

DRAFT  
MEDICINAL CANNABIS INDUSTRY BILL.

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**THE MEDICINAL CANNABIS INDUSTRY ACT  
(ACT of 2018)**

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## **THE MEDICINAL CANNABIS INDUSTRY ACT**

**AN ACT** to Provide for the establishment of a Medicinal Cannabis Industry to regulate the supply, possession and use of cannabis for medicinal purposes; that is, for the treatment of persons with qualifying medical conditions; to provide for the establishment of the Medicinal Cannabis Authority and the Medicinal Cannabis Advisory Council; and for matters and purposes incidental thereto.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:-

### **PART I. PRELIMINARY**

#### **Short title and commencement.**

1. This Act may be cited as the Medicinal Cannabis Industry Act, 2018 and shall come into operation on such day to be appointed by the Minister by notice published in the Gazette and different days may be appointed for different purposes or provisions.

#### **Interpretation.**

2. (1) In this Act, unless the context otherwise requires –

“Authority” means the Medicinal Cannabis Authority established under Part II;

“authorised pharmacist” means a person who is registered as a pharmacist under the Pharmacy Act and meets the prescribed requirements to be registered to dispense

medicinal cannabis in accordance with the provisions of this Act or Regulations made pursuant to this Act, and includes a Government dispenser for the purposes of the Medical Officers Act;

“Board” means the Board of the Authority established under section 9;

“cannabis” has the meaning assigned to it in the Drugs (Prevention of Misuse) Act;

“cannabis material” means –

- (a) cannabis;
- (b) cannabis resin; and
- (c) any other raw material derived from cannabis;

“cannabis resin” has the meaning assigned to it in the Drugs (Prevention of Misuse) Act;

“caregiver” means –

- (a) a person who is designated as a caregiver by a patient who is not a minor, under section 40;
- (b) a Committee appointed by the Court under the Mental Health Act, on behalf of a patient who suffers from a mental disorder; or
- (c) the parent or guardian of a minor who is a patient;

“CBD” means cannabidiol;

“Chairperson” means the Chairperson of the Board;

“Council” means the Medicinal Cannabis Advisory Council to be appointed by order of the Cabinet, in accordance with section 35;

“dispense” has the meaning assigned to it in the Pharmacy Act;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“Executive Director” means the Executive Director of the Authority appointed under section 25;

“functions” includes duties and powers;

“identification card” means the document issued by the Authority to a patient or caregiver, as applicable, who is registered in accordance with section 41, which –

- (a) attests to the validity of the identity of the patient or caregiver to whom the card is issued; and
- (b) authorises the patient or caregiver, subject to the provisions of this Act, to obtain, possess, store, administer or use medicinal cannabis;

“inspector” means –

- (a) a member of the Police Force; or
- (b) a person designated as an inspector by the Authority pursuant to section 55;

“licence” means a licence issued to an applicant by the Authority in accordance with section 53 to supply medicinal cannabis;

“licensee” means a person to whom a licence has been issued in relation to an application;

“medicinal cannabis” means -

- (a) cannabis cultivated for medicinal purposes;
- (b) cannabis material manufactured for medicinal purposes; or
- (c) a medicinal cannabis product manufactured or obtained for medicinal purposes,

in accordance with a licence issued pursuant to this Act or Regulations made pursuant to this Act;

“medicinal cannabis product” means a substance, compound, preparation or mixture that is produced or manufactured from cannabis material for the treatment of a qualifying medical condition;

“medical certification” means a document submitted by a medical doctor to the Authority, on behalf of a patient, pursuant to section 37;

“medical doctor” means a doctor who is registered to practice medicine under the Medical Registration Act;

“Minister” means the Minister responsible for Industry;

“minor” means a person who is under the age of eighteen years;

“nurse” has the meaning assigned to it in the Nurses, Nursing Assistants and Midwives Act;

“patient” means a person who suffers from a qualifying medical condition;

“pharmacy” means a pharmacy that is registered under the Pharmacy Act and licensed under this Act or Regulations made pursuant to this Act, to dispense medicinal cannabis to patients and caregivers, as applicable, and includes a Government dispensary for the purposes of the Medical Officers Act;

“qualifying medical condition” means a serious illness or condition that is likely to result, or continue to result in, a significant reduction in the quality of life of a person, whether from the symptoms of the illness or condition or from treatment for the symptoms of the illness or condition, including any of the following -

- (a) pain associated with cancer;
- (b) severe and treatment resistant nausea and vomiting due to chemotherapy;
- (c) status of human immunodeficiency virus or acquired immune deficiency syndrome;
- (d) Parkinson’s disease;
- (e) multiple sclerosis;
- (f) severe intractable epilepsy;
- (g) damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
- (h) post-traumatic stress disorder;
- (i) rheumatoid arthritis or any similar chronic autoimmune inflammatory disorder with severe or debilitating conditions;
- (j) autism;
- (k) glaucoma;
- (l) sickle cell anaemia;

