

Submission email – Daniel Hansen – 17th March 2026

Please find attached my formal submission in respect of P.32/2026 – Draft Road Traffic (Drug Driving) (Jersey) Amendment Regulations.

While I support the objective of improving road safety, I wish to draw the Panel's attention to a significant issue within the current drafting that I believe warrants detailed scrutiny prior to any debate.

The proposed per se THC limits operate as a strict liability offence without any statutory medical defence. As a result, prescribed medical cannabis patients may be exposed to criminal liability despite being unimpaired and compliant with their treatment.

The submission sets out that THC is pharmacologically distinct from alcohol. Unlike alcohol, THC is fat-soluble and may remain in the bloodstream for extended periods, meaning that blood concentration is not a reliable indicator of impairment in tolerant or prescribed users. This creates a material risk of criminalising individuals who are not impaired.

A workable and established alternative exists in England and Wales, where a statutory medical defence operates alongside per se limits, preserving enforcement while avoiding disproportionate outcomes.

In light of this, the absence of a medical defence raises issues of proportionality and potential indirect discrimination, particularly when considered under Articles 8 and 14 of the European Convention on Human Rights as incorporated by the Human Rights (Jersey) Law 2000.

Given the above, I respectfully request that this issue is considered as part of any Scrutiny review of P.32/2026, and that the inclusion of a statutory medical defence is examined prior to the proposition progressing further.

I would be grateful if you could confirm receipt, and I remain available to provide any further information or clarification if required.