

STATES OF JERSEY



SATIVEX: POSSESSION FOR TREATMENT PURPOSES – PETITION (P.127/2014) – COMMENTS

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

STATES GREFFE

COMMENTS

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 a substance which is acknowledged as having recognised medicinal benefit would be classified differently under misuse of drugs legislation. As such, the requirement for such a licence would be negated.

Sativex is, however, already a licensed product and does not require the issuing of an individual licence under these discretionary powers.

Background

Sativex is a licensed cannabinoid-based medicinal product, which has been available to any doctor to prescribe in Jersey since 2008, where there is a clinical assessment that this would be an appropriate treatment for any individual patient.

Prescription and supply of this treatment does not require the issuing of an individual licence under the discretionary powers vested in the Minister for Health and Social Services.

Sativex can be supplied by any pharmacy, in accordance with the doctor’s prescription. It is, however, only available as a private prescription and costs have to be met by the patient.

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 Sativex.

As a product that is already licensed, however, the fundamental question is whether this cannabinoid-based product should be supplied, on prescription, at public expense.

Previous application from a consultant to make Sativex available via the Hospital pharmacy – in that case specifically for patients suffering with MS (Multiple Sclerosis) – has been rejected by the Hospital Drugs and Therapeutics Committee, based on assessment of clinical evidence and cost-effectiveness.

This decision has recently been corroborated by NICE in its draft revised guidance, which does not recommend the use of Sativex for MS patients.

Current Health and Social Services Policy directs that the Department will not provide treatments at public expense where NICE has rejected that treatment. Final NICE guidance on recommended treatments is expected later this year and, should the advice on the use of Sativex for MS patients be amended, this position will be reviewed.

The issue within this proposition, therefore, is whether funding for a NICE non-recommended treatment should be met by taxpayers, at the expense of other treatments that are approved by professional, clinical expertise.

The cost to the taxpayer of providing Sativex to any one individual patient would be in the region of £4–£5,000 per year.

There is no way to predict how many patients may subsequently be prescribed this treatment and, therefore, the potential overall impact on the Department's already stretched annual drugs budget.

Summary

Sativex is already a licensed product, and there is no requirement for the Minister for Health and Social Services to issue an individual licence.

Whether prescription of Sativex in this case is appropriate must remain a decision for an appropriate consultant and be based on clinical expertise.

While it is available for prescription, Sativex remains a non-NICE approved treatment, and I cannot support a proposition for its supply to be funded by the taxpayer.

I would urge members to reject both parts (a) and (b) of this proposition and to agree that the prudent position must be to await updated guidance from NICE before further consideration of this matter.