

STATES OF JERSEY



CANNABIS: POSSESSION OF CANNABIS FOR TREATMENT PURPOSES – PETITION (P.128/2014) – COMMENTS

**Presented to the States on 8th December 2014
by the Minister for Health and Social Services**

STATES GREFFE

COMMENTS

The supply and use of cannabis for the treatment of certain conditions has been a controversial and sensitive issue for some considerable time, both in Jersey and the UK, as well as further afield.

Nevertheless, this petition is not about the rights and wrongs of cannabis use or whether it should be legalised in Jersey. That is a different debate.

This petition specifically relates to the issuing of a special licence to an individual allowing for the possession and use of cannabis, in its raw form, for medicinal purposes.

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 long standing 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. As such, any requirement for such a licence would be negated.

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

However, the classification of cannabis for medicinal use is not the issue in question in this proposition, nor the appropriate subject of this debate.

Issues

The petitioner is a named person, supported by a States Member, who is seeking the granting of an individual licence for possession of raw cannabis, a drug that is illegal, unlicensed, uncontrolled and unsupervised through any clinical oversight.

Even were it not an illegal drug the decision on its appropriateness for prescription for an individual would have to rest with professional medical experts, and not politicians. It also requires the approval of the Misuse of Drugs Council (MDAC) and it would not be appropriate for the Minister to take any decision on the licensing of any drug, without the advice of this Panel of professional experts.

While the Law allows for the Minister for Health and Social Services to issue a licence for ‘research and special purposes’ it does not provide for the Minister to step into the shoes of a doctor and, in effect, take clinical decisions in respect of an individual case.

Unless guidance from the Misuse of Drugs Advisory Council should move to a considerably different position than that which currently exists, no licence application

for the importation, possession and/or use of cannabis in its raw form would be considered, even in circumstances where “special purpose” was to subsequently be defined in a way that would allow the Minister for Health and Social Services to do so.

Summary

Cannabis is an illegal drug and, without the ability to effectively control its use, quality, composition of the product, safety, purity or dosage, the importation and use of cannabis, in its raw form, could never be endorsed.

Certainly, without considerable change to current professional guidance on the use and legality of cannabis from the Misuse of Drugs Advisory Council, it would be wholly irresponsible to take a decision on the issuing of any licences for the importation, possession and/or use of an illegal substance.

I cannot support a proposition that proposes the granting of permission to an individual for the possession, use or supply of illegal cannabis in its raw form, and I would urge members to vote firmly against this proposition.