- (m) anxiety;
- (n) sleep disorders;
- (o) chronic pain;
- (p) Alzheimer's disease;
- (q) Crohn's disease;
- (r) Hepatitis B;
- (s) Dravett's syndrome; and
- (t) any other illness or condition declared by the Minister, acting on the advice of the Council, by order published in the Gazette, to be a qualifying medical condition;

“supply” means to cultivate, manufacture, store, transport, sell, purchase, dispense, import or export medicinal cannabis in accordance with the provisions of this Act or any Regulations made pursuant to this Act;

“visiting qualifying patient” means a person who is not a resident of Saint Vincent and the Grenadines who is in possession of a document issued in accordance with the laws of another country or a state or province of another country, which certifies that the person is suffering from a qualifying medical condition and which is equivalent to an identification card issued pursuant to section 42;

(2) The provisions of the Drugs (Prevention of Misuse) Act, the Drug Trafficking Offences Act, and the Proceeds of Crime Act, shall not prohibit, or otherwise restrict or render unlawful, the supply, possession and use of medicinal cannabis by any person, in accordance with the provisions of this Act or Regulations made pursuant to this Act.

### **Objects of Act.**

3. The objects of this Act are to establish a Medicinal Cannabis Industry to provide for the lawful access to medicinal cannabis as an alternative treatment for persons who are suffering from a qualifying medical condition and to provide for a comprehensive licensing scheme to regulate the supply, possession and use of medicinal cannabis.

## **PART II. MEDICINAL CANNABIS AUTHORITY**

### *Establishment and Functions*

#### **Establishment of Authority.**

4. (1) There is hereby established, for the purposes of this Act, a body to be known as the Medicinal Cannabis Authority.

(2) The Authority shall be a body corporate and shall have perpetual succession and a common seal, which shall be judicially noted and shall have the power to sue and be sued in its own name and to hold and dispose of property.

#### **Functions of the Authority.**

5. (1) The Authority shall –

- (a) develop policies, procedures and guidelines to ensure that medicinal cannabis is available to patients in a safe and efficient manner;
- (b) regulate the supply, possession and use of medicinal cannabis;
- (c) review and approve medical certifications submitted by medical doctors on behalf of



- patients in accordance with this Act;
- (d) subject to subsection (2), issue licences and other authorisations in relation to the supply, use and possession of medicinal cannabis in accordance with the provisions of this Act and Regulations made pursuant to this Act;
  - (e) develop enforcement procedures in relation to the inspection of premises that are operated by licensees in order to ensure compliance with the provisions of this Act or any Regulations made pursuant to this Act;
  - (f) register patients and caregivers and issue identification cards accordingly;
  - (g) appoint sub-committees to assist it in the carrying out of its functions under this Act;
  - (h) establish and maintain an electronic database to include information relating to patients, medical doctors, licensees, medical certifications and identification cards and to provide for the electronic tracking of the supply, possession and use of medicinal cannabis in accordance with this Act or Regulations made pursuant to this Act;
  - (i) establish and maintain a confidential register of patients and caregivers, in accordance with Part V and such other registers as may be prescribed;
  - (j) provide for the distribution of educational materials and conduct training programmes in relation to the development of medicinal cannabis;
  - (k) perform such other functions assigned to it under this Act or any other enactment; and
  - (l) do anything or enter into any arrangement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

(2) Cabinet may, acting on the recommendation of the Board of the Authority, approve the issue of licences or other authorizations under this Act or Regulations made pursuant to this Act.

(3) In performing the functions specified in subsection (1), the Authority may –

- (a) formulate standards and prescribe codes of practice to be observed by licensees or other persons involved in the medicinal cannabis industry;
- (b) charge fees for services provided by or on behalf of the Authority;
- (c) facilitate scientific research in respect of medicinal cannabis and where applicable, apply the results of such research in the development of the medicinal cannabis industry;
- (d) consult with the Council or any person or body as it may consider appropriate; and
- (e) do all such things as the Authority considers necessary or expedient for the purpose of carrying out its functions.

### **Ministerial directions.**

6. The Minister may, acting on the advice of Cabinet and after consultation with the Chairperson, give to the Authority, directions of a general character as to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be necessary in the public interest, and the Authority shall give effect to these directions.

### **Exercise of functions of the Authority.**

7. The exercise of the functions of the Authority under this Act may be carried out by the Board, the Executive Director, or a member of staff or agent of the Authority.

### **Authority to be consulted.**

8. Any person, body or agency having authority over any matter in respect of which the Authority has functions to perform under this Act, shall not, whether provisionally or finally, approve or determine such matter until the Authority has been consulted.

### ***Establishment of Board***

#### **Board of Directors.**

9. (1) For the purposes of this Act, there is hereby established a Board of the Authority.

(2) The Board shall be appointed by the Cabinet and shall consist of –

(a) the following *ex officio* members –

- (i) the Attorney General or his nominee;
- (ii) the Commissioner of Police or his nominee
- (iii) the Comptroller of Customs or his nominee;
- (iv) the Chief Surveyor or his nominee;
- (v) the Chief Agricultural Officer or his nominee;
  - (vi) the Executive Director of Invest SVG;
  - (vii) the Chairman of the Advisory Council on the Misuse of Drugs, established under the Drugs (Prevention of Misuse) Act;
  - (viii) the Chief Medical Officer.

