

STATES OF JERSEY



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

**Presented to the States on 8th September 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 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. 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.

Nevertheless, I have sought advice on the medicinal use of cannabis, as well as an opinion on the definition of “special purpose” in the context of licensing the possession of cannabis, from the Misuse of Drugs Advisory Council, and this is expected later in the year.

Issues

The petitioner in this case is not a clinician, but a patient, 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.

Unless advice received from the Misuse of Drugs Advisory Council differs considerably from this position, no licence application for the importation, possession and/or use of cannabis in its raw form would be granted, even in circumstances where

“special purpose” was 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, purity or dosage, the importation and use of cannabis, in its raw form, could never be endorsed.

Certainly, without an opportunity to receive and consider fully, advice on this matter 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 could not support a proposition to issue a special licence to an individual for the possession of illegal cannabis in its raw form, where neither the quality nor composition of the product, its safety, dosage or levels of individual use could be effectively monitored, and I would urge members to vote firmly against this proposition.