MISUSE OF DRUGS (GENERAL PROVISIONS) (JERSEY) ORDER 1989

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Arrangement

Article

Supporting Documents

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THE HEALTH AND SOCIAL SERVICES COMMITTEE, in pursuance of Articles 4, 5, 8, 12, 13, 23 and 27 of the Misuse of Drugs (Jersey) Law 1978,[1] and after consultation with the Advisory Council on the Misuse of Drugs, orders as follows –

Commencement [see endnotes]

PART 1

GENERAL

1 Interpretation

(1) In this Order, unless the context otherwise requires –

"certified midwife" means a person authorized to exercise the profession of midwife in Jersey under the Loi (1922) sur la Santé Publique (Sages-femmes);[2]

"Committee" means the Health and Social Services Committee;

"document" includes, in addition to a document in writing –

(a) any map, plan, graph or drawing;

(b) any photograph;

(c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and

(d) any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom;

"health prescription" means a prescription issued under the Health Insurance (Jersey) Law 1967;[3]

"Law" means the Misuse of Drugs (Jersey) Law 1978;[4]

"master" and "seamen" have the same meanings as in the Merchant Shipping Act 1894 of the United Kingdom;

"Medical Officer" means the Medical Officer of Health appointed under Article 10 of the Loi (1934) sur la Santé Publique[5] or a duly qualified medical practitioner acting under the Medical Officer of Health's direction for the purposes of this Order;

"Merchant Shipping Acts" means the Merchant Shipping Acts 1894 to 1984 of the United Kingdom;

"nursing officer" means the senior nurse responsible for a particular hospital or nursing home and includes any male nurse occupying a similar position;

"prescription" means a prescription issued by a doctor for the medical treatment of a single individual, by a dentist for the dental treatment of a single individual or by a veterinary surgeon or veterinary practitioner for the purposes of animal treatment;

"prescription card" means a card required to be maintained in pursuance of Article 21;[6]

"register" means a bound book and does not include any form of loose-leaf register or card index;

"registered premises" means premises registered under Part 2 of the Pharmacy and Poisons (Jersey) Law 1952;[7]

"retail dealer" means a person lawfully conducting a retail pharmacy business;

"sister or acting sister" in relation to a hospital or nursing home includes any male nurse occupying a similar position;

"wholesale dealer" means a person who carries on the business of selling drugs to persons who buy to sell again.

(2) This Order shall be construed as one with the Law.

2 Specification of controlled drugs for purposes of Order

Schedules 1 to 5 shall have effect for the purpose of specifying the controlled drugs to which certain provisions of this Order apply.

PART 2

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE LAW

3 Exemption for Schedule 4 and 5 drugs and poppy-straw

(1) Article 4(1) of the Law shall not have effect in relation to the controlled drugs specified in Schedule 5.[8]

(2) Article 8(1) of the Law shall not have effect in relation to the drugs specified in Schedule 5.[9]

(3) Articles 5 and 8(1) of the Law shall not apply to poppy-straw.

4 Provisions as to licences

Where any person is authorized by licence issued by the Committee under this Article and for the time being in force to produce, supply, offer to supply or have in the person's possession any controlled drug, it shall not by virtue of Article 5 or 8(1) of the Law be unlawful for that person to produce, supply, offer to supply or have in the person's possession that drug in accordance with the terms of the licence and in compliance with any conditions attached thereto.

5 General authority to supply and possess

(1) Notwithstanding the provisions of Article 5(b) of the Law, any person who is lawfully in possession of a controlled drug may supply that drug to the person from whom it was obtained.

(2) Notwithstanding the provisions of Article 5(b) of the Law, any person who has in his or her possession a drug specified in Schedule 2, 3, 4 or 5, which has been supplied by or on the prescription of a practitioner for the treatment of that person, or of a person whom he or she represents, may supply that drug to any doctor, dentist or pharmacist for the purpose of destruction.

(3) Notwithstanding the provisions of Article 5(b) of the Law, any person who is lawfully in possession of a drug specified in Schedule 2, 3, 4 or 5 which has been supplied by or on the prescription of a veterinary surgeon for the treatment of animals may supply that drug to any veterinary surgeon or pharmacist for the purpose of destruction.

(4) Notwithstanding the provisions of Article 5(b) of the Law, any of the persons specified in paragraph (6) may supply any controlled drug to any person who may lawfully have that drug in the person's possession.

(5) Notwithstanding the provisions of Article 8(1) of the Law, any of the persons so specified may have any controlled drug in the person's possession.

(6) The persons referred to in paragraphs (4) and (5) are –

(a) a person in the employ of the Crown or any administration of the States or a police officer when acting in the course of his or her duty as such;

(b) a person engaged in the business of a carrier when acting in the course of that business;

(c) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of the person's duty as a person so engaged;

(d) a person engaged in conveying the drug to a person authorized by this Order to have it in the person's possession.

6 Administration of Schedules 2, 3, 4 and 5 drugs

(1) Any person may administer to another any drug specified in Schedule 5.

(2) A doctor or dentist may administer to a patient any drug specified in Schedule 2, 3 or 4.

(3) Any person, other than a doctor or dentist, may administer to a patient in accordance with the directions of a doctor or dentist, any drug specified in Schedule 2, 3, or 4.

7 Production and supply of Schedules 2 and 5 drugs

(1) A practitioner or pharmacist, acting in a capacity as such, may manufacture or compound any drug specified in Schedule 2 or 5.

(2) A person lawfully conducting a retail pharmacy business and acting in the person's capacity as such may, at the registered premises at which the person carries on that business, manufacture or compound any drug specified in Schedule 2 or 5.

