

STATES OF JERSEY



CANNABIS: DECRIMINALISATION OF PERSONAL POSSESSION AND RECREATIONAL USE (P.31/2024): AMENDMENT (P.31/2024 AMENDMENT) – AMENDMENT

**Lodged au Greffe on 20th June 2024
by the Minister for Health and Social Services
Earliest date for debate: 25th June 2024**

STATES GREFFE

CANNABIS: DECRIMINALISATION OF PERSONAL POSSESSION AND RECREATIONAL USE (P.31/2024): AMENDMENT (P.31/2024 AMD.) – AMENDMENT

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Substitute the words “, following consultation with the Misuse of Drugs Advisory Council, to reclassify” with “to consult the Misuse of Drugs Advisory Council about reclassifying”.

MINISTER FOR HEALTH AND SOCIAL SERVICES

Note: After this amendment, the amendment would read as follows –

THE STATES are asked to decide whether they are of opinion –

After paragraph (b) insert the following new paragraph (c) and re-designate the existing paragraphs accordingly –

- (c) that the personal possession and recreational use of cannabinal and cannabinal derivatives (as defined in the Misuse of Drugs (Jersey) Law 1978) should be decriminalised, with this provision included in the legislation to be brought forward under Paragraph (b), and to request the Minister for Health and Social Services **to consult the Misuse of Drugs Advisory Council about reclassifying** cannabinal and cannabinal derivatives, except where contained in cannabis or cannabis resin, from Class A controlled drugs to Class B controlled drugs, as defined within the same Law;

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) that the personal possession and recreational use of cannabis should be decriminalised for persons aged 18 and over;
- (b) to request the Council of Ministers to bring forward the necessary legislation for consideration by the Assembly by November 2025, with the legislation to include (but not be limited to) –
 - total acceptable gram allowance;
 - restrictions on areas of consumption;
 - restrictions on driving under the influence of cannabis;
 - relevant roadside capacity tests;
- (c) **that the personal possession and recreational use of cannabinal and cannabinal derivatives (as defined in the Misuse of Drugs (Jersey) Law 1978) should be decriminalised, with this provision included in the**

legislation to be brought forward under Paragraph (b), and to request the Minister for Health and Social Services to consult the Misuse of Drugs Advisory Council about reclassifying cannabidiol and cannabidiol derivatives, except where contained in cannabis or cannabis resin, from Class A controlled drugs to Class B controlled drugs, as defined within the same Law; and

- (d) to request the Council of Ministers to ensure provision of funding for the necessary legislative framework is incorporated within the Government Plan 2025-2028.

REPORT

Deputy Gardiner's amendment requests that the Minister for Health and Social Services, following consultation with the Misuse of Drugs Advisory Council ("the MDAC"), reclassifies cannabidiol and cannabidiol derivatives (except where contained in cannabis resin) from Class A controlled drugs to Class B controlled drugs.

The Minister for Health and Social Services ("the Minister") is very willing to consult to MDAC about this matter but, in the event the MDAC were to advise against reclassification, the Minister would need to give the matter full consideration – ie. reclassification post consultation cannot be presumed; the Minister must have the full benefit of the MDAC's professional advice even if the Minister were to then decide to act contrary to that advice.

Therefore, this amendment to Deputy Gardiner's P31/2024 amendment commits the Minister to consult but does not commit the Minister to reclassification. The Minister would be very willing to share the MDAC's advice with Deputy Gardiner post consultation.

Financial and staffing implications

The officer time and MDAC member time required to consider the reclassification will be met from within existing resources.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.