(b) four other persons, (hereinafter referred to as “appointed members”) drawn from the following disciplines or groups; namely, medicine, scientific research, business, land planning and development and agriculture.

(3) The appointed members of the Board shall be persons appearing to Cabinet to be of integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling their functions pursuant to the provisions of this Act.

#### **Functions of the Board.**

10. (1) Subject to the provisions of this Act, the Board shall be responsible for the policy, strategic direction and governance of the Authority.

(2) In performing its functions, the Board shall –

- (a) monitor the administrative operations of the Authority;
- (b) submit recommendations to the Cabinet, in relation to the issuing of licences and other authorisations;
- (c) advise the Minister on matters of general policy relating to the management, and development of an efficient and regulated medicinal cannabis industry;
- (d) ensure that the Authority receives and manages its funds in a prudent manner; and
- (e) do all such things as the Board reasonably considers necessary or expedient for the purpose of carrying out its functions under this Act.

(3) The Board may establish committees of the Board in order to assist the Board in effectively and efficiently performing its functions.

#### **Election of Chairperson and Deputy Chairperson.**

11. Cabinet shall elect a Chairperson and a Deputy Chairperson of the Board from among the appointed members.

**Leave of absence and temporary appointments.**

12. (1) Cabinet may, on the application of any member of the Board, grant to the member, leave of absence for a period not exceeding three months.

(2) Cabinet may direct a member of the Board to proceed on leave of absence if the member has been charged with –

- (a) an offence under the Drugs (Prevention of Misuse) Act, the Drug Trafficking Offences Act, the Proceeds of Crime Act or an offence that is similar to any such offence in another country; or
- (b) any offence involving fraud, dishonesty or moral turpitude.

(3) In the case of the absence or inability of any member of the Board to carry out his functions, the Cabinet may appoint a person to act temporarily in the place of the member; so however that; such appointment shall be made in the same manner and from the category of persons as would be required in the case of the original appointment.

**Tenure of office.**

13. (1) The appointment of a member of the Board shall be evidenced by instrument in writing and such instrument shall state the tenure of office of the member, which period shall not exceed six years.

(2) A member of the Board shall be eligible for reappointment.

**Publication in *Gazette*.**

14. The appointment, resignation, termination of appointment or death of a member of the Board and every change thereof, shall be published in the *Gazette*.

**Vacancy in membership.**

15. (1) A vacancy in the membership of an appointed member shall occur–

- (a) on the death, resignation or termination of the appointment of a member;
- (b) on the absence of a member from three consecutive meetings of the Board, unless the absence there from is approved by the Cabinet, after consultation with the Chairperson; or
- (c) on the expiration of the term specified in the instrument of appointment of the member.

(2) If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another appointed member, so however that; such appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

**Resignation.**

16. (1) An appointed member of the Board, other than the Chairperson, may at any time, resign his office by instrument in writing, addressed to the Cabinet and transmitted through the Chairperson, and from the date of receipt by the Cabinet of such instrument, the person shall cease to be a member of the Board.

(2) The Chairperson may, at any time resign his office by instrument in writing

addressed to the Cabinet and such resignation shall take effect as from the date of receipt by the Cabinet of that instrument.

### **Disqualification from membership of the Board.**

17. A person shall not become, or continue to be, a member of the Board if the person –

- (a) is suffering from a mental disorder within the meaning of the *Mental Health Act*;
- (b) becomes permanently unable to perform his functions by reason of ill-health;
- (c) is an undischarged bankrupt; or
- (d) has at any time been convicted of an offence under the Drugs (Prevention of Misuse) Act, the Drug Trafficking Offences Act, the Proceeds of Crime and Money Laundering (Prevention) Act or any offence involving fraud, dishonesty or moral turpitude.

### **Termination of appointment of member.**

18. Cabinet may, at any time, terminate the appointment of a member if that member –

- (a) is disqualified from membership pursuant to section 17;
- (b) has engaged in or is engaging in conduct which, in the opinion of the Cabinet, disqualifies the member from holding office on the Board;
- (c) has engaged in or is engaging in activities that are reasonably considered to be prejudicial to the interest of the Authority;
- (d) fails to carry out the functions of his office as specified by or under this Act.

### **Proceedings and meetings of the Board.**

19. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such times and on such days as the Board shall determine.

(2) Notwithstanding subsection (1), the Chairperson shall call a meeting if requested, in writing, to do so by at least five members.

(3) The Chairperson, or in the case of the inability of the Chairperson to act, the Deputy Chairperson, shall preside at all meetings of the Board, and when so presiding the Chairperson, or the Deputy Chairperson shall have a casting vote in any case where the voting is equal.

(4) In the case of the Chairperson or Deputy Chairperson being absent from or unable to act at any meeting, members of the Board present at the meeting shall elect one of their members to act as Chairperson at that meeting.