(3) Any of the following persons, that is to say –

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a retail pharmacy business;

(d) the nursing officer or acting nursing officer of a hospital or nursing home which is under the administration of the States;

(e) in the case of such a drug supplied to a sister or acting sister by a person responsible for the dispensing and supply of medicines at the hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or other department in such a hospital or nursing home;

(f) a person who is in charge of a laboratory the recognized activities of which consist in, or include, the conduct of scientific education or research and which is attached to a hospital or to any other institution approved for the purpose by the Committee;

(g) an official analyst within the meaning of the Food Safety (Jersey) Law 1966;[10]

(h) an authorized officer, within the meaning of the Food Safety (Jersey) Law 1966;

(i) an inspector within the meaning of Article 17 of the Pharmacy and Poisons (Jersey) Law 1952,[11]

may, when acting in the person's capacity as such, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his or her possession:

Provided that nothing in this paragraph shall authorize –

(i) the nursing officer or acting nursing officer of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug,

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a doctor or dentist.

(4) The owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it may supply or offer to supply any drug specified in Schedule 2 or 5 –

(a) for the purpose of compliance with any of the provisions of the Merchant Shipping Acts, to any person on that ship;

(b) to any person who may lawfully supply that drug to the owner or master of a ship; or

(c) to any person authorized to be in possession of the drug for the purpose of destruction.

8 Production and supply of Schedules 3 and 4 drugs

(1) A practitioner or pharmacist, acting in his or her capacity as such, may manufacture or compound any drug specified in Schedule 3 or 4.

(2) A person lawfully conducting a retail pharmacy business and acting in the person's capacity as such may, at the registered premises at which the person carries on that business, manufacture or compound any drug specified in Schedule 3 or 4.

(3) Any of the following persons, that is to say –

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a retail pharmacy business;

(d) the nursing officer or acting nursing officer of a hospital or nursing home;

(e) in the case of such a drug supplied to the sister or acting sister by a person responsible for the dispensing and supply of medicines at the hospital or nursing home, the sister or acting sister for the time

being in charge of a ward, theatre or other department in a hospital or nursing home;

(f) a person in charge of a laboratory the recognized activities of which consist in, or include, the conduct of scientific education or research;

(g) an official analyst within the meaning of Food Safety (Jersey) Law 1966;

(h) an authorized officer within the meaning of the Food Safety (Jersey) Law 1966;

(i) an inspector within the meaning of Article 17 of the Pharmacy and Poisons (Jersey) Law 1952,

may, when acting in his or her capacity as such, supply or offer to supply any drug specified in Schedule 3 or 4 to any person who may lawfully have that drug in the person's possession:

Provided that nothing in this paragraph shall authorize –

(i) the nursing officer or acting nursing officer of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug,

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a doctor or dentist.

(4) The owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it may supply or offer to supply any drug specified in Schedule 3 or any drug specified in Schedule 4 which is contained in a medicinal product for the purpose of compliance with the Merchant Shipping Acts to any person on that ship or to any person who may lawfully supply that drug to the owner or master of a ship.

(5) Notwithstanding the provisions of Article 5(b) of the Law, a person in charge of a laboratory may, when acting in the person's capacity as such, supply or offer to supply any drug specified in Schedule 3 which is required for use as a buffering agent in chemical analysis to any person who may lawfully have that drug in the person's possession.

9 Possession of Schedules 2, 3, and 4 drugs

(1) Any person specified in Article 7(3) may have in his or her possession any drug specified in Schedule 2 for the purpose of acting in his or her capacity as a person so specified.

(2) Any person specified in Article 8(3) may have in his or her possession any drug specified in Schedule 3 or 4 for the purpose of acting in his or her capacity as a person so specified.

(3) A person may have in his or her possession any drug specified in Schedule 2, 3 or 4 for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner:

Provided that this paragraph shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a doctor if –

(a) that person was then being supplied with any controlled drug by or on the prescription of another doctor and failed to disclose that fact to the first mentioned doctor before the supply by the doctor or on the doctor's prescription; or

(b) that person or any other person on the person's behalf made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.[12]

(4) The owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it may have in the owner's or master's possession any drug specified in Schedule 2 or 3 so far as is necessary for the purpose of compliance with the Merchant Shipping Acts.

(5) The master of a foreign ship which is in a port in Jersey may have in the master's possession any drug specified in Schedule 2 or 3 so far as is necessary for the equipment of the ship.

10 Exemption for midwives

(1) Subject to the provisions of this Article a certified midwife may –

(a) so far as is necessary to his or her professional practice, have in his or her possession;

(b) so far as necessary as aforesaid, administer; and

(c) surrender to the Medical Officer such stocks in the midwife's possession as are no longer required by him or her of,

any controlled drug which the midwife may, under and in accordance with the provisions of a licence issued for the purpose of this Article, lawfully administer.

(2) Nothing in paragraph (1) shall authorize a midwife to have in his or her possession any drug which has been obtained otherwise than on a midwife's supply order signed by the Medical Officer.

(3) In this Article "midwife's supply order" means an order in writing specifying the name and occupation of the midwife obtaining the drug, the purpose for which it is required and the total quantity to be obtained.

11 Cultivation under licence of cannabis plant

Where any person is authorized by a licence of the Committee issued under this Article and for the time being in force to cultivate plants of the genus *Cannabis*, it shall not be unlawful for that person to cultivate any such plant in accordance

with the terms of the licence and in compliance with any conditions attached thereto.

12 Exemption for authorised needle supply services[13]

A person does not commit an offence against any provision of the Law by reason only that, in the course of acting on behalf of a service provided by or on behalf of the States for the purpose of enabling the supply of syringes, and associated articles, so as to reduce the spread of disease, he or she supplies any of the following –

(a) sterile syringes and needles;

(b) swabs;

(c) utensils for the preparation of a controlled drug;

(d) citric acid;

(e) filters;

(f) ampoules of sterile water.

