



GUERNSEY STATUTORY INSTRUMENT

2019 No. 78

The Misuse of Drugs (Modification No. 2) Order, 2019

<i>Made</i>	<i>3rd July, 2019</i>
<i>Coming into operation</i>	<i>4th July, 2019</i>
<i>Laid before the States</i>	<i>, 2019</i>

THE COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by sections 1(2), 6, 9, 21 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^a, section 1(2) of the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000^b and all other powers enabling it in that behalf, hereby orders: -

Amendment of First Schedule to the 1974 Law.

1. Part III of the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 is amended, in paragraph (1)(a) -

- (a) by inserting, immediately after "Flurazepam", "Gabapentin", and

^a Ordres en Conseil Vol. XXIV, p. 273; amended by Vol. XXVIII, p. 307; Vol. XXXI, pp. 47 and 278; Vol. XXXIII, p. 217; Vol. XXXIV, p. 172; Vol. XXXVI, p. 396; Order in Council Nos. III and No. VII of 2000; Nos. IV and XIII of 2006; Recueil d'Ordonnances Tome XX, p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV, pp. 38 and 325; Ordinance No. XXXIII of 2003; No. XLIII of 2010; No. XXV of 2011; No. XXII of 2015; No. IX of 2016; G.S.I. No. 19 of 1997; No. 5 of 2004; No. 42 of 2006; No. 20 of 2008; Nos. 22, 33 and 82 of 2010; No. 44 of 2012; No. 54 of 2013; No. 79 of 2014; No. 93 of 2015.

^b Order in Council No. III of 2000.

- (b) by inserting, immediately after "Prazepam",
"Pregabalin".

Amendment of the 1997 Ordinance.

2. The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c ("the Ordinance") is amended as follows.

3. Repeal section 14A(4) of the Ordinance.

4. In Schedule 3 to the Ordinance, in paragraph 1(a) –

- (a) immediately after "Flunitrazepam", insert "Gabapentin",
and

- (b) immediately after "Pipradrol", insert "Pregabalin".

5. In Schedule 5 to the Ordinance, for paragraph 10, substitute the following paragraph –

- "10. (1) Any preparation of cannabidiol which –
- (a) has its ingredients clearly labelled,
 - (b) does not contain any plant material visible to the naked eye,
 - (c) does not contain any controlled drug other than cannabinol or a cannabinol derivative,
 - (d) complies with the condition in subparagraph (2),

^c Recueil d'Ordonnances Tome XXVII, p. 247; amended by Ordinance No. XXXIII of 2003; No. XXV of 2009; No. IX of 2016; G.S.I. No. 5 of 2004; No. 42 of 2006; No. 20 of 2008; Nos. 22, 33, 82 and 98 of 2010; No. 44 of 2012; No. 79 of 2014; No. 93 of 2015; Nos. 1, 10 and 36 of 2018; No. 67 of 2019.

- (e) if it is being imported, supplied or (as the case may be) offered to be supplied in the course of a business, satisfies the condition in subparagraph (3), and
- (f) if it is being imported other than in the course of a business, satisfies the condition in subparagraph (4).

(2) A preparation complies with the condition in this subparagraph if it contains –

- (a) relative to its total weight –
 - (i) not more than 2.5% cannabidiol, and
 - (ii) not more than 0.1% cannabinoles and cannabinoles derivatives in aggregate, or
- (b) relative to the total weight of its cannabidiol content, not more than 3% cannabinoles and cannabinoles derivatives in aggregate.

(3) A preparation satisfies the condition in this subparagraph if its compliance with the condition in subparagraph (2) is attested to by –

- (a) an official certificate of analysis for the preparation that is demonstrably and clearly linked to that preparation by batch or lot number or otherwise, or
- (b) a certificate or statement concerning the preparation provided by the States Analyst.

(4) A preparation satisfies the condition in this subparagraph if the Chief Revenue Officer or the Chief Pharmacist is satisfied (whether by attestation in accordance with subparagraph (3) or otherwise) that the preparation complies with the condition in subparagraph (2)."

Citation.

6. This Order may be cited as the Misuse of Drugs (Modification No. 2) Order, 2019.

Commencement.

7. This Order comes into force on the 4th July, 2019.

Dated this 3rd day of July, 2019



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Deputy Heidi Soulsby

President of the Committee *for* Health & Social Care

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 ("**the Law**") and the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 ("**the Ordinance**").

Article 1 of this Order amends Part III of the First Schedule to the Law by inserting Gabapentin and Pregabalin in paragraph 1(a) of that part. This amendment makes Gabapentin and Pregabalin Class C controlled drugs under the Law.

Article 2 of this Order introduces the amendments to the Ordinance made by articles 3, 4 and 5 of this Order.

Article 3 of this Order repeals subsection (4) of section 14A of the Ordinance, which exempts from the restrictions in section 14 of the Ordinance cannabis-based product for medicinal use in humans administered to animals for research purposes.

Article 4 of this Order inserts Gabapentin and Pregabalin into Schedule 3 to the Ordinance. This allows certain medical and healthcare professionals and other persons to prescribe, produce, supply, offer to supply, administer or possess these drugs, subject to record-keeping requirements prescribed in the Ordinance.

Article 5 of this Order replaces paragraph 10 of Schedule 5 to the Ordinance (which exempts certain cannabidiol preparations from prohibitions relating to import, export, and supply) with a revised paragraph.

The revised paragraph 10 retains the existing requirements for these cannabidiol preparation to have clearly labelled ingredients, not to contain any plant material visible to the naked eye and not to contain any other drug other than cannabinoil or cannabinoil derivatives.

However, the revised paragraph 10 provides an alternative threshold for the maximum allowable content of cannabinoil and cannabinoil derivatives. Currently, a cannabidiol preparation is only allowed to contain not more than 3% cannabinoil and cannabinoil derivatives in aggregate relative to the total weight of its cannabidiol content. The revised paragraph 10 provides an alternative content threshold that applies where a preparation contains not more than 2.5% cannabidiol relative to its *total weight*. In this case, the preparation is allowed to contain up to 0.1% cannabinoil and cannabinoil derivatives in aggregate relative to the *total weight of the preparation*, as this level of content is considered to be relatively harmless.

In addition, the revised paragraph 10 would require attestation as to the content threshold by an official certificate or a statement by the States Analyst only where the preparation is imported, supplied or offered to be supplied *in the course of a business*.

In the case of importation other than in the course of a business, the preparation needs to satisfy the Chief Revenue Officer or the Chief Pharmacist (whether by attestation or otherwise) that the preparation meets the content threshold.

Lastly, the revised paragraph 10 requires attestation by an official certificate of analysis to be demonstrably and clearly linked to a particular preparation by batch or lot number or otherwise.

Articles 6 and 7 are the citation and commencement provisions respectively.

This Order will come into force on the 4th July, 2019.