(5) A quorum of the Board shall be five members.

(6) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member of the Board.

(7) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(8) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed as soon as practicable at a subsequent meeting of the Board.

(9) All documents and decisions of the Board may be signified under the hand of the

Chairperson, the Deputy Chairperson or other member authorised by the Board.

### **Seal of the Authority.**

20. (1) The seal of the Authority shall be authenticated by the signature of the Chairperson, or any other member of the Board or the Executive Director authorised to act in that behalf and shall be judicially and officially noted.

(2) All documents, other than those required by law to be under seal, and all decisions of the Board may be signified under the hand of the Chairperson, or any other member of the Board or the Executive Director authorised to act in that behalf.

### **Remuneration.**

21. There shall be paid to the Chairperson, the Deputy Chairperson and other members of the Board, such remuneration, whether by way of salaries or travelling or other allowances, as the Cabinet may determine.

### **Committees of the Board**

22. (1) The Board may appoint such committees, for any general or special purposes, with which the Board may be concerned, as in the opinion of the Board would be better regulated and managed by means of a committee.

(2) A committee appointed pursuant to subsection (1) may include persons who are not members of the Board or employees of the Authority, so however that; the appointment of any such persons shall be subject to the approval of the Cabinet.

### **Disclosure of interest.**

23. (1) A member of the Board who is in any way directly or indirectly interested in any contract or other matter whatsoever which falls to be considered by the Board, or in any contract made or proposed to be made by the Board, shall forthwith disclose the nature of his interest to the other members of the Board upon a conflict of interest arising, and the disclosure shall be recorded in the minutes of the next meeting of the Board, and the member shall not take part in any deliberation or decision of the Board with respect thereto.

(2) A disclosure made by a member of the Board under subsection (1), to the effect that he is a director or shareholder of, or has a significant economic relationship with, a specific company, firm or other entity or is to be regarded as interested in any contract which is made with the company, firm or other entity, shall for the purposes of subsection (1), be a sufficient disclosure of his interest in relation to any contract so made.

(3) A member of the Board need not attend in person at a meeting of the Board in order to make a disclosure that he is required to make under this section, if the members takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at the next meeting held after the disclosure is made.

### **Reports to Minister.**

24. (1) The Board shall submit to the Minister an annual report relating generally to the execution of its functions and may, at any time, submit a report relating to any particular matter or matters which, in the Board's opinion, require the special attention of the Cabinet.

(2) Notwithstanding subsection (1), the Board may at any time, be required by the Minister to submit a report to it in respect of any matter or activity in which the Authority is involved under this Act.

### ***Administration***

#### **Appointment of Executive Director.**

25. (1) Subject to the provisions of this section, there shall be an Executive Director of the Authority who shall be appointed by the Board, subject to the approval of the Cabinet.

(2) Subject to subsection (4), the Executive Director shall be a person who possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by the person under this Act.

(3) A person who would not be eligible to be appointed as a member of the Board by virtue of section 17 shall not be eligible to be appointed as the Executive Director.

(4) A person shall not be appointed as Executive Director unless the Board is satisfied that the person is a person of integrity, capable of exercising diligence, sound judgment and impartiality in carrying out his functions.

(5) Subject to the subsection (6), the Executive Director shall hold office for a period of three years and shall be eligible for re-appointment.

(6) The Board, may, subject to the approval of the Cabinet, terminate the appointment of the Executive Director for the inability of the Executive Director to discharge the functions of his office, whether arising from infirmity of the body or mind, dereliction of duty, misbehaviour, or where he becomes an undischarged bankrupt, or is convicted of an offence under the Drugs (Prevention of Misuse) Act, the Drug Trafficking Offences Act, the Proceeds of Crime and Money Laundering (Prevention) Act or any offence involving dishonesty or moral turpitude or for any other cause.

#### **Functions of the Executive Director and delegation of such functions.**

26. (1) The Executive Director shall be responsible for the day to day management of the affairs of the Authority which shall include the following-

- (a) coordinating the functions of the Authority;
- (b) the taking of any administrative and managerial actions as are necessary and appropriate for the effective implementation of this Act and any Regulations made pursuant to this Act;
- (c) assigning personnel as may be necessary to ensure that applications for licences and other authorisations are submitted to Cabinet for approval within the prescribed period after the making thereof;
- (d) assigning personnel to ensure that medical certifications are reviewed and evaluated by the Authority and identification cards are issued to patients and caregivers, where applicable, within fifteen days of submission of a medical certification;

- (e) ensuring the timely implementation of the decisions and directions of the Board;
- (f) submitting quarterly reports to the Board in relation to the activities of the Authority, in such manner as may be approved by the Board;
- (g) preparing the budget of the Authority and submitting the same to the Board for approval;
- (h) implementing operational policies and procedures in relation to the functions of the Authority; and
- (i) performing such other functions as may be assigned to the Executive Director by the Board or under this Act or any other enactment.

(2) The Executive Director shall attend the meetings of the Board, but shall not have a vote at any meeting of the Board.