PART 3

REQUIREMENTS AS TO DOCUMENTATION AND RECORD KEEPING

13 Documents to be obtained by supplier of controlled drugs

(1) Where a person (in this paragraph referred to as the "supplier"), not being a practitioner, supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug to a person who –

(a) purports to be sent by or on behalf of the person to whom it is supplied (hereafter in this paragraph referred to as the "recipient"); and

(b) is not authorized by any provision of this Order other than the provisions of Article 5(5) and (6)(d) to have that drug in his or her possession,

unless that person produces to the supplier a statement in writing signed by the recipient to the effect that the person is empowered by the recipient to receive that drug on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) Where a person (in this paragraph referred to as the "supplier") supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in paragraph (3), the supplier shall not deliver the drug –

(a) until the supplier has obtained a requisition in writing which –

(i) is signed by the person to whom the drug is supplied (in this paragraph referred to as the "recipient"),

(ii) states the name, address and profession or occupation of the recipient,

(iii) specifies the purpose for which the drug supplied is required and the total quantity to be supplied, and

(iv) where appropriate, satisfies the requirements of paragraph (4);

(b) unless the supplier is reasonably satisfied that the signature is that of the person purporting to have signed the requisition and that that person is engaged in the profession or occupation specified in the requisition.

(3) The persons referred to in paragraph (2) are –

(a) a practitioner;

(b) the nursing officer or acting nursing officer of a hospital or nursing home;

(c) a person who is in charge of a laboratory the recognized activities of which consists in, or include, the conduct of scientific education or research;

(d) the owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it;

(e) the master of a foreign ship in a port in Jersey.

(4) A requisition furnished for the purposes of paragraph (2) shall –

(a) where furnished by the nursing officer or acting nursing officer of a hospital or nursing home, be signed by a doctor or dentist employed or engaged in that hospital or nursing home;

(b) where furnished by the master of a foreign ship, contain a statement, signed by the medical officer, that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship.

(5) Where the person responsible for the dispensing and supply of medicines at any hospital or nursing home supplies a controlled drug to the sister or acting sister for the time being in charge of any ward, theatre or other department in that hospital or nursing home (in this paragraph referred to as the "recipient") the person shall –

(a) obtain a requisition in writing, signed by the recipient, which specifies the total quantity of the drug to be supplied; and

(b) mark the requisition in such manner as to show that it has been complied with,

and any requisition obtained for the purposes of this paragraph shall be retained in the dispensary at which the drug was supplied and a copy of the requisition or a note of it shall be retained or kept by the recipient.

(6) Nothing in this Article shall have effect in relation to –

(a) the drugs specified in Schedule 4 or 5 or poppy-straw;

(b) any drug specified in Schedule 3 contained in or comprising a preparation –

(i) which –

(A) is required for use as a buffering agent in chemical analysis,

(B) has present in it both a substance specified in paragraph 1 or 2 of that Schedule and a salt of that substance, and

(C) is premixed in a kit, and

(ii) where the recipient is a person in charge of a laboratory.

14 Form of prescriptions

(1) Subject to the provisions of this Article, a person shall not issue a prescription containing a controlled drug other than a drug specified in Schedule 4 or 5 unless the prescription complies with the following requirements, that is to say, it shall –

(a) be in ink or otherwise so as to be indelible and be signed by the person issuing it with the person's usual signature and dated by the person;

(b) insofar as it specifies the information required by sub-paragraphs (e) and (f) to be specified, be written by the person issuing it in the person's own handwriting;

(c) except in the case of a health prescription, specify the address of the person issuing it;

(d) have written thereon, if issued by a dentist, the words "for dental treatment only" and, if issued by a veterinary surgeon, a declaration that the controlled drug is prescribed for an animal or herd under the person's care;

(e) specify the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary surgeon, of the person to whom the controlled drug prescribed is to be delivered;

(f) specify the dose to be taken and –

(i) in the case of a prescription containing a controlled drug which is a preparation, the form and, where appropriate, the strength of the preparation, and either the total quantity (in both words and figures) of the preparation or the number (in both words and figures) of dosage units, as appropriate, to be supplied,

(ii) in any other case, the total quantity (in both words and figures) of the controlled drug to be supplied;

(g) in the case of a prescription for a total quantity intended to be dispensed by instalments, contain a direction specifying the amount of the instalments of the total amount which may be dispensed and the intervals to be observed when dispensing.

(2) Paragraph (1)(b) shall not have effect in relation to a prescription issued by a person approved (whether personally or as a member of a class) for the purposes of this paragraph by the Medical Officer of Health.[14]

(3) For the purposes of this Article the dosage, strength and quantity of a drug shall be specified in the metric system.

(4) In the case of a prescription issued for the treatment of a patient in a hospital, it shall be a sufficient compliance with paragraph (1)(e) if the prescription is written on the patient's ward chart.

15 Provisions as to supply on prescription

(1) A person shall not supply a controlled drug other than a drug specified in Schedule 4 or 5 on a prescription –

(a) unless the prescription complies with the provisions of Article 14;

(b) unless the address specified in the prescription as the address of the person issuing it is an address within Jersey;

(c) unless the person either is acquainted with the signature of the person by whom it purports to be issued and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to be satisfied himself or herself that it is genuine;

(d) before the date specified in the prescription;

(e) subject to the provisions of paragraph (3), later than 4 weeks after the date specified in the prescription.

