



GUERNSEY STATUTORY INSTRUMENT

2009 No. 59

**The Medicines (Human) (Termination of Transitional Exemptions) (Bailiwick of Guernsey) Order, 2009**

*Made*

*3<sup>rd</sup> November, 2009*

*Coming into operation*

*4<sup>th</sup> November, 2009*

**THE HEALTH AND SOCIAL SERVICES DEPARTMENT**, in exercise of the powers conferred on it by sections 17 and 132 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>a</sup> and all other powers enabling it in that behalf, hereby orders:-

**Termination of transitional exemptions.**

1. The exemptions specified in section 16(2) and (5) of the Law cease to have effect in relation to anything done on or after the day that this Order comes into force, in so far as it relates to any medicinal product of a class described in the Schedule.

**Relationship with Medicines (Human)(First Appointed Day)(Bailiwick of Guernsey) Order, 2009.**

2. Article 1 has effect despite anything to the contrary in the Medicines (Human) (First Appointed Day) (Bailiwick of Guernsey) Order, 2009.

**Interpretation.**

3. (1) In this Order, “**the Law**” means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>b</sup>.

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<sup>a</sup> Order in Council No. V of 2009, as amended by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009.

<sup>b</sup> Order in Council No. V of 2009, as amended by as amended by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009.

(2) A reference in this Order to an enactment, or any provision or part of it, is a reference to it as amended, or re-enacted or re-made (with or without modification), or extended or applied by or under any enactment.

(3) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Order –

(a) throughout the Bailiwick, and

(b) for the avoidance of doubt, as it applies to the interpretation of an enactment.

(4) For the avoidance of doubt, unless the context otherwise requires, an expression used in this Order has the same meaning as in the Law.

**Extent.**

4. This Order has effect throughout the Bailiwick.

**Citation.**

5. This Order may be cited as the Medicines (Human) (Termination of Transitional Exemptions) (Bailiwick of Guernsey) Order, 2009.

**Commencement.**

6. This Order comes into force on the day after it is signed by the Minister.

Dated this     third     day of November, 2009



A H ADAM

Minister of the States Health and Social Services Department

For and on behalf of the Department

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

## SCHEDULE

### MEDICINAL PRODUCTS IN RELATION TO WHICH TRANSITIONAL EXEMPTIONS IN SECTION 16(2) AND (5) OF THE LAW ARE TERMINATED

#### Article 1

Any substance or compound listed below, or any article, substance or combination of substances containing any substance or compound listed below –

- (a) the psychotropic substance 1-benzylpiperazine, and any compound structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylendioxy, halide or haloalkyl substituents, whether or not substituted at the nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl, or phenyl substituents,
- (b) the psychotropic substance 4-methylmethcathinone, also known as the  $\beta$ -keto analogue of 4-methylmethamphetamine, or 2-methylamino-1-(4-methylphenyl)propan-1-one and more commonly referred to as mephedrone or 4-MMC,
- (c) the psychotropic substance 3-fluoromethcathinone, also known as the  $\beta$ -keto analogue of 3-fluoromethamphetamine; 2-methylamino-1-(3-fluorophenyl)propan-1-one and more commonly referred to as 3-FMC,
- (d) the psychotropic substance 3,4-methylenedioxy-*N*-methylcathinone, also known as the  $\beta$ -keto analogue of 3,4-methylenedioxy-*N*-methylamphetamine or 2-methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one and more commonly referred to as methylone, MDMC, or bk-MDMA,
- (e) the psychotropic substance  $\beta$ -keto-*N*-methyl-3,4-benzodioxolylbutanamine, also known as 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one and more commonly known as butylone or bk-MBDB,
- (f) the psychotropic substance methylenedioxyprovalerone, also known as 1-(benzo[d][1,3]dioxol-5-yl)-2-(pyrrolidin-1-yl)pentan-1-one and more commonly known as MDPV,
- (g) any compound structurally derived from 3-(1-naphthyl)indole or 1*H*-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl

ring to any extent, also known generically as naphthoylindoles and naphthylmethylindoles,

- (h) any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent, also known generically as naphthoylpyrroles,
- (i) any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent, also known generically as naphthylmethylindenenes,
- (j) any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, also known as phenylacetylindoles,
- (k) any compound structurally derived from 2-(3hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent, also known as cyclohexylphenols,
- (l) the psychotropic substance 9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, more commonly known as HU-210,
- (m) the psychotropic substance 1-Hydroxy-6,6-dimethyl-3-(2-methyloctan-2-yl)-7,8,10,10a-tetrahydro-6*H*-benzo[c]chromen-9(6*aH*)-one, more commonly known as Nabilone,
- (n) the psychotropic substance [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-*de*]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, more commonly known as WIN-55,212-2,
- (o) the psychotropic substance 3-dimethylheptyl-11-hydroxyhexahydrocannabinol, more commonly known as HU-243,
- (p) the psychotropic substance 9-hydroxy-6methyl-3-[5-phenylpentan-2yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate, more commonly known as CP 50,5561, or
- (q) the substance Gamma-butyrolactone or 1,4- butanediol, more commonly known as GBL or 1,4BD respectively, except where it can

demonstrably be shown to be for a purpose other than human consumption.

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EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order terminates transitional exemptions for sale, supply, marketing, and wholesale dealing conferred by section 16(2) and (5) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 in relation to a number of medicinal products that are known as emerging drugs of concern.

These exemptions are terminated as of the day after this Order is made. The termination of these exemptions will complement the ban on unlicensed importation and unlicensed exportation of these products under the Import and Export of Goods (Control) (Guernsey) Law, 1946.