(3) The Executive Director may, in writing, subject to the approval of the Board, delegate any of his functions, (save and except the power of delegation) in relation to the performance of any of the duties conferred on him by, or under this Act, to a person specified in the instrument of delegation.

(4) A delegation under subsection (3) shall not prevent the exercise of the powers or the performance of the duties by the Executive Director.

### **Appointment and employment of employees of the Authority.**

27. (1) For the proper carrying out of the functions of the Authority, the Board may appoint and employ, to any office of the Authority, such employees, at such remuneration and on such terms and conditions as the Board considers necessary, so however that; no appointment shall be made to any office to which a salary in excess of such rate as may be prescribed is assigned, without the approval of Cabinet.

(2) The Board shall consult with the Minister in establishing the qualifications for the various offices established within the Authority and shall advise the Cabinet on all appointments to fill said offices.

### **Obligation of secrecy.**

28. (1) Every person having an official duty or being employed in the administration of this Act, shall regard and deal with as secret and confidential, all information, records or documents relating to the functions of the Authority obtained by the person in the course of the performance of his duties or otherwise.

(2) A person to whom information is communicated by a person in subsection (1) shall regard and deal with the information as secret and confidential.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months.

(4) Notwithstanding subsections (1) and (2) a person may disclose information in any of the following circumstances –

pursuant to an order of the Court;

- (b) to an employee of the Authority who is so authorised; or
- where disclosure is permitted under any other enactment.

### **Protection from liability.**

29. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board or employee or agent of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

### *Financial Provisions, Accounts and Reports*

### **Funds and resources of the Authority.**

30. (1) The funds and resources of the Authority shall consist of –

- (a) such sums as may, from time to time, be placed at the disposal of the Authority by Parliament; and
- (b) all other sums and property which may, in any manner, become payable to or vested in the Authority in respect of any matter incidental to its functions.

(2) The expenses of the Authority, including the remuneration of members of the Board and employees and agents of the Authority shall be paid out of the funds of the Authority and thereafter all remaining revenues received in respect of any matter incidental to the functions of the Authority shall be paid into the Consolidated Fund within such period as may be specified by the Minister responsible for finance, in writing.

(3) The Authority may, with the approval of the Minister responsible for finance, direct that such percentage of sums received from licences and other authorisation fees be applied for the following purposes –

- (a) the strengthening of social programmes related to drug abuse prevention and treatment;
- (b) the training of licensees, medical doctors, nurses, pharmacists, other health care practitioners and other professionals, in the supply and use of medicinal cannabis;
- (c) the funding of scientific and medical research relating to medicinal cannabis;
- (d) the funding of alternative livelihood programmes for persons who have been granted amnesty in accordance with the provisions of the Cannabis Cultivation (Amnesty) Act, 2018 and, where applicable, the provision of assistance of such persons in relation to compliance with the provisions of this Act;
- (e) the re-forestation of lands that were under cannabis cultivation prior to the commencement of this Act;
- (f) such other purposes, as may be determined by the Authority, after consultation with the Minister.

### **Accounts and audit of the Authority.**

31. (1) The Authority shall keep proper accounts and records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to internationally accepted accounting principles.

(2) The accounts of the Authority shall be audited annually by the Director of Audit or by an auditor appointed by the Authority with the approval of the Director of Audit.

(3) Pursuant to section 10 of the Audit Act, the Director of Audit shall be entitled at all times to examine the accounts of the Authority.



**Annual reports.**

32. (1) The Authority shall, within six months after the end of each financial year or within such longer period, as the Minister may on special circumstances approve, cause to be made and transmitted to the Minister, a report dealing generally with the activities of the Authority during the preceding financial year.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the auditor's report thereon, to be laid in the House of Assembly.

**Estimates and operating plan.**

33. The Authority shall in each financial year, before a date specified by the Minister, submit to the Minister for his approval, the following –

- (a) estimates of income and expenditure for the ensuing financial year; and
- (b) an operating plan for that year as to the projects to be promoted or sponsored, or both, by the Authority, the operational framework within which the Authority shall carry out its functions, and such other matters as the Minister may require.

**Returns, etc.**

34. The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to activities of the Authority, and shall afford him facilities for verifying such information in such manner and at such times as the Minister may reasonably require.

**PART III. MEDICINAL CANNABIS ADVISORY COUNCIL****Establishment of Council by Order.**

35. (1) Cabinet shall, by Order published in the *Gazette* –

- (a) establish a Medicinal Cannabis Advisory Council; and
- (b) subject to subsection (2), appoint members to the Council.

(2) The members of the Council shall include, but not be limited to, medical doctors, pharmacists, other health care practitioners, persons from academia and such other persons with expertise in the regulation of controlled substances for medical use.

(3) An Order under subsection (1) may provide for the terms and conditions of appointment of members of the Council and the matters on which the Council is to advise the Authority.