(2) Subject to the provisions of paragraph (3), a person supplying a prescription containing a controlled drug other than a drug specified in Schedule 4 or 5 shall, at the time of supply, mark thereon the date on which it is supplied and, unless it is a health prescription, shall retain it on the premises on which it was supplied.

(3) In the case of a prescription containing a controlled drug other than a drug specified in Schedule 4 or 5, which contains a direction that specified instalments of the total amount may be supplied at stated intervals, the person supplying the drug shall not do so otherwise than in accordance with that direction and –

(a) paragraph (1) shall have effect as if for the requirement contained in sub-paragraph (e) thereof there were substituted a requirement that the occasion on which the first instalment is supplied shall not be later than 4 weeks after the date specified in the prescription;

(b) paragraph (2) shall have effect as if for the words "at the time of the supply" there were substituted the words "on each occasion on which an instalment is supplied".

16 Marking of bottles and other containers

(1) Subject to the provisions of paragraph (2), no person shall supply a controlled drug otherwise than in a bottle, package or other container which is plainly marked –

(a) in the case of a controlled drug other than a preparation, with the amount of the drug contained therein;

(b) in the case of a controlled drug which is a preparation –

(i) made up into tablets, capsules or other dosage units, with the amount of each component (being a controlled drug) of the preparation in each dosage unit and the number of dosage units in the bottle, package or other container,

(ii) not made up as aforesaid, with the total amount of the preparation in the bottle, package or other container and the percentage of each of its components which is a controlled drug.

(2) Nothing in this Article shall have effect in relation to –

(a) the drugs specified in Schedule 4 or 5 or to poppy-straw;

(b) any drug specified in Schedule 3 contained in or comprising a preparation which –

(i) is required for use as a buffering agent in chemical analysis,

(ii) has present in it both a substance specified in paragraph 1 or 2 of that Schedule and a salt of that substance, and

(iii) is premixed in a kit;

(c) the supply of a controlled drug by or on the prescription of a practitioner; or

(d) the supply of a controlled drug for administration in a clinical trial.

(3) In paragraph (2)(d) "clinical trial" means an investigation or series of investigations consisting of the administration of one or more medicinal products of a particular description –

(a) by, or under the direction of, a doctor or dentist to one or more patients of the doctor or dentist; or

(b) by, or under the direction of, 2 or more doctors or dentists, each product being administered by, or under the direction of, one or other of those doctors or dentists to one or more patients of the doctor or dentist,

where (in any such case) there is evidence that medicinal products of that description have effects which may be beneficial to the patient or patients in question and the administration of the product or products is for the purpose of ascertaining whether, or to what extent, the product has, or the products have, those or any other effects, whether beneficial or harmful.

17 Keeping of registers

(1) Subject to the provisions of paragraph (2) and of Article 19, every person authorized by or under Article 4 or 7 to supply any drug specified in Schedule 1 or 2 shall comply with the following requirements, that is to say –

(a) the person shall, in accordance with the provisions of this Article and of Article 18, keep a register and shall enter therein in chronological sequence in the form specified in Schedule 6, particulars of every quantity of a drug specified in Schedule 1 or 2 obtained by the person and of every quantity of such a drug

supplied (whether by way of administration or otherwise) by the person whether to persons within or outside Jersey;

(b) the person shall use a separate register or a separate part of the register for entries made in respect of each different formulation and strength of any drug specified in Schedules 1 and 2.

(2) The foregoing provisions of this Article shall not have effect in relation to –

(a) in the case of a drug supplied to the person for the purpose of destruction in pursuance of Article 5(2) or (3), a practitioner or pharmacist;

(b) a person licensed under Article 4 to supply any drug, where the licence so directs; or

(c) the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home.

18 Requirements as to registers

Any person required to keep a register under Article 17 shall comply with the following requirements, that is to say –

(a) the formulation and strength of the drug to which the entries on any page of any such register relate shall be specified at the head of that page;

(b) every entry required to be made under Article 17 in such a register shall be made on the day on which the drug is obtained or, as the case may be, on which the transaction in respect of the supply of the drug by the person required to make the entry takes place or, if that is not reasonably practicable, on the day next following that day;

(c) no cancellation, obliteration or alteration of any such entry shall be made, and a correction of such an entry shall be made only by way of marginal note or footnote which shall specify the date on which the correction is made;

(d) every such entry and every correction of such an entry shall be made in ink or otherwise so as to be indelible;

(e) such a register shall not be used for any purpose other than the purposes of this Order;

(f) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on the person's business or occupation, but subject to that not more than one register shall be kept at one time in respect of each formulation and strength of the drug in respect of which the person is required to keep a separate register, so, however, that a separate register may, with the approval of the Committee in writing, be kept in respect of each department of the business carried on by the person;

(g) every such register in which entries are currently being made shall be kept at the premises to which it relates.

19 Record-keeping requirements in particular cases

(1) Where a drug specified in Schedule 2 is supplied in accordance with Article 7(4)(a) to any person on a ship, an entry in the official log book required to be kept under the Merchant Shipping Acts or, in the case of a ship which is not required to carry such an official log book, a report signed by the master of the ship, shall, notwithstanding anything in this Order be a sufficient record of the supply if the entry or report specifies the drug supplied and, in the case of a report, it is delivered as soon as may be to the Medical Officer.

(2) A midwife authorized by Article 10 to have any drug specified in Schedule 2 in the midwife's possession shall –

(a) on each occasion on which the midwife obtains a supply of such a drug, enter in a book kept by the midwife and used solely for the purposes of this paragraph the date, name and address of the person from whom the drug was obtained, the amount obtained and the form in which it was obtained; and

(b) on administering such a drug to a patient, enter in the said book as soon as practicable the name and address of the patient, the amount administered and the form in which it was administered.

