants of the genus Cannabis.

Article 2 amends the Planning and Building (General Development) (Jersey) Order 2011. In Schedule 1 (permitted development), Class AA in Part 3 is amended to exclude development of a building for the cultivation of plants of the genus Cannabis or the production of products including any part of, or derivative from, plants of the genus Cannabis, and alterations to enable or facilitate those purposes, so that an application for planning permission would be required in every such case. In Schedule 2 (use classes), Class D is replaced to exclude from general agricultural purposes the purpose of cultivation of plants of the genus Cannabis, or the production of products including any part of, or derivative from, plants of the genus Cannabis, so that planning permission would be required for such use.

4. *Can you provide us with the number of sites currently operating on the Island and the types of licences they currently hold?*

This information is provided via a confidential annex to this letter.

5. *What work has been undertaken on to commission further strategic development work that will assist Jersey to continue to establish itself as a hub of cannabis excellence and a gateway to Europe for international cannabis business and investors and can you provide further details of how Jersey will establish itself as a hub of cannabis excellence? Can you also provide information on the type of investment, or interest in investment which has been received to date?*

As outlined in the MEDTSC delivery plan, further strategic work has been commissioned and it is anticipated that this work will be completed by Q3 2023. This work will to advise on how to maximise the opportunity in the cannabis industry and showcase our jurisdiction as a premier location for cannabis businesses.

6. *Can you confirm if the Jersey Cannabis Agency has been broadened and who is now included in its membership?*

This recommendation is currently being considered by the Minister for Health and Social Services.

7. *How far in advance is the long-term drive policy and may we have a draft copy? How will considerations regarding resourcing and environmental impact on other industries be addressed? When do you envisage this policy to be complete and will it be shared with Scrutiny for review? What will be its interaction with the Future Economy Programme (FEP) and will it be set out in a separate document from those published in connection with the FEP?*

The long-term policy implications will be considered once the recommendations from the strategic development work have been received and considered. It is anticipated that any such medicinal cannabis strategy would run to 2040 to be consistent with the Outline Economic Strategy and Future Economy Programme and will be a stand-alone document.

8. *Can you provide further details of what the risk assessment of the island's cannabis sector will entail and what best practice will be used as a comparison? In addition, can you provide further details of what has been provided to the Law Officers Department on which the legislative framework is to be based?*

The strategic development work will include a risk assessment of the island's cannabis sector and identify mitigation opportunities. The risk assessment will be based upon identifying the evolving needs of cannabis operators and investors, the potential barriers and the areas where Jersey can maintain a unique competitive advantage by mitigating these risks. This will include comparative analysis of regulatory frameworks in other jurisdictions, corporate and financial challenges and detailed industry engagement.

9. *Can you provide further details on how the evolving needs of cannabis operators will be identified and on which basis Jersey can build a unique competitive advantage?*

Broadly speaking, we will look to opportunities where Jersey has the potential to stand out. Indicative areas include: Jersey Governance - using Jersey agencies and infrastructure to attract operators, funds and other cannabis services to the island; banking and investment - supporting reliable and trusted financial services for the cannabis sector; developing a 'Jersey Standard' - setting the Island's cannabis services apart while providing security to operators and investors

I hope the above provides clarity to the areas you have raised.

Yours sincerely,



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