(4) Without limiting the provisions of subsection (3), the Order under subsection (1) may specify that the Council shall advise the Authority on –

- (a) the medical symptoms or conditions that may be included in the list of qualifying medical conditions;
- (b) the use and methods of administration of medicinal cannabis;
- (c) medicinal cannabis research and related resources;
- (d) the maximum period for which medicinal cannabis may be prescribed to treat a qualifying medical condition;

- (e) proposed amendments to this Act or Regulations made pursuant to this Act;
- (f) guidelines for the training of licensees, medical doctors, nurses, pharmacists and other health practitioners, on the supply and use of medicinal cannabis.

## **PART IV. ACCESS TO MEDICINAL CANNABIS**

### ***Medical Certification***

#### **Authorised use of medicinal cannabis.**

36. Subject to the provisions of this Part, a patient is hereby authorised under this Act,

to obtain, possess, store and use medicinal cannabis, if the patient is registered with the Authority, issued an identification card and is prescribed medicinal cannabis by a medical doctor.

#### **Submission of medical certification by medical doctor.**

37. (1) Subject to subsection (2), a medical doctor may submit to the Authority, on behalf of a patient, a medical certification for the approval to prescribe medicinal cannabis to treat a patient, where the patient has been diagnosed by the medical doctor with a qualifying medical condition after the medical doctor has conducted a detailed assessment of the medical history of the patient and is of the professional opinion that-

- (a) all the medical treatments that have been prescribed to treat the patient for the qualifying medical condition have proven to be ineffective and provided little or no relief;
- (b) the patient may receive therapeutic or palliative care from the use of medicinal cannabis; and
- (c) the potential benefits of the use of medicinal cannabis would likely outweigh the health risks to the patient.

(2) Pursuant to subsection (1), a medical certification shall not be submitted to the Authority by a medical doctor, on behalf of a patient, unless -

- (a) the patient has been under the continuing care of the medical doctor for the treatment of the qualifying medical condition;
- (b) the medical doctor, in completing his detailed assessment of the patient has conducted all the appropriate diagnostic or personal physical examinations that are sufficient to determine that the patient is suffering from a qualifying medical condition; and
- (c) the medical doctor has explained the potential risks and benefits of the use of medicinal cannabis to –
  - (i) the patient; or
  - (ii) the patient and where applicable, the caregiver, in the case where the patient has designated a caregiver or the patient is a minor.

#### **Information to be included in medical certification.**

(1) Subject to section 40 (6), a medical certification shall be in the prescribed form and shall contain the following particulars-

- (a) the name, address, nationality and date of birth of the patient;
- (b) the qualifying medical condition of the patient and his medical records relating to the diagnosis of the qualifying medical condition;
- (c) sufficient information, in accordance with section 37 (2), to confirm that the patient has been in the continuing care of the medical doctor;

- (d) a medical plan prepared by the medical doctor which outlines the on-going assessment and follow up care of the patient;
- (e) whether the patient has a history of substance abuse;
- (f) whether the patient is terminally ill;
- (g) any requirement or limitation concerning the appropriate form of medicinal cannabis to be prescribed, and limitation on the duration of use, if applicable;
- (h) proof of identity of the patient;
- (i) the name, address and telephone number of the medical doctor; and
- (j) the date of issuance of the medical certification.

(2) In addition to the particulars specified under subsection (1), a medical doctor shall submit the following additional particulars to the Authority at the time of submission of the medical certification –

- (a) the valid practising certificate of the medical doctor; and
- (b) documentation of training or experience of the medical doctor in relation to the administering of medicinal cannabis, as required by the Authority.

(3) Subject to section 40 (7), a medical certification submitted to the Authority, shall be accompanied by the prescribed fee and shall be signed by the medical doctor and the patient to whom the medical certification relates.

(4) The signing of the medical certification by the patient shall be proof of the consent of the patient to have the medical records in relation to his qualifying medical condition submitted to the Authority.

(5) The medical doctor shall –

- (a) submit the original medical certification to the Authority;
- (b) issue a copy of the medical certification to the patient; and
- (c) file a copy of the medical certification on the health care record of the patient.

(6) A medical doctor who makes a false statement on a medical certification commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months.

### **Keeping of records.**

39. A medical doctor shall maintain a record of all medical certifications that he has submitted to the Authority in accordance with the provisions of this Part and such record shall be subject to review by the Authority, upon request.

### *Caregivers*

### **Caregivers.**

40. (1) Subject to the provisions of this section, a patient may designate a person who has responsibility for the immediate care and safety of the patient, as caregiver, to assist him in obtaining and administering medicinal cannabis.

(2) A patient who is a minor shall have a caregiver, who shall be either a parent or legal guardian of the minor.

(3) A person who is under the age of twenty-one shall not be designated as a caregiver.

(4) Subject to any Regulations made under this Act, a person shall not be a caregiver for more than two patients.

(5) A caregiver shall not be a person who –

has been charged or convicted of an offence under –

(i) the Drugs (Prevention of Misuse) Act;  
 (ii) the Drug Trafficking Offences Act;  
 the Proceeds of Crime and Money Laundering (Prevention) Act;  
 any other relevant enactment prescribed by the Minister, by order; or

(b) has a history of substance abuse.