20 Record-keeping requirements in respect of drugs in Schedules 3 and 4

(1) Every person who is authorized under Article 4 to produce any drug specified in Schedule 3 or 4 shall make a record of each quantity of such a drug produced by the person.

(2) Every person who is authorized by or under any provision of the Law to import or export any drug specified in Schedule 3 shall make a record of each quantity of such a drug imported or exported by the person.

21 Prescription cards for Schedules 2 and 3 drugs[15]

(1) Subject to paragraph (2), a doctor or dentist shall maintain a prescription card for every individual for whom the doctor or dentist prescribes a specified drug.

(2) Paragraph (1) shall not apply to a doctor or dentist employed by the Committee who, in the course of his or her employment, prescribes a specified drug which is to be dispensed at the pharmaceutical department of the general hospital maintained and controlled by the Committee.

(3) There shall be stated on a prescription card the name of the individual to whom it relates.

(4) A doctor or dentist shall, in respect of every prescription for a specified drug issued by the doctor or dentist, enter on the prescription card for the individual the following particulars –

(a) the date of issue of the prescription;

(b) the name of the drug prescribed;

(c) the strength prescribed;

(d) the total quantity prescribed; and

(e) the dosage and frequency of administration prescribed.

(5) The particulars described in paragraph (4) shall be entered on the prescription card on the day on which the specified drug is prescribed or, if that is not reasonably practicable, on the following day.

(6) No cancellation, obliteration or alteration of any entry shall be made, and a correction of an entry shall be made only by way of marginal note or footnote which shall specify the date on which the correction is made.

(7) Every entry and every correction of an entry shall be made in ink or otherwise so as to be indelible.

(8) The prescription cards to be used by doctors and dentists shall be in such form, if any, as the Committee may approve.

(9) A prescription card shall not be used for any purpose other than the purposes of this Order and the Law.

(10) In this Article, "specified drug" means any drug specified in Schedule 2 or 3, but does not include any preparation of dihydrocodeine, being a preparation designed for oral administration, when compounded with one or more other active ingredients and containing not more than 21 milligrammes of dihydrocodeine (calculated as base) per dosage unit.

22 Preservation of registers, books and other documents

(1) All registers and books required to be kept in pursuance of Article 17 or 19(2) and all prescription cards shall be preserved for a period of 5 years from the date on which the last entry therein is made.[16]

(2) Every record made in pursuance of Article 20 shall be preserved for a period of 2 years from the date on which the record was made.

(3) Every requisition, order or prescription (other than a health prescription) on which a controlled drug is supplied in pursuance of this Order shall be preserved for a period of 2 years from the date on which the last delivery under it was made.

23 Preservation of records relating to drugs in Schedules 3 and 5

(1) A producer of any drug specified in Schedule 3 or 5 and a wholesale dealer in any such drug shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by the producer or wholesale dealer and in respect of each quantity of such a drug supplied by the producer or wholesale dealer.

(2) A retail dealer in any drug specified in Schedule 3, a person in charge or acting person in charge of a hospital or nursing home and a person in charge of a laboratory, shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by the retail dealer and in respect of each quantity of such a drug supplied by the retail dealer.

(3) A retail dealer in any drug specified in Schedule 5 shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by the retail dealer.

(4) Every invoice or other record which is required by this Article to be kept in respect of a drug specified in Schedule 3 shall contain information sufficient to identify the date of the transaction and the person by whom or to whom the drug was supplied.

(5) Every document kept in pursuance of this Article (other than a health prescription) shall be preserved for a period of 2 years from the date on which it is issued:

Provided that the keeping of a copy of the document made at any time during the said period of 2 years shall be treated for the purposes of this paragraph as if it were the keeping of the original document.

24 Furnishing of information with respect to controlled drugs

(1) The persons specified in paragraph (2) shall on demand made by the Committee or by any person authorized in writing by the Committee in that behalf –

(a) furnish such particulars as may be requested in respect of the producing, obtaining or supplying by the person of any controlled drug or in respect of any stock of such drugs in the person's possession;

(b) for the purpose of confirming any such particulars, produce any stock of such drugs in the person's possession;

(c) produce any register, book or document required to be kept under this Order relating to any dealings in controlled drugs which is in the person's possession.

(2) The persons referred to in paragraph (1) are –

(a) any person authorized by or under this Order to produce any controlled drug;

(b) any person authorized by or under any provision of the Law to import or export any controlled drug;

(c) a wholesale dealer;

(d) a retail dealer;

(e) a practitioner;

(f) the person in charge or acting person in charge of a hospital or nursing home;

(g) a person who is in charge of a laboratory.

(3) Nothing in this Article shall require the furnishing of personal records which a person has acquired or created in the course of the person's profession or occupation and which the person holds in confidence; and in this paragraph "personal records" means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating to the person's physical or mental health.

25 Furnishing of information to the Medical Officer[17]

A doctor or dentist shall, on demand made by the Medical Officer in writing, produce any prescription card maintained by the doctor or dentist for an individual specified in the demand.

26 Destruction of controlled drugs

(1) No person who is required by any provision of, or by any term or condition of a licence having effect under this Order to keep records with respect to a drug specified in Schedule 1, 2, 3 or 4 shall destroy such a drug or cause such a drug to be destroyed except in the presence of and in accordance with any directions given by a person authorized (whether personally or as a member of a class) for the purposes of this paragraph by the Committee (in this Article referred to as an "authorized person").

(2) An authorized person may, for the purpose of analysis, take a sample of any drug specified in Schedule 1, 2, 3 or 4 which is to be destroyed.

