



Jersey

## MISUSE OF DRUGS (MISCELLANEOUS AMENDMENTS) (No. 9) (JERSEY) ORDER 2021

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*Made*

24th November 2021

*Coming into force*

1st December 2021

**THE MINISTER FOR HEALTH AND SOCIAL SERVICES**, after consultation with the Advisory Council on the Misuse of Drugs, makes this Order under Articles 5, 8, 12, 13 and 27 of the [Misuse of Drugs \(Jersey\) Law 1978](#) –

### **1 Schedule to the [Misuse of Drugs \(Designation\) \(Jersey\) Order 1989](#) amended**

- (1) In paragraph 1(a) of Part 1 (controlled drugs to which Article 12(4) of the Law applies) of the Schedule to the [Misuse of Drugs \(Designation\) \(Jersey\) Order 1989](#), the following is deleted –
  - “Cannabinol (not falling within paragraph 5 or 6 of Part 2)
  - Cannabinol derivatives (not falling within paragraph 5 or 6 of Part 2), other than dronabinol or a stereoisomer of dronabinol
  - Cannabis (not falling within paragraph 4 or 5 of Part 2)
  - Cannabis resin (not falling within paragraph 5 of Part 2)”.
- (2) In Part 2 of that Schedule, paragraphs 4, 5 and 6 are deleted.

### **2 [Misuse of Drugs \(General Provisions\) \(Jersey\) Order 2009](#) amended**

Article 3 to 14 amend the [Misuse of Drugs \(General Provisions\) \(Jersey\) Order 2009](#).

### **3 Article 1(1) (interpretation) amended**

- (1) Paragraphs (2) to (6) amend Article 1(1).
- (2) For the definition “nurse independent prescriber” there is substituted –
  - “ “nurse independent prescriber” means a nurse as described in paragraph (1A);”.
- (3) After the definition “operating department practitioner” there is inserted –

- “ “paramedic independent prescriber” means a paramedic as described in paragraph (1A);
- “pharmacist independent prescriber” means a pharmacist as described in paragraph (1A);
- “physiotherapist independent prescriber” means a physiotherapist as described in paragraph (1A);
- “podiatrist independent prescriber” means a podiatrist as described in paragraph (1A);”.
- (4) In the definition “prescription” for sub-paragraph (d) there is inserted –
- “(d) by a registered independent prescriber for the medical treatment of a single individual;”.
- (5) After the definition “registered ambulance paramedic” there is inserted –
- “ “registered independent prescriber” means a nurse independent prescriber, paramedic independent prescriber, pharmacist independent prescriber, physiotherapist independent prescriber, podiatrist independent prescriber or therapeutic radiographer independent prescriber;”.
- (6) After the definition “Shipping Law” there is inserted –
- “ “therapeutic radiographer independent prescriber” means a radiographer as described in paragraph (1A);”.
- (7) After paragraph (1) there is inserted –
- “(1A) a registered independent prescriber falls under this paragraph if that person is –
- (a) registered in respect of that occupation under the [Health Care \(Registration\) \(Jersey\) Law 1995](#);
  - (b) a person whose entry on the register established and maintained under Article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom (S.I. 2000/253) indicates that he or she is, or may act as, a supplementary prescriber only;
  - (c) a person whose entry on the register established and maintained under Article 19 of the Pharmacy Order 2010 of the United Kingdom (S.I. 2010/231) indicates that he or she is, or may act as, a supplementary prescriber only; or
  - (d) a person whose entry on the register established and maintained under Article 5 of the Health Professions Order 2001 (S.I. 2002/254) of the United Kingdom indicates that he or she is, or may act as, a supplementary prescriber only.”.

#### **4 Article 4 (general authority to supply and possess) amended**

For Article 4(1)(b) there is substituted –

- “(b) if a person has in his or her possession a Schedule 2 drug, a Schedule 3 drug, a Schedule 4 drug or a Schedule 5 drug that has been supplied by or on the prescription of a practitioner or registered independent prescriber for the treatment of that person, or of a

person whom that person represents, the person may supply the drug to a doctor, dentist or pharmacist for destruction;”.

