

# STATES OF JERSEY



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

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**Lodged au Greffe on 18th June 2024  
by Deputy A.F. Curtis of St. Clement  
Earliest date for debate: 25th June 2024**

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**STATES GREFFE**

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

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**1 PAGE 2, PARAGRAPH (a) –**

After the word “possession” insert the words “, personal cultivation,”.

**2 PAGE 2, PARAGRAPH (b) –**

After the words “relevant roadside capacity tests;” insert the following new bullet point –

- “total acceptable cultivation allowance;”.

DEPUTY A.F. CURTIS OF ST. CLEMENT

**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, **personal cultivation**, 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;
  - **total acceptable cultivation allowance;** and
- (c) 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

### Summary

This amendment to Deputy Coles' proposition seeks to ensure that, should the Assembly agree to the principles of decriminalising cannabis, that a level of personal cultivation of cannabis plants is allowed. This would prevent the scenario in which an individual could be criminalised for growing a quantity of cannabis that, once dried, would be decriminalised to possess and consume.

The formal inclusion of personal consumption also goes some way to address concerns members may have that decriminalisation of possession, consumption but not explicitly any route to supply or self-supply would still result in criminal offences being unavoidable at some point within the 'supply chain'.

### Background

Several jurisdictions that have legalised or decriminalised status of Cannabis have also included a level of personal cultivation within these limits. Cannabis plant/flower is ultimately a horticultural product that requires minimal processing once picked to be consumed. It is possible to cultivate on a small scale and indoors. Examples of jurisdictions include;

#### *Luxembourg*

Following the Act of 10 July 2023<sup>1</sup>, Luxembourg legalised the personal cultivation of Cannabis and prescribed limits on this to 'four cannabis plants per domestic household'. The plants must not be visible from a public place. The reason for the amendment was cited as to '*reduce health risks and prevent crime*'.

#### *Malta*

Malta legalised the recreational cultivation and consumption of cannabis on 14 December 2021<sup>2</sup>. Each household may grow up to four plants and hold up to 50g of dried and stored cannabis. As with some other jurisdictions, it is possible to establish cannabis associations which can cultivate and distribute to its members up to 7g per day to a total of 50g per month.

#### *Spain*<sup>3</sup>

Spanish law prohibits the "*the execution of acts of illicit planting and cultivation of toxic drugs, narcotics or psychotropic substances in places visible to the public*". The same applies for consumption, so the personal cultivation and consumption is permitted at home, so long as both cultivating and consuming are not visible to the public (this includes being located on private property but in public view).

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<sup>1</sup> [Growing cannabis at home - government.lu \(gouvernement.lu\)](https://www.gouvernement.lu/en/government/legislation/2023/07/10-act-on-cannabis)

<sup>2</sup> [Malta to legalise cannabis for personal use in European first | Cannabis | The Guardian](https://www.theguardian.com/world/2021/dec/14/malta-legalises-cannabis-for-personal-use-in-european-first)

<sup>3</sup> [Is marijuana legal in Spain and can I REALLY grow plants at home? - Olive Press News Spain \(theolivepress.es\)](https://www.theolivepress.es/en/news/is-marijuana-legal-in-spain-and-can-i-really-grow-plants-at-home-2021-07-14)

### ***Germany***<sup>4</sup>

Since 1st April 2024, it has been legal in a limited capacity to consume and cultivate Cannabis for recreational use. The changes were instigated by the Health Minister Karl Lauterbach, whose intention is quoted as to undermine the black market, protect smokers from contaminated cannabis and cut revenue streams for organised crime gangs.<sup>5</sup> Households are allowed to have up to three cannabis plants. From 1st July 2024, strictly not-for-profit cannabis clubs will be able to cultivate and distribute between their members, however no route to legal licensed sale is currently planned.

Regardless of whether members support the principle of decriminalising cannabis or not, it is expected most do not wish to see a proliferation or encouragement of illegal dealing and importing. It is seemly not correct to punish those who wish to avoid procuring from illegal dealing by carefully growing and cultivating their own plants, for which they then take responsibility for.

### **Conclusion**

Members are requested to support this amendment to the proposition to provide clarity and direction to the Government in legislative and policy drafting. Explicitly including personal cultivation within the scope of decriminalising will allow such policy to provide clear thresholds, such as total allowable growing quantity as well as limits on where plants can grow.

It would also enable islanders to create their own provision without the need to procure through what would remain a criminal channel and be assured that they are aware of the quality and condition of the plant, and hopefully reduce criminal activity in dealing, as is suggested will occur in other jurisdictions such as Germany.

Lastly, it will enable consumers to have a greater relationship and understanding of the plant, which should help facilitate better education of cannabis more broadly.

### **Financial and staffing implications**

This amendment does not foresee any change to the financial and staffing implications of the original proposition, as policy teams and the legislative drafting would already be engaged in the work.

### **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.

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<sup>4</sup> [Cannabis Is Officially Legal In Germany - What You Need To Know \(internationalcbc.com\)](https://www.internationalcbc.com/news/cannabis-legal-germany-2024-04-01)

<sup>5</sup> [Germany legalises cannabis, but makes it hard to buy - BBC News](https://www.bbc.com/news/health-67414444)