(3) Where a drug, specified in Schedule 1, 2, 3 or 4 is destroyed in pursuance of paragraph (1) by or at the instance of a person who is required by any provision of, or by any term or condition of a licence having effect under this Order to keep a record in respect of the obtaining or supply of that drug, that record shall include particulars of the date of destruction and the quantity destroyed and shall be signed by the authorized person in whose presence the drug is destroyed.

(4) Where the master or owner of a ship has possession of a drug specified in Schedule 2 which the master or owner no longer requires, the master or owner shall not destroy the drug or cause it to be destroyed but shall dispose of it to a police officer or to a person who may lawfully supply it.

(5) Nothing in paragraph (1) or (3) shall apply to the destruction of a drug which has been supplied to a practitioner or pharmacist for that purpose in pursuance of Article 5(2) and (3).

PART 4

CITATION

27 Citation

This Order may be cited as the Misuse of Drugs (General Provisions) (Jersey) Order 1989.

SCHEDULE 1

(Article 2)

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF ARTICLES 13, 14, 15, 16, 17, 18, 22, 24 AND 26

1 The following substances and products namely –

(a) Amphetamine

Bufotenine

Cannabinol

Cannabinol derivatives except dronabinol and except any sterio-isomer of dronabinol

Cannabis and cannabis resin

Cathinone

Coca leaf

Concentrate of poppy-straw

Eticyclidine

Etryptamine

Gammahydroxybutyrate

Lysergamide

Lysergide and other N-alkyl derivatives of lysergamide

Mescaline

Methcathinone

Methylamphetamine

Psilocin

Raw opium

Rolicyclidine

Tenocyclidine

4-Bromo-2,5-dimethoxy- α -methylphenethylamine

N,N-Diethyltryptamine

N,N-Dimethyltryptamine

2,5-Dimethoxy-α, 4-dimethylphenethylamine

N-Hydroxy-tenamphetamine

4-Methyl-aminorex

(b) any compound (not being a compound for the time being specified in sub-paragraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;

(c) any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a)) structurally derived from phenethylamine, an N-alkylphenethylamine, α methylphenethylamine, an N-alkyl- α-methylphenethylamine, α -ethylphenethylamine, or an N-alkyl- α -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylenedioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents;

(d) any compound (not being a compound for the time being specified in Schedule 2) structurally derived from fentanyl by modification in any of the following ways, that is to say –

(i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle,

(ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups,

(iii) by substitution in the piperidine ring with alkyl or alkenyl groups,

(iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups,

(v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group,

(vi) by replacement of the N-propionyl group by another acyl group;

(e) any compound (not being a compound for the time being specified in Schedule 2) structurally derived from pethidine by modification in any of the following ways, that is to say –

(i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted,

(ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted,

(iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups,

(iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group,

(v) by formation of an N-oxide or of a quaternary base.[18]

2 Any stereoisomeric form of a substance specified in paragraph 1.

3 Any ester or ether of a substance specified in paragraph 1 or 2.

4 Any salt of a substance specified in any of paragraphs 1 to 3.

5 Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4 not being a preparation specified in Schedule 5.

SCHEDULE 2

(Article 2)

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF ARTICLES 13, 14, 15, 16, 17, 18, 19, 21, 22, 24 AND 26[19]

1 The following substances and products, namely –

Acetorphine
Alfentanil
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzethidine
Benzylmorphine
(3-benzylmorphine)
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Bezitramide
carboxylic acid ethyl ester
O-carboxymethyloxime
Carfentanil
Clonitazene
Cocaine
4-Cyano-2-dimethylamino-4, 4-diphenylbutane
4-Cyano-1-methyl- 4-phenylpiperidine
Desomorphine
Dextromoramide
Diamorphine
Diampromide
Diethylthiambutene
Difenoxin
Dihydrocodeinone
Dihydroetorphine

Dihydromorphine

Dimenoxadole

Dimepheptanol

Dimethylthiambutene

Dioxaphetyl butyrate

Diphenoxylate

Dipipanone

Dronabinol

Drotebanol

Ecgonine and any derivative of ecgonine which is convertible to ecgonine or to cocaine

Ethylmethylthiambutene

Etonitazene

Etorphine

Etoxeridine

Fentanyl

Furethidine

Hydrocodone

Hydromorphinol

Hydromorphone

Hydroxypethidine

Isomethadone

Ketobemidone

Levomethorphan

Levomoramide

Levophenacylmorphan

Levorphanol

Lofentanil

Medicinal opium

Metazocine

Methadone

Methadyl acetate

Methyldesorphine

Methyldihydromorphine (6-methyldihydromorphine)

1-Methyl-4-phenylpiperidine- 4-carboxylic acid ethyl ester 2-Methyl-3-morpholino-1, 1- diphenylpropanecarboxylic acid

Metopon

Morpheridine

Morphine

Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives

Myrophine

Nicomorphine

Noracymethadol

Norlevorphanol

Normethadone

Normorphine

Norpipanone

Oxycodone

Oxymorphone

Pethidine

Phenadoxone

Phenampromide

Phenazocine

Phenecyclidine

Phenomorphan

Phenoperidine

4-Phenylpiperidine-4-

Piminodine

Piritramide

Proheptazine

Properidine

Racemethorphan

Racemoramide

Racemorphan

Remifentanil

Sufentanil

Thebacon

Thebaine

Tilidate

Trimeperidine

Zipeprol[20]

2 Any stereoisomeric form of a substance specified in paragraph 1 not being dextromethorphan or dextrorphan.

3 Any ester or ether of a substance specified in paragraph 1 or 2, not being a substance specified in paragraph 6.

4 Any salt of a substance specified in any of paragraphs 1 to 3.

5 Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a preparation specified in Schedule 5.

