

Probation and After-Care Service

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Senator Andrew Green
Health and Social Services Department
Peter Crill House
Gloucester Street
St Helier
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28th December 2017

Dear Senator Green

Medicinal Cannabis update

I am writing to you in my capacity as Chairman of the Misuse of Drugs Advisory Council (MDAC). The MDAC met on Tuesday 12th December 2017 and considered further its advice to you on making certain Cannabis based products lawful for use in Jersey. You will recall that following consideration of the Barnes report and Health Products Regulatory Authority (HPRA) report from Ireland the MDAC has recommended the rescheduling of some Cannabis based products to make them available lawfully for the treatment of patients by suitably qualified medical practitioners. However, obstacles remained concerning the identification of suitable quality controlled products and their importation via neighbouring jurisdictions where they remain illegal.

I am pleased to inform you that members of the Council have managed to progress matters somewhat within their areas of professional expertise and the MDAC can now provide you with the following advice.

Sativex is a Cannabis based product which is already available under Schedule 4 of the General Provisions Order but is only available via private prescription. We recommend that Health and Social Services consider funding the prescription of Sativex including for "Off Label" purposes by Hospital Consultants. Sativex is a recognised medicine and it would appear logical and proportionate to make it more generally available for Consultants to prescribe before resorting to non-licensed products.

Bedrocan, Bedrobinol, Bediol, Bediol and **Bedica** are available from the Office of Medicinal Cannabis (OMC) in the Netherlands: <https://www.cannabisbureau.nl/english> The OMC is a government organisation. The products are not licensed medicines but are produced to pharmaceutical quality. The Chief Pharmacist has been informed by the OMC that they are prepared to export their products to Jersey.

The MDAC recommends that **Bedrocan, Bedrobinol, Bediol, Bediol** and **Bedica** are rescheduled to allow their import into Jersey by the Hospital pharmacy and for prescription by Hospital Consultants.

Tilray are a large producer of medicinal products in the U.S.A. They claim to manufacture to GMP standards but have failed to respond to queries from the Chief Pharmacist about this and their willingness to export to Jersey. The company have recently announced plans to produce their products in Portugal <https://www.tilray.com/press-/tilray-eu-campus>

The MDAC recommends that if suitable assurance is received by the Chief Pharmacist that Tilray products meet GMP standards that they should be rescheduled in the same manner as those produced by the OMC above.

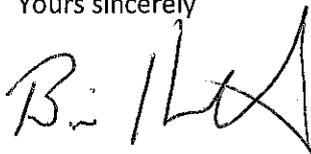
However, the MDAC has not received a definitive answer concerning the practicalities of **importing** medicinal cannabis products through the United Kingdom. The United Kingdom authorities have posed a number of questions which it was not possible to answer without knowing the details of the specific substances involved. The Chief Pharmacist and Jersey Customs continue to communicate with the United Kingdom authorities in the light of the new information outlined above. The Netherlands, France and Portugal are within the Schengen trade area and it may be that importation via France may be more straightforward. Transport logistics are usually a matter for the producer and exporter of a product and it may be better for the companies concerned to make the necessary arrangements.

The MDAC also considered a couple of other queries concerning medicinal Cannabis products and our advice is as follows.

As implied above we recommend that medicinal cannabis products be licensed for import by the Hospital Pharmacy only and that prescription should be restricted to Hospital Consultants. It is recommended that Health and Social Services fund the prescriptions. The Chief Pharmacist has been informed by Medical Consultants that there are a small number of patients under their care who could benefit from these products currently. Given the widespread misconceptions about medicinal cannabis the MDAC does not recommend the prescription of these products by General Practitioners at this time.

However, MDAC does recommend that possession and personal importation (NOT by post) of the products which have been rescheduled by individuals who have sought treatment from registered General Practitioners or Consultants outside of Jersey should be lawful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Heath', written over a white background.

Brian A Heath
Chief Probation Officer
Chairman Misuse of Drugs Advisory Council

Clarification of last paragraph in MDAC letter to the Minister – 5 January 2018 (by email)

Morning Brian

Further to yesterday's meeting, below are some explanatory comments regarding the final paragraph in your letter to the Minister regarding personal importation of cannabis based products by individuals

The general principle considered by MDAC was that if certain cannabis based products are available for specialist doctors to prescribe in Jersey then it seems reasonable that if an individual seeks treatment in person from a specialist abroad (e.g. Holland) they should be able to bring any of these same products back to Jersey with them if they have been prescribed by the specialist abroad. This is not too dissimilar to the situation now where patients can travel to Jersey with controlled drugs on their person if they have been legitimately prescribed and dispensed in another jurisdiction.

The MDAC view was that any such importation into Jersey should be subject to an import licence in order ensure that unlawful importation is prevented as far as possible. The process for this would be that the prescribing overseas doctor would complete an application form providing the patient's details and what has been prescribed and in what quantities. This would be forwarded to the Chief Pharmacist who would issue the licence authorising importation into Jersey. This is identical to the system we currently have in place where the importation of other controlled drugs is not covered by the Open General Licence. The OGL currently allows importation of up to 28 days with a covering letter from the prescriber. Anything in excess of 28 days requires a licence issued on the Minister's behalf by the Chief Pharmacist. In other words we can use an already established process for this and exclude cannabis based products from the OGL thereby requiring that any importation requires a licence.

Licences could only be issued for products which we make lawful in Jersey. Any importation of any other cannabis based product would remain unlawful.

The other point worth mentioning is that any such licence would only serve to allow importation into Jersey and not any other jurisdiction. Therefore patients would not be able to enter the UK with these products where they would remain illegal and may need some additional form of documentation to travel via other countries.

Hope this clarifies things. Let me know if you need anything further

Kind regards

Paul

Paul McCabe | Chief Pharmacist

Health and Social Services Department

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