

The Misuse of Drugs (Modification) Order, 2013

Made 4th September, 2013
Coming into operation 1st October, 2013
Laid before the States , 2013

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 1 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^a and all other powers enabling it in that behalf, hereby makes the following order: -

Amendment of the 1974 Law.

1. Part II (Class B Drugs) of the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 is amended as follows.

2. In paragraph 1(a), after "Zipeprol", insert "2-((Dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol".

3. For subparagraphs (c) to (h) of paragraph 1, substitute the following subparagraphs –

^a Ordres en Conseil Vol. XXIV, p. 273; as amended by Vol. XXVIII, p. 307; Vol. XXXI, pp. 47 and 278; Vol. XXXIII, p. 217; Vol. XXXIV, p. 172; Vol. XXXVI, p. 396; Vol. XL, pp. 34 and 131; Order in Council No. IV of 2006; No. XIII of 2006; Recueil d'Ordonnances Tome XX, p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV, pp. 38 and 325; Tome XXIX, p. 406; Ordinances No. XLIII of 2010 and No. XXV of 2011; G.S.I. No. 19 of 1997; G.S.I. No. 5 of 2004; G.S.I. No. 42 of 2006; G.S.I. No. 20 of 2008; G.S.I. No. 22 of 2010; G.S.I. No. 33 of 2010; G.S.I. No. 82 of 2010; G.S.I. No. 44 of 2012; see also Recueil d'Ordonnances Tome XXVII, p. 247; Ordres en Conseil Vol. XXIX, p. 207.

- "(c) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1, 2, 3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone,
[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5, 6, 6a, 7, 8, 9, 10, 10a-octahydrophenanthridin-1-yl] acetate,
9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,8,9,10,10a-hexahydro-6*H*-benzo[*c*]chromen-1-ol,
9-(Hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydro-6*H*-benzo[*c*]chromen-1-ol,
Nabilone,
- (d) Any compound structurally derived from 3-(1-naphthoyl)-1*H*-indole, 3-(2-naphthoyl)-1*H*-indole, 1*H*-indol-3-yl-(1-naphthyl)methane or 1*H*-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent,
- (e) Any compound structurally derived from 3-(1-naphthoyl)-1*H*-pyrrole or 3-(2-naphthoyl)-1*H*-pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent,

- (f) Any compound structurally derived from 1-(1-naphthylmethylene)-1*H*-indene or 1-(2-naphthylmethylene)-1*H*-indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent,
- (g) Any compound structurally derived from 3-phenylacetyl-1*H*-indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent,
- (h) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent,
- (ha) Any compound structurally derived from 3-benzoyl-1*H*-indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent,

- (hb) Any compound structurally derived from 3-(1-adamantoyl)-1*H*-indole or 3-(2-adamantoyl)-1*H*-indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent,
- (hc) Any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)-1*H*-indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent,
- (hd) 1-Phenylcyclohexylamine or any compound (not being ketamine, tiletamine or a compound for the time being specified in paragraph 1(a) of Part I of this Schedule) structurally derived from 1-phenylcyclohexylamine or 2-amino-2-phenylcyclohexanone by modification in any of the following ways, that is to say –
- (i) by substitution at the nitrogen atom to any extent by alkyl, alkenyl or hydroxyalkyl groups, or replacement of the amino group with a 1-piperidyl, 1-pyrrolidyl or 1-azepyl group, whether or not the nitrogen containing ring is further substituted by one or more alkyl groups,

- (ii) by substitution in the phenyl ring to any extent by amino, alkyl, hydroxy, alkoxy or halide substituents, whether or not further substituted in the phenyl ring to any extent,
- (iii) by substitution in the cyclohexyl or cyclohexanone ring by one or more alkyl substituents, or
- (iv) by replacement of the phenyl ring with a thienyl ring,".

4. In paragraph 5, for "paragraph (1)(c)", substitute "any of subparagraphs (c) to (hd), or (k), of paragraph 1".

Interpretation.

5. (1) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Order throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

(2) A reference to an enactment is a reference to that enactment as from time to time amended, repealed and replaced, extended or applied by or under any other enactment.

Citation.

6. This Order may be cited as the Misuse of Drugs (Modification) Order, 2013.

Commencement.

7. This Order comes into force on the 1st October, 2013.

^b Ordres en Conseil Vol. XIII, p. 355.

Dated this 4th day of September 2013.



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Deputy Mark DOREY

Minister of the Health and Social Services Department

For and on behalf of the Department.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the list of drugs subject to control as Class B drugs in Part II of the First Schedule to the Law. These new additions have been identified as emerging drugs of concern by the law enforcement and health agencies of Guernsey. It is proposed that they be entered into the schedule at the same level as the UK has done. This will mean that possession of and dealing with these drugs would be treated as seriously in Guernsey as it would be in the UK, and similar controls would be applied over import and export.

Article 2 of this Order adds 2-((dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol, commonly known as *O*-desmethyltramadol, to the list of Class B drugs.

Article 3 adds new categories of substances to the list of Class B drugs: it adds new categories of synthetic cannabinoids, methoxetamine and other compounds related to ketamine and phencyclidine.

Methoxetamine was previously subject only to import and export controls under the Import (Control) (Guernsey) Order, 2010, Import (Control) (Alderney) Order, 2010 and the Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) Order, 2010, but when this Order comes into force that substance would be subject to stricter controls on controlled drugs carrying heavier penalties in the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 and the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972.

Article 4 has the effect that any ester or ether of a substance inserted by Article 4, or of the substance specified in paragraph 1(k) of Part II of the First Schedule to the Law, will be controlled as a Class B drug.

This Order will come into force on the 1st October, 2013.

