

2018.06.26

Deputy M. Tadier of the Minister for Health and Social Services regarding the re-scheduling of cannabis to allow for medicinal usage: [OQ.80/2018]

Has cannabis been taken off Schedule 1 (under Misuse of Drugs legislation) and put on to Schedule 2 to allow for medicinal usage; if not, will the Minister explain why not and state whether it is still the intention of the department to do so and what the timescale is for it to happen?

The Deputy of St. Ouen (The Minister for Health and Social Services):

There are no proposals to reclassify cannabis from Schedule 1; however, there are some small changes which are to be made with regard to certain cannabis-based products. Last year in the U.K. a report was produced which has become known as the Barnes Report on the possible use of certain cannabis products for medicinal purposes. That was considered in Jersey by our Misuse of Drugs Advisory Council, which advises the Minister for Health and Social Services, and the council suggested it would be appropriate in Jersey to reclassify certain cannabis-based products in order that they can be used for medicinal purposes, and my predecessor Minister accepted that proposal. The council was of the opinion that any such product that might be reclassified must be produced to good manufacturing practice standards and should only be imported by the hospital Pharmacy Department for supply against a prescription written by a hospital consultant. The reclassification of those particular products will mean that appropriate controls can be exercised over their availability. The council recommended that 2 specific products be reclassified: one was Bedrocan and its associated products which are produced by the Bedrocan company in Holland under licence from the Dutch Government Office for Medicinal Cannabis. The other products were Tilray oral solutions and capsules containing various strengths and combinations of the active ingredients in cannabis and that is produced by the Canadian company Tilray.

10.12.1 Deputy M. Tadier:

Part of the reason I asked this question is it has been a long-running issue; it is back in the news again in the U.K. with the story of a young boy who is deprived of a vital medicine, and I do not want the same thing to happen in Jersey; I am sure other Members feel the same. I refer the Minister and Members to written answer 16 where the Home Affairs Department said that in the event of the recommendations of the advisory council to reschedule from 1 to 2, that there would be nothing to stop the importation of these products into Jersey. In fact, it says there will be no legal basis to prevent their importation into the Island. Given the fact that that same written answer told us that the medical advice from the Misuse of Drugs Advisory Council was given to the former Minister on 28th December, that products Bedrocan, Bedrobinol, Bediol and Bedica were all recommended for reschedule, why has this not been done already? Will the Minister make sure that this is done with immediate effect with a Ministerial Decision and, if not, why not?

[12:30]

The Deputy of St. Ouen:

A Ministerial Decision has been taken to reclassify these cannabis-based products. A law drafting instruction has been given and that is being worked on by the Law Drafting Department, and I can assure Members I will bring forward the order to reclassify those specific products as soon as I am able to do so, and I will chase that also. I should assure Members that we are ahead of the U.K. in this respect. In January, a licensed medicine known as Sativex was made available on free prescription, that is a cannabis-based medicine, which was previously available on a paid prescription basis but is now available publicly if dispensed through the hospital pharmacy. So that

is one option available to residents of the Island at present. Then we are also ahead of the U.K. in having already decided to reclassify these other products, Bedrocan and Tilray, that I have spoken of and the issues are the drafting of the necessary order, which I am chasing, and the question of the importation to the Island. Because of course these products from Holland and Canada would usually come through the U.K. where they are still illegal and that is a difficulty for the U.K. Customs; they have told us so. The matter is being taken up through the Minister for External Relations and the Government of Jersey's London Office, and it has also been taken up in the Cabinet Office. I hope that now they have seen and made the special arrangements for the young gentleman who needed that urgent treatment recently, that they might understand this is an issue that is moving forward and allow us the necessary permissions to bring these products into the Island.

The Bailiff:

Minister, where possible if you could remember there is a 90-second rule for answering questions.

The Deputy of St. Ouen:

Certainly.

10.12.2 Deputy G.P. Southern:

Just a brief question; brief answer, I hope. When were the law drafting instructions given?

The Deputy of St. Ouen:

Yes, the Ministerial Decision was made on 12th February 2018. A drafting brief was to be provided by the Chief Pharmacist which followed, I believe, in March. Sorry, here it is, 2nd March; that is what I am aware of.

10.12.3 Deputy M. Tadier:

Written answer 16 today sheds light on the fact that the hurdles around importation of medicinal cannabis seem to be a red herring. I quote again, it says: "In the event that products recommended by the Misuse of Drugs Advisory Council are rescheduled to allow their importation into Jersey, officers from the Customs and Immigration Services would have no legal basis to prevent their importation on arrival in the Island." What that means is that the only thing stopping these products coming into Jersey is the fact that they have not yet been rescheduled from Schedule 1 which says "products of no medical value" to Schedule 2 which are "products of medical value". This decision, it seems to me, could easily be made. If it has been made, which we are being told by the Minister, already then there is nothing to stop any G.P. (General Practitioner) prescribing these products and there is nothing to stop anybody who wants to, in the Island, bring these products in for prescription and proper dispensation under that agreement. Is that not the understanding of the Minister and does he think that there has been a conflating of issues within his department to make this issue much more complicated than it truly is?

The Deputy of St. Ouen:

I think there were 2 questions there: one is about the bringing into the Island and the other is who may prescribe. What has been the subject of the Ministerial Decision is that these products will be reclassified for dispensing by the pain clinic and neurology departments only and not for dispensing, at the present time, by GPs. Because it should be realised that these are cannabis products; they are not authorised or licensed medicines and they have not undergone the same comprehensive clinical trials that medicines have, but nevertheless they are to be licensed. As to the importation, yes, of course, because of the order that will be made, the Jersey Customs will have no basis to prevent their importation. But the same order does not exist in the U.K. and they would normally be brought

to the Island through the U.K. and that is what we are trying to address. I am advised that there has been no confusion that there is that issue which must be the case of getting the thing from Holland through the U.K. to Jersey, or Canada through the U.K. to Jersey. It would be the same if we tried an importation route through France where the products are also currently not legal.