(6) Pursuant to subsection (1) and (2), where a patient designates a caregiver or is a minor, the medical doctor shall, in addition to the particulars outlined in section 38, include the following additional particulars on the medical certification-

- (a) the name, address and date of birth of the caregiver;
- (b) proof of identity of the caregiver; and
- (c) a recent police record of the caregiver.

(7) In addition to the particulars outlined in subsection (6), the caregiver shall be required to sign the medical certification as proof of his consent to undertake the immediate care and safety of the patient and to assist the patient in obtaining and administering medicinal cannabis.

### ***Review by the Authority.***

#### **Review of medical certification and registration by the Authority.**

41.(1) The Authority shall, upon receipt of a medical certification submitted pursuant to section 37–

- (a) review the contents of the medical certification;
- (b) determine whether the medical doctor, by training or experience, is qualified to treat the patient for the qualifying medical condition;
- (c) notify the medical doctor, in writing, within the prescribed period, of the approval or refusal, as the case maybe, of the medical certification; and
- (d) upon payment of the prescribed fee, register the patient by entering the particulars relating to the patient in the confidential register established under Part V and;
- (e) issue to the patient an identification card in accordance with section 42.

(2) Where a patient has a caregiver, the provisions of subsection (1) (d) and (e) shall also apply mutatis mutandis in relation to the caregiver.

(3) In conducting a review of a medical certification under subsection (1), the Authority shall carry out such investigation as it may consider necessary and seek the advice of the Council, in determining –

- (a) the extent to which the patient is suffering from a qualifying medical condition;
- (b) whether medical testimonial or scientific evidence exists in relation to the treatment of the qualifying medical condition with medicinal cannabis;
- (c) the manner in which medicinal cannabis may be prescribed to treat the qualifying

- medical condition and the time frame regarding its use;
- (d) the benefits, if any, to be derived by the patient from the use of medicinal cannabis to treat the qualifying medical condition.

### ***Issuance of Identification Cards***

#### **Identification cards.**

42. (1) Pursuant to section 41(1)(e), an identification card shall be issued to a patient and where applicable, a caregiver, in the prescribed form and shall contain the following information –

- (a) the name of the holder of the identification card;
- (b) the designation as to whether the holder of the identification card is a patient or caregiver;
- (c) a random alphanumeric identification number that is unique to the holder of the identification card;
- (d) the date of issuance and expiration date of the identification card;
- (e) if the holder of the identification card is a caregiver, the random alphanumeric identification number of the patient whom the caregiver is registered to assist shall also be included on the identification card; and
- (f) a photograph of the holder of the identification card.

(2) An identification card that is issued under this Act to –

a patient, shall authorise the patient to –

- (i) obtain medicinal cannabis as is specified in the prescription issued by a medical doctor pursuant to section 47; and
- (ii) possess, store and use medicinal cannabis;

a caregiver, shall authorise the caregiver to –

- (i) obtain medicinal cannabis on behalf of the patient whom he is registered to assist; and
- (ii) possess and store medicinal cannabis on behalf of, and administer medicinal cannabis to, the patient whom he is registered to assist.

(3) An identification card shall be valid for a period not exceeding one year, from the date of issuance or for such other period as may be prescribed.

(4) An identification card shall be renewed in the same manner in which it was issued.

(5) A person shall have his identification card on his person at all times whilst he is engaging in any activity involving medicinal cannabis.

#### **Procedures to be developed.**

43. The Authority shall develop and implement procedures for the refusal to grant approvals of medical certifications and to issue identification cards.

#### **Change in the name or address of patient or caregiver.**

44. (1) A patient or where applicable, a caregiver who has been issued with an identification card, shall notify the Authority, within ten days, of any change in the name or address of the patient or caregiver.

(2) A patient or caregiver who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction in a Magistrate's Court, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one month.

**Loss etc. of identification card.**

45. (1) Where an identification card is lost, defaced or destroyed, the holder of the identification card shall forthwith notify the Authority.

(2) The Authority may, if satisfied as to the loss, defacement or destruction thereof and on payment of the prescribed fee, grant to the holder a substitute identification card.

(3) A person who contravenes the provisions of subsection (1), commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one month.

**Changing of caregiver.**

46. (1) If a patient wishes to change his caregiver the patient shall notify the Authority as soon as practicable and the Authority shall without delay, revoke the registration of the caregiver and shall so notify the caregiver.

(2) Upon receipt of the notice issued by the Authority under subsection (1), the caregiver shall, within five days of such receipt, return his identification card to the Authority.

***Dispensing medicinal cannabis and obligations of medical doctor***

**Issuing of prescription by medical doctor.**

47. (1) Upon receipt by a medical doctor of the approval, in writing, of a medical certification submitted on behalf of a patient and upon proof of issuance by the Authority of an identification card to the patient, and where applicable, the caregiver, the medical doctor shall issue to the patient a prescription, in the prescribed form, for medicinal cannabis.

(2) A prescription issued under subsection (1) shall not exceed a thirty-day supply of individual doses, after which the patient shall be examined by the medical doctor prior to the issuance of any further prescription for medicinal cannabis.

