

Access to Public Information Response

28 September 2020

REQUEST UNDER THE CODE OF PRACTICE FOR ACCESS TO PUBLIC INFORMATION

Request sent on 5 September 2020:

Please provide me with the following information in support of the Misuse of drugs (Bailiwick of Guernsey) law 1974.

1. FOUNDATION EVIDENCE relied upon by the States of Guernsey for the claim that all genus of cannabis meet the currently accepted criteria for scheduling in Parts 1 and 2 of the first schedule.
2. FOUNDATION EVIDENCE for the claim that cannabinoid preparations meet the currently accepted criteria for scheduling in Part 1 of the schedule.
3. FOUNDATION EVIDENCE for claim that cannabis should be a 'controlled' substance.
4. FOUNDATION EVIDENCE for what is considered "misuse" of raw cannabis and its various preparations.

States of Guernsey response sent on 28 September 2020:

Provisions under the Misuse of Drugs legislation have developed iteratively over many years based on clinical evidence, the approach of other jurisdictions (most notably England and Wales) and local experiences informed by the professional advice of the Misuse of Drugs Advisory Group (MDAG). The MDAG has been in place for over a decade, and includes a breadth of local expertise, including representatives from law enforcement, clinical staff, public health and legal advisers from St James Chambers to share information and to make any necessary recommendations in respect of the legislation, including scheduling. Scheduling takes into account a wide range of factors, designed to consider the harm which the drug risks causing the individual or society in general, for example the risk of abuse and the potential for diversion.

Classification banding of drugs is not unique to Guernsey with the UK also adopting drug classification. All classes are included under the definition of a controlled drug, but those listed in Part 1 of the Schedule are considered to be "Class A drugs", those in Part 2 "Class B drugs" and Part 3 are "Class C drug". The relevance of this is the severity of penalties associated with the importation and exportation, production and supply and possession for handling the respective classes, with Class A drugs being more serious

As you may be aware, the Committee *for* Health & Social Care and the Committee *for* Home Affairs have been specifically directed to report back to the States with options for alternative and non-punitive approaches to the possession and use of small quantities of illegal drugs (including, but not limited, to cannabis), taking into account:

- the need to promote the health, wellbeing and safety of people who use drugs, and of the wider community;
- the strategic principles of the Combined Substance Use Strategy and any evidence collected in its development, including the commissioned Independent Report on the Review of the interaction of health and justice system in relation to the possession of drugs for personal use <https://gov.gg/Sunallreport>;
- the potential for moving from a regime governed by the criminal law towards a partly or wholly regulatory approach to all aspects of personal drug use; and
- the results of consultation with the community and key stakeholders in respect of such alternative options.

In light of this broader piece of work and the associated ongoing review of current evidence, it would be premature for the release of this initial analysis and research which would best be considered as part of this wider programme of work.

It should be noted that in June 2019, the Committee *for* Health & Social Care made the legislative changes necessary to allow, in defined circumstances, the prescribing of pharmaceutical standard medicinal herbal cannabis by authorised specialists based in the Bailiwick. This effectively meant cannabis-based products for medicinal use in humans transferred from Schedule 1 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 (which details controlled drugs which are considered to have no medical value and therefore cannot be lawfully possessed or prescribed) to Schedule 2 (which are recognised as having a medical value and therefore can be lawfully prescribed). The Misuse of Drugs (Modification) Order, 2020, made on 25th September 2020 builds upon the earlier Order by enabling the importation and supply of a cannabis-based medicinal product for human use where prescribed outside of the Bailiwick of Guernsey (subject to the grant of appropriate import licences), and extends the ability to prescribe medicinal cannabis to include GPs rather than just specialists.