6 The following substances and products, namely –

Acetyldihydrocodeine

Buprenorphine

Codeine

Dextropropoxyphene

Diethylpropion

Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Fenethylline

Glutethimide

Lefatamine

Mecloqualone

Methaqualone

Methylphenidate

Nicocodine

Nicodicodine (6-nicotinoyldihydrocodeine)

Norcodeine

Pentazocine

Phenmetrazine

Phentermine

Pholcodine

Propiram

Quinalbarbitone[21]

7 Any steroeoisomeric form of a substance specified in paragraph 6.

8 Any salt of a substance specified in paragraph 6 or 7.

9 Any preparation or other product containing a substance or product specified in any of paragraphs 6 to 8, not being a preparation specified in Schedule 5.

SCHEDULE 3

(Article 2)

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF ARTICLES 13, 14, 15, 16, 20, 21, 22, 23, 24 AND 26[22]

1 The following substances, namely –

(a) Benzphetamine

Cathine

Chlorphentermine

Ethchlorvynol

Ethinamate

Flunitrazepam

Mazindol

Mephentermine

Meprobamate

Methylphenobarbitone

Methyprylone

Phendimetrazine

Pipradrol

Temazepam

(b) any 5,5 disubstituted barbituric acid not being quinalbarbitone.[23]

2 Any stereoisomeric form of a substance specified in paragraph 1 not being phenylpropanolamine.

3 Any salt of a substance specified in paragraph 1 or 2.

4 Any preparation or other product containing a substance specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 5.

SCHEDULE 4

(Article 2)

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF ARTICLES 20, 22, 24 AND 26 AND NOT EXCEPTED FROM THE PROHIBITION OF IMPORTATION, EXPORTATION AND, WHEN IN THE FORM OF A MEDICINAL PRODUCT, POSSESSION[24]

1. The following substances and products -

Alprazolam	Loprazolam
Aminorex	Lorazepam
Bromazepam	Lormetazepam
Brotizolam	Medazepam
Camazepam	Mefenorex
Chlordiazepoxide	Mesocarb
Clobazam	Midazolam
Clonazepam	Nimetazepam
Clorazepic acid	Nitrazepam
Clotiazepam	Nordazepam
Cloxazolam	Oxazepam
Delorazepam	Oxazolam
Diazepam	Pemoline
Estazolam	Pinazepam
Ethyl loflazepate	Prazepam
Fencamfamin	Propylhexedrine
Fenproporex	Pyrovalerone
Fludiazepam	Tetrazepam
Flurazepam	Triazolam
Halazepam	Zolpidem
Haloxazolam	N-Ethylamphetamine
Ketazolam	

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 3 not being a preparation specified in Schedule 5.

5. The following substances -

Atamestane	Methenolone
Bolandiol	Methyltestosterone
Bolasterone	Metribolone
Bolazine	Mibolerone
Boldenone	Nandrolone
Bolenol	Norboletone
Bolmantalate	Norclostebol
Calusterone	Norethandrolone
4-Chloromethandienone	Ovandrotone
Clostebol	Oxabolone
Drostanolone	Oxandrolone
Enestebol	Oxymesterone
Epitiostanol	Oxymetholone
Ethyloestrenol	Prasterone
Fluoxymesterone	Propetandrol
Formebolone	Quinbolone
Furazabol	Roxibolone
Mebolazine	Silandrone
Mepitiostane	Stanolone
Mesbolone	Stanozolol
Mestanolone	Stenbolone
Mesterolone	Testosterone
Methandienone	Thiomesterone
Methandriol	Trenbolone

6. Any compound (not being Trilostane or a compound for the time being specified in paragraph 5) structurally derived from 17 hydroxyandrostan-3-one or from 17-hydroxy-estran-3-one by modification -

   (a) by further substitution at position 17 by a methyl or ethyl group;

   (b) by substitution to any extent at one or more positions 1, 2, 4, 6, 7, 9, 11, or 16, but at no other position;

   (c) by unsaturation in the carbocyclic ring system to any extent, provided that there are no more than 2 ethylenic bonds in any one carbocyclic ring; or

   (d) by fusion of ring A with a heterocyclic system.

7. Any substance which is an ester or ether (or, where more than one hydroxyl function is available, both an ester and an ether) of a substance specified in paragraph 5 or 6.

8. 4-Androstene-3, 17-Dione;

   19-Nor-4-Androstene-3, 17-Dione;

   5-Androstene-3, 17-Diol; and

   19-Nor-5- Androstene-3, 17-Diol.

9. Chorionic Gonadotrophin (HCG)

   Non-human chorionic gonadotrophin

   Somatotropin

   Somatrem

   Somatropin.

10. Clenbuterol.

SCHEDULE 5

(Article 2)

CONTROLLED DRUGS EXCEPTED FROM THE PROHIBITION OF IMPORTATION, EXPORTATION AND POSSESSION AND SUBJECT TO THE REQUIREMENTS OF ARTICLES 23 AND 24

1(1) Any preparation of one or more of the substances to which this paragraph applies, not being a preparation designed for administration by injection, when compounded with one or more other active or inert ingredients and containing a total of not more than 100 mg of the substance or substances (calculated as base) per dosage unit or with a total concentration of not more than 2.5% (calculated as base) in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, nicocodine, nicodicodine (6-nicotinoyldihydrocodeine), norcodeine, pholcodine and their respective salts.

2 Any preparation of cocaine containing not more than 0.1% of cocaine calculated as cocaine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

3 Any preparation of medicinal opium or of morphine containing (in either case) not more than 0.2% of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other active or inert ingredients in such a way that opium or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

4 Any preparation of dextropropoxyphene, being a preparation designed for oral administration, containing not more than 135 mg of dextropropoxyphene (calculated as base) per dosage unit or with a total concentration of not more than 2.5% (calculated as base) in undivided preparations.

