



Access to Public Information Request

Date of receipt: 3 September 2021

Date of response: 20 September 2021

Access to Public Information request regarding misuse of drugs

Request:

Thank you for forwarding the information on the Misuse of Drugs (bailiwick of guernsey) law 1974, from HSC, all of which I was already aware of.

However, they have completely failed to answer any aspect of my question(s) whatsoever.

My question was:

1. Did Guernsey follow the UK when including cannabis in part 2 of the first schedule to the Misuse of Drugs (bailiwick of guernsey) law 1974.

Or

2. Did the States at the time rely on independent evidence when including cannabis in part 2 of the first schedule to the Misuse of Drugs (bailiwick of guernsey) law 1974. If so, can you provide the evidence that was used to include cannabis.

Response provided by the Committee for Health & Social Care:

It is not possible to provide an either or answer that the proposer seeks.

The introduction of The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 was directed by the States of Deliberation ('the States') upon consideration of a policy letter from the then Board of Health. Specifically, it recommended that the States "approve that the existing local legislation relating to dangerous or otherwise harmful drugs shall be repealed and replaced by legislation along the lines of the Misuse of Drugs Act, 1971, and of the

subordinate legislation made thereunder.” The policy letter is available in Billet d’État XIII of 1973. This Billet d’Etat would be available from the Greffe on request.

The Committee therefore refers to its previous response, which is set out below for ease of reference:

Due to the inter-related nature of the questions, the following information aims to provide a response to questions 1 and 2.

The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (‘MOD Law’) sets out which substances, or chemical components of, are controlled and their classification into one of three classes: A, B or C. Class A drugs are considered the most addictive, and Class C drugs the least so.

As many controlled drugs are used in medical practice, for example as an analgesic or anaesthetic drug, The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1974 (‘MOD Ordinance’) further sets a hierarchy of uses for controlled drugs via five schedules.

The scheduling of drugs takes into account a wide range of factors, designed to consider the harm which the drug risks causing the individual and/or society in general. Considerations include whether the drug is acceptable for medical use, the risk of abuse and associated crime, and the potential for diversion, among other things.

Provisions under the MOD Law and MOD Ordinance have developed iteratively over time and as is the case with any legislation relating to health care, any amendments are based on clinical evidence, the successful approach of other jurisdictions and the local experience as advised by those professionals working in relevant fields. For this reason, misuse of drugs legislation in the Bailiwick is broadly similar in many ways, but not identical, to the United Kingdom’s (UK) Misuse of Drugs Act 1971.

For example, for an approximate five-year period up until 2009, the UK classified Cannabinol, Cannabinol derivatives, Cannabis and Cannabis resin as Class C Drugs but returned their scheduling to Class B drugs via The Misuse of Drugs Act 1971 (Amendment) Order 2008, which came into force on 26th January 2009. In contrast, cannabis and cannabis resin have remained Class B drug under the MOD Law since its enactment in 1974.

The most recent changes to cannabis scheduling locally relate to cannabis-based products for medicinal use in humans. In the United Kingdom, these products have been available on prescription by some doctors for certain medical conditions since 1st November 2018. Similar provision became available in Guernsey on 1st June 2019 via The Misuse of Drugs (Modification) Order, 2019 allowing cannabis-based products for medicinal use in humans to be prescribed by a specialist medical practitioner for those medical conditions where there is some evidence to support its use. Last year, the Misuse of Drugs (Modification) Order, 2020 made provision to allow cannabis-based product for medicinal use in humans to be prescribed by non-specialist medical practitioners.