## 5 Article 5 (administration of Schedules 2, 3, 4 and 5 drugs) amended

- (1) Paragraphs (2) to (4) amend Article 5.
- (2) In paragraph (2) after “dentist” there is inserted “, pharmacist independent prescriber”.
- (3) After paragraph (2) there is inserted –
  - “(2A) A paramedic independent prescriber may administer to the paramedic’s patient –
    - (a) codeine;
    - (b) fentanyl;
    - (c) midazolam; or
    - (d) morphine.
  - (2B) A physiotherapist independent prescriber may administer to the physiotherapist’s patient –
    - (a) dihydrocodeine;
    - (b) fentanyl;
    - (c) morphine;
    - (d) oxycodone; or
    - (e) temazepam.
  - (2C) A podiatrist independent prescriber may administer to the podiatrist’s patient –
    - (a) dihydrocodeine; or
    - (b) temazepam.
  - (2D) A therapeutic radiographer prescriber may administer to the radiographer’s patient –
    - (a) codeine;
    - (b) fentanyl;
    - (c) midazolam;
    - (d) morphine;
    - (e) oxycodone;
    - (f) temazepam; or
    - (g) tramadol.”.
- (4) For paragraph (3) there is substituted –
  - “(3) A person may administer a Schedule 2 drug, Schedule 3 drug or Schedule 4 drug to a patient in accordance with the directions of –
    - (a) a doctor, dentist, pharmacist independent prescriber or nurse independent prescriber;
    - (b) a paramedic independent prescriber, but only in relation to those drugs listed in paragraph (2A);

- (c) a physiotherapist independent prescriber, but only in relation to those drugs listed in paragraph (2B);
- (d) a podiatrist independent prescriber, but only in relation to those drugs listed in paragraph (2C); or
- (e) a therapeutic radiographer independent prescriber, but only in relation to those drugs listed in paragraph (2D).”.

## **6 Article 6 (production and supply of Schedules 2, 3, 4 and 5 drugs) amended**

- (1) Paragraphs (2) to (4) amend Article 6.
- (2) After paragraph (2B) there is inserted –
  - “(2C) A paramedic independent prescriber, or a person acting in accordance with his or her written directions, may, for the purpose of administering it to the paramedic’s patient, compound –
    - (a) codeine;
    - (b) fentanyl;
    - (c) midazolam; or
    - (d) morphine.
  - (2D) A physiotherapist independent prescriber, or a person acting in accordance with his or her written directions, may, for the purpose of administering it to the physiotherapist’s patient, compound –
    - (a) dihydrocodeine;
    - (b) fentanyl;
    - (c) morphine;
    - (d) oxycodone; or
    - (e) temazepam.
  - (2E) A podiatrist independent prescriber, or a person acting in accordance with his or her written directions, may, for the purpose of administering it to the podiatrist’s patient, compound –
    - (a) dihydrocodeine; or
    - (b) temazepam.
  - (2F) A therapeutic radiographer independent prescriber, or a person acting in accordance with his or her written directions, may, for the purpose of administering it to the radiographer’s patient, compound –
    - (a) codeine;
    - (b) fentanyl;
    - (c) midazolam;
    - (d) morphine;
    - (e) oxycodone;
    - (f) temazepam; or
    - (g) tramadol.”.
- (3) After paragraph (4)(j) there is inserted –

