

3.10 Deputy M. Tadier of the Attorney General regarding the possibility of importing and possessing cannabis for medicinal use under the provisions of the Misuse of Drugs (Jersey) Law 1978:

Will H.M. Attorney General clarify whether the importation and possession of cannabis for medicinal use would be possible under the provisions of the Misuse of Drugs (Jersey) Law 1978 and, in particular, whether the Minister for Health and Social Services has the power to issue a licence allowing possession of cannabis for medicinal use?

Mr. H. Sharp Q.C., H.M. Solicitor General:

The Misuse of Drugs (Jersey) Law 1978 makes it a criminal offence to import and/or to possess cannabis. The Minister for Health and Social Services has designated cannabis in accordance with Article 12(4) of the law as a drug for which it is in the public interest for its production, supply and possession to be wholly unlawful except for purposes of research or other “special purposes”. The term “special purposes” is a high bar to satisfy. In principle, the Minister can lawfully issue a licence for the possession of cannabis for medicinal use but there would need to be evidence of some genuine and special medical benefit that would justify the issuing of a licence for a special purpose. It is a matter for the Minister having regard to any relevant evidence and of course a consideration of the harmful effects of the drug. As I have already noted, the phrase “special purpose” is a high bar to satisfy.

3.10.1 Deputy M. Tadier:

Given the fact that medicinal cannabis is already prescribed and brought into the Island at great expense, it has to be said, there is presumably already sufficient evidence for doctors to be prescribing cannabis-based products. Will the Minister basically outline the process by which a G.P. and a patient could legally be prescribed and use medicinal cannabis, perhaps even herbal cannabis, for their ailments if the G.P. thought that it was the correct medicine to be prescribing?

The Solicitor General:

I am obviously not the Minister and, as I have already indicated, it is for the Minister to consider any relevant evidence in deciding whether to issue a particular licence. The background to this matter is as follows. Insofar as the Minister wishes to take the views of the United Kingdom authorities into account, those authorities will not issue a licence for cannabis in any circumstances, having regard to its known harmful effects, and they include links to mental health problems. There has to date been one exception to that principle. There is a cannabis-based medicine, it is called Sativex, and that has been the subject of scientific trials. That has resulted in the conclusion, those trials have shown, that there is a medicinal benefit in respect of that product for the treatment of particular conditions, namely multiple sclerosis and cancer. Therefore, that drug, that particular product, is prescribed both in England and Jersey but it is not right to say that cannabis is the subject of general licence. That just has not happened.

3.10.2 Deputy R.G. Le Hérissier:

Would the Solicitor General say whether evidence from other jurisdictions, and we have seen the move recently in some American states, for example, if rigorously collected and presented would be the kind of evidence the Minister could rely upon?

The Solicitor General:

These are questions better put to the Minister. It is the Minister's power. As I say, special purposes is a high bar to satisfy, but no doubt the Minister will take into account all relevant evidence.

3.10.3 Deputy M. Tadier:

I think just to put it in perhaps more layman's terms for us mere mortals. Is it the case then that the Minister for Health and Social Services needs to go away and decide whether or not there is a case for herbal cannabis to be supplied, that it extends the amount of products on the market and, therefore, to make the case if she sees fit for other varieties of cannabis-based medicines to be available on prescription in Jersey?

The Solicitor General:

I cannot really add to what I have already said. It is for the Minister to consider the law and whether any particular licence should be issued, having regard to whether it can be properly classified as a special purpose.