

The Misuse of Drugs (Modification No. 2) Order, 2020

Made 1st October , 2020

Coming into operation 5th October , 2020

Laid before the States

THE COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by sections 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 the 1997 Ordinance.

1. The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c ("the Ordinance") is amended by inserting, immediately after section 5 of the Ordinance, the following section –

^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 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; No. 78 of 2019; the Misuse of Drugs (Modification) Order, 2020.

^b Order in Council No. III of 2000.

^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; Nos. 67 and 78 of 2019; the Misuse of Drugs (Modification) Order, 2020.

"Supply of articles for administering or preparing controlled drugs.

5A. (1) Despite section 8A(1) and (3) of the Law, any person specified in subsection (2) may, when acting in the person's capacity as such, supply or offer to supply all or any of the following articles –

- (a) a swab,
 - (b) utensils for the preparation of a controlled drug,
 - (c) citric acid,
 - (d) a filter,
 - (e) ampoules of water for injection, only when supplied or offered for supply in accordance with the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law 2009 and any enactment made under it, or
 - (f) ascorbic acid.
- (2) The persons referred to in subsection (1) are –
- (a) a practitioner,
 - (b) a pharmacist,
 - (c) a person employed or engaged in the lawful provision of drug treatment services,
 - (d) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, and

(e) a nurse independent prescriber.

(3) Despite the provisions of section 8A(1) and (3) of the Law, a person employed or engaged in the lawful provision of drug treatment services may, when acting in that capacity, supply or offer to supply aluminium foil in the context of structured steps –

(a) to engage a patient in a drug treatment plan, or

(b) which form part of a patient's drug treatment plan.

(4) In this section, "drug treatment plan" means a written plan relating to the treatment of an individual patient and agreed by the patient and the person employed in the lawful provision of drug treatment services."

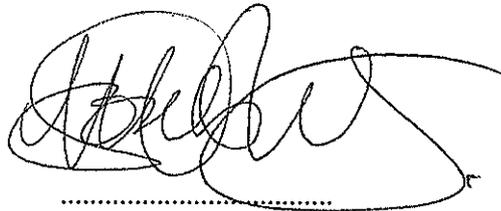
Citation.

2. This Order may be cited as the Misuse of Drugs (Modification No. 2) Order, 2020.

Commencement.

3. This Order comes into force on the 5th October, 2020.

Dated this 1st of October 2020



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) Ordinance, 1997 ("the Ordinance").

Article 1 inserts a new section 5A in the Ordinance, which provides that practitioners, pharmacists and persons employed or engaged in the lawful provision of drug treatment services may, where the articles detailed in the new section 5A(1)(a) to (e) are believed to be used for the purposes of administering or preparing controlled drugs, lawfully supply or offer to supply these articles. Ampoules of water for injection are a prescription only medicine and may only be supplied in accordance with the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law 2009 and any enactment made under it. The current enactment is the Prescription Only Medicines (Bailiwick of Guernsey) Ordinance 1997.

This Order will come into force on the 5th October, 2020.