

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1884](#): Make whole plant cannabis oil available on the NHS or alternative funding put in place, lodged by Steve Gillan.

Background

Medicinal cannabis refers to any sort of cannabis-based medicine used to relieve symptoms. Cannabis has many active chemical constituents. Two of these, tetrahydrocannabinol (THC) and cannabidiol (CBD), have been investigated for their medicinal value. Medicinal cannabis may be available in a range of forms, including as the actual plant material or an extract such as oils and capsules.

From 1 November 2018, changes to [Misuse of Drugs legislation](#) has enabled cannabis-based products to be prescribed by some doctors for medicinal use, where there is a special clinical need.

Before a medicine can be sold or prescribed in the UK it must usually receive a marketing authorisation (medicines licence) either from the European Medicines Agency (EMA) or from the Medicines and Healthcare products Regulatory Agency (MHRA). Only two cannabis based medicines, Sativex, and Epidyolex, have a marketing authorisation in the UK.

In certain circumstances, healthcare professionals can supply products without a medicines licence to meet the special clinical needs of a patient. The General Medical Council (GMC) notes that the term ‘unlicensed medicine’ is used “to describe medicines that are used outside the terms of their UK licence or which have no licence for use in the UK”. Responsibility for deciding whether an individual patient has “special clinical needs” which a licensed product cannot meet is a matter for the prescriber responsible for the patient’s care.

Only specialist doctors on the [General Medical Council's Specialist Register](#), for example neurologists and paediatricians can prescribe unlicensed cannabis-based products for medicinal use. These doctors should only make the decision to prescribe in their own area of practice and training. In addition, the decision to prescribe should be agreed by a multidisciplinary team.

The [National Institute of Clinical Excellence \(NICE\)](#) has published a [guideline on prescribing of cannabis-based medicinal products](#) for people with intractable nausea and vomiting, chronic pain, spasticity and severe treatment-resistant epilepsy.

[Clarification guidance](#) was published in March 2021. This relates to the interpretation of the guideline in relation to the use of cannabis-based medicinal products to treat severe treatment-resistant epilepsy in children. This noted that, whilst no population-wide recommendation was made in the guideline, healthcare professionals can prescribe cannabis-based medicinal products if they consider that that would be appropriate on a balance of benefit and risk, and in consultation with the patient, and their families and carers or guardian.

The [British Paediatric Neurology Association](#) has published [Guidance on the use of cannabis-based products for medicinal use in children and young people with epilepsy](#).

Scottish Government Action

In 2018, the [Chief Medical Officer \(CMO\) wrote to clinicians about the use of cannabis-based products](#).

NHS England and NHS Improvement have published a review of [Barriers to accessing cannabis-based products for medicinal use on NHS prescription](#). This reviewed 20 cases, 18 from England and two cases from Northern Ireland were included at the request of the Northern Ireland Executive. A response to a [FOI request on why Scottish patients were not included in the review](#) has been published by the Scottish Government.

The review [made several recommendations](#) including that a UK-wide paediatric specialist clinical network should be established to provide specialist clinical expertise, support discussion of complex cases, provide support to clinicians and to assist in evidence generation.

Scottish Parliament Action

The use of medicinal cannabis has been discussed in the Scottish Parliament on several occasions.

[First Minister's Questions Time: 10 January 2019](#) – discussion of the case of child with epilepsy,

[Debate on the Supply and Demand for Medicines: 24 November 2020](#)

[Written question S5W-25972: 19 November 2019](#) – “Prescription levels or numbers for information on unlicensed cannabis based products for medicinal use (CBPMs) is not collected by the Scottish Government.”

Key Organisations and relevant links

- [NICE](#)
- [MHRA](#)
- [SMC](#)
- [GMC](#)
- [Professor Stephen Powis, National Medical Director of NHS England](#)
- [Boy's plea to Nicola Sturgeon for medical cannabis for his brother - BBC News](#)

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