5 Any preparation of difenoxin containing, per dosage unit, not more than 0.5 mg of difenoxin and a quantity of atropine sulphate equivalent to at least 5% of the dose of difenoxin.

6 Any preparation of diphenoxylate containing, per dosage unit, not more than 2.5 mg of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least 1% of the dose of diphenoxylate.

7 Any preparation of propiram containing, per dosage unit, not more than 100 mg of propiram calculated as base and compounded with at least the same amount (by weight) of methylcellulose.

8 Any powder of ipecacuanha and opium comprising –

10% opium in powder,

10% ipecacuanha root, in powder, well mixed with

80% of any other powdered ingredient containing no controlled drug.

9 The following substances namely –

Methohexitone sodium

Phenobarbitone

Phenobarbitone sodium

Thiopentone sodium

and any preparation containing any of the above substances.

10 Any mixture containing one or more of the preparations specified in paragraphs 1 to 9, being a mixture of which none of the other ingredients is a controlled drug.

SCHEDULE 6

(Article 17)

FORM OF REGISTER

<table>
<tr><td colspan="4">Record of .....
obtained and issued (enter receipts in RED)</td></tr>
<tr><td rowspan="2">Date</td><td>Obtained from or issued to</td><td rowspan="2">Authority of person or firm supplied to be in possession</td><td colspan="2">Quantity</td></tr>
<tr><td>Name
Address</td><td>Obtained or issued</td><td>Remaining</td></tr>
<tr><td></td><td></td><td></td><td colspan="2"></td></tr>
</table>

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Misuse of Drugs (General Provisions) (Jersey) Order 1989	R&O.7863	1 March 1989
Misuse of Drugs (General Provisions) (Amendment) (Jersey) Order 1990	R&O.8071	19 June 1990
Misuse of Drugs (General Provisions) (Amendment No. 2) (Jersey) Order 1991	R&O.8246	1 September 1991
Misuse of Drugs (General Provisions) (Amendment No. 3) (Jersey) Order 1992	R&O.8351	1 May 1992
Misuse of Drugs (General Provisions) (Amendment No. 4) (Jersey) Order 1999	R&O.9367	1 April 1999
Misuse of Drugs (General Provisions) (Amendment No. 5) (Jersey) Order 1999	R&O.9378	1 June 1999
Misuse of Drugs (General Provisions) (Amendment No. 6) (Jersey) Order 2002	R&O.56/2002	13 June 2003
Misuse of Drugs (General Provisions) (Amendment No. 7) (Jersey) Order 2003	R&O.9/2003	1 March 2003
Misuse of Drugs (General Provisions) (Amendment No. 8) (Jersey) Order 2004	R&O.66/2004	12 July 2004

Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(2) and (3)	spent, omitted from this revised edition
1(4)	1(2)
PART II	PART 2
7(3)(j)	7(3)(i)
8(3)(j)	8(3)(i)
PART III	PART 3
11A	12
12	13
13(1A)	14(2)
(2)	(3)

Original	**Current**
(3)	(4)
14	15
15	16
16	17
17	18
18	19
19	20
19A(4)(i)	21(4)(a)
(ii)	(b)
(iii)	(c)
(iv)	(d)
(v)	(e)
20	22
21	23
22	24
22A	25
23	26
PART IV	spent, omitted from this revised edition
24	spent, omitted from this revised edition
PART V	PART 4
25	27
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2
THIRD SCHEDULE	SCHEDULE 3
FOURTH SCHEDULE	SCHEDULE 4
Paragraph 7A	Paragraph 8
Paragraph 8	Paragraph 9
Paragraph 9	Paragraph 10
FIFTH SCHEDULE	SCHEDULE 5
SIXTH SCHEDULE	SCHEDULE 6
SEVENTH SCHEDULE	spent, omitted from this revised edition

Table of Endnote References

[1] *chapter 08.680*
[2] *chapter 20.850*
[3] *chapter 26.500*
[4] *chapter 08.680*
[5] *chapter 20.875*
[6] *Article 1* *definition "prescription card" inserted by R&O.9367*
[7] *chapter 20.775*

[8] *Article 3(1)*	*amended by R&O.9378, R&O.56/2002*
[9] *Article 3(2)*	*amended by R&O.9378, R&O.56/2002*
[10]	*chapter 20.225*
[11]	*chapter 20.775*
[12] *Article 9(3)*	*amended by R&O.9378, R&O.9/2003*
[13] *Article 12*	*inserted by R&O.66/2004*
[14] *Article 13(2)*	*inserted by R&O.56/2002*
[15] *Article 20*	*inserted by R&O.9367*
[16] *Article 21(1)*	*amended by R&O.9367*
[17] *Article 24*	*inserted by R&O.9367*
[18] *Schedule 1*	*paragraph 1 amended by R&O.8246,R&O.8351, R&O.9378, R&O. 56/2002*
[19] *Schedule 2*	*heading amended by R&O.9367*
[20] *Schedule 2*	*paragraph 1 amended by R&O.8351, R&O.9378, R&O.9/2003*
[21] *Schedule 2*	*paragraph 6 amended by R&O.8351*
[22] *Schedule 3*	*heading amended by R&O.9367*
[23] *Schedule 3*	*paragraph 1 amended by R&O.8071, R&O.8351, R&O.9378*
[24] *Schedule 4*	*substituted by R&O.56/2002, amended by R&O.9/2003; former Schedule amended by R&O.8071, R&O.8246, R&O.8351, R&O.9378*