- “(k) a paramedic independent prescriber, but only in relation to –
    - (i) codeine,
    - (ii) fentanyl,
    - (iii) midazolam, or
    - (iv) morphine;
  - (l) a physiotherapist independent prescriber, but only in relation to –
    - (i) dihydrocodeine,
    - (ii) fentanyl,
    - (iii) morphine,
    - (iv) oxycodone, or
    - (v) temazepam;
  - (m) a podiatrist independent prescriber, but only in relation to –
    - (i) dihydrocodeine, or
    - (ii) temazepam;
  - (n) a therapeutic radiographer independent prescriber, but only in relation to –
    - (i) codeine,
    - (ii) fentanyl,
    - (iii) midazolam,
    - (iv) morphine,
    - (v) oxycodone,
    - (vi) temazepam, or
    - (vii) tramadol.”
- (4) In paragraph (5) –
- (a) in sub-paragraph (c) for “or nurse independent prescriber” there is substituted “, nurse independent prescriber or pharmacist independent prescriber”;
  - (b) in sub-paragraph (d) for “or nurse independent prescriber” there is substituted “, nurse independent prescriber or pharmacist independent prescriber”.

## **7 Article 7 (possession of Schedules 2, 3 and 4 drugs) amended**

In Article 7, in the following places, for “or nurse independent prescriber” there is substituted “or registered independent prescriber” –

- (a) paragraph (2);
- (b) paragraph (3), in the introductory text and in sub-paragraphs (a) and (b);
- (c) paragraph (4)(a).

**8 Article 13 (documents to be obtained by a person supplying controlled drugs to certain persons)**

In Article 13 –

- (a) in paragraph (4)(a), for “or nurse independent prescriber” there is substituted “, nurse independent prescriber or pharmacist independent prescriber”;
- (b) in paragraph (6)(a) for “or nurse independent prescriber” there is substituted “, nurse independent prescriber or pharmacist independent prescriber”.

**9 Article 17 (provisions as to supply on prescription) amended**

For Article 17(2)(b) there is substituted –

- “(b) an address in Jersey is specified in the prescription as –
  - (i) the address of the person issuing it, or
  - (ii) the address of the person for whose treatment the prescribed drug is to be supplied.”.

**10 Article 26 (prescription records for Schedules 2 and 3 drugs) amended**

In Article 26, in the following places, for “or nurse independent prescriber” there is substituted “or registered independent prescriber” –

- (a) paragraph (2);
- (b) paragraph (3);
- (c) paragraph (4).

**11 Article 28 (preservation of registers, books and other documents) amended**

In Article 28(4), for “or nurse independent prescriber” there is substituted “or registered independent prescriber”.

**12 Article 29 (furnishing of information with respect to controlled drugs) amended**

After Article 29(1)(i) there is inserted –

- “(j) a paramedic independent prescriber;
- (k) a physiotherapist independent prescriber;
- (l) a podiatrist independent prescriber;
- (m) a therapeutic independent prescriber.”.

**13 Article 30 (furnishing of information to the Medical Officer) amended**

In Article 30, in both places in which it appears, for “or nurse independent prescriber” there is substituted “or registered independent prescriber”.



**14 Paragraph 10 of Schedule 2 amended**

For paragraph 10 of Schedule 2 there is substituted –

“10 A cannabis based product for medicinal use in humans, being a preparation or other product which –

- (a) is or contains cannabis, cannabis resin, cannabidiol or a cannabidiol derivative (not being dronabinol or its stereoisomers);
- (b) is produced for medicinal use in humans; and
- (c) is –
  - (i) a medicinal product which is manufactured in compliance with Commission Directive 2003/94/EC of 8 October 2003 laying down the principles and guidelines of good manufacturing practice in respect of medicinal products for human use and investigational medicinal products for human use (OJ L 262, 14.10.2003, p. 22), as amended, substituted, extended or applied from time to time by any other EU provision, or as that Regulation otherwise has effect in the EU from time to time by virtue of any judgment of the European Court, or
  - (ii) a substance or preparation for use as an ingredient in, or in the production of an ingredient of, a medicinal product which is manufactured in compliance with that Directive.”.

**15 Citation and commencement**

This Order may be cited as the Misuse of Drugs (Miscellaneous Amendments) (No. 9) (Jersey) Order 2021 and comes into force 7 days after it is made.

**DEPUTY R.J. RENOUF OF ST. OUEN**

*Minister for Health and Social Services*