**Dispensing of medicinal cannabis.**

48. (1) Only an authorised pharmacy and an authorised pharmacist may dispense medicinal cannabis to a patient and where applicable, a caregiver.

(2) Pursuant to subsection (1), an authorised pharmacist may lawfully dispense medicinal cannabis, only upon submission by a patient or where applicable, a caregiver, of a prescription and a valid identification card issued in accordance with the provisions of this Act.

(3) Upon dispensing medicinal cannabis to a patient or, where applicable, a caregiver, an authorised pharmacist shall provide to the patient or the caregiver, a receipt, which shall include all of the following -

- (a) the name, address and the registration number assigned to the authorised pharmacy

- upon being licensed in accordance with the Regulations made pursuant to this Act;
- (b) the name, address and registration number assigned to the authorised pharmacist, upon being registered in accordance with the Regulations made pursuant to this Act;
- (c) the name, address and the random alphanumeric identification number which appears on the identification card of the patient;
- (d) in the case of a caregiver, the name, address and both random identification alphanumeric numbers which appear on the identification card of the caregiver;
- (e) the date on which the medicinal cannabis was dispensed;
- (f) any other requirement or limitation specified by the medical doctor in relation to the use of medicinal cannabis;
- (g) the quantity of medicinal cannabis that is dispensed.

(4) An authorised pharmacist shall enter the information referred to in subsection (3) in a register kept by him and established for that purpose, in the prescribed manner.

(5) An authorised pharmacist shall not dispense to a patient or where applicable, a caregiver -

- (a) a quantity of medicinal cannabis greater than that which the patient or caregiver is permitted to obtain under a prescription; or
- (b) any form of cannabis prohibited under this Act or any other enactment.

(6) An authorised pharmacist shall conform to any requirement or limitation set by the medical doctor as to the form of medicinal cannabis that is required in relation to the patient and shall provide to a patient and where applicable, a caregiver, the following information -

- (a) the lawful methods for using or administering medicinal cannabis in individual doses;
- (b) any potential dangers stemming from the use of medicinal cannabis;
- (c) how to prevent or deter the misuse of medicinal cannabis by minors; and
- (d) any other information which the authorised pharmacist may consider to be relevant.

#### **Duties of medical doctor who prescribes medicinal cannabis.**

49. (1) A medical doctor who prescribes medicinal cannabis to a patient in accordance with this Act, shall immediately and without delay notify the Authority, in writing, where -

- (a) the patient no longer suffers from the qualifying medical condition for which a medical certification was approved by the Authority;
- (b) medicinal cannabis is no longer proving to be therapeutic or palliative in the treatment of the patient for qualifying medical condition;
- (c) the patient is no longer under the care of the medical doctor; or
- (d) the patient has died.

(2) A medical doctor who fails to comply with subsection (1) commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding fifty thousand dollars] or imprisonment for a term not exceeding six months.

### **PART V. MAINTENANCE OF CONFIDENTIAL REGISTER OF PERSONS ISSUED IDENTIFICATION CARDS**

#### **Maintenance of confidential register.**

50. (1) The Authority shall maintain a confidential register of all persons who are registered and issued identification cards in accordance with this Act.

(2) The Authority may share the information contained in the register with such persons as may be prescribed and such information shall remain confidential and shall not be subject to disclosure to any person, save and except to employees who have been authorised by the Authority to access the information as necessary to perform the official duties of the Authority or such other persons as may be prescribed.

(3) Notwithstanding subsection (2), a patient's name and other identifying information contained in the confidential register shall be kept in the strictest of confidence and shall not be subject to disclosure save and except in accordance with the circumstances specified thereunder.

(4) Where the Authority needs to verify with any law enforcement agency whether an identification card is valid, the Authority shall do so without disclosing more information than is reasonably necessary in the circumstances.

(5) A person who discloses any information in the confidential register or any information disclosed to him, which forms part of the confidential register commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months.

## **PART VI. LICENSING THE SUPPLY OF MEDICINAL CANNABIS**

### **Establishment of scheme.**

51. The Regulations contained in the First Schedule shall provide for the establishment of a scheme which authorises the following activities to enable medicinal cannabis to be obtained for use in accordance with this Act -

- (a) the cultivation of cannabis for medicinal purposes;
- (b) the transporting of medicinal cannabis;
- (c) the manufacturing of medicinal cannabis products;
- (d) the sale of medicinal cannabis;
- (e) the research and development of medicinal cannabis;
- (f) the importing of medicinal cannabis;
- (g) the exporting of medicinal cannabis;
- (h) the issuing of licences for the activities specified under paragraphs (a) to (g);
- (i) the imposition and variation of conditions of licences; and
- (j) the suspension or revocation of licences.

### **Prohibition against supply of medicinal cannabis without a licence and standards requirements.**

52. (1) A person shall not supply, possess, obtain or use medicinal cannabis for any of the purposes specified under paragraphs (a) to (f) of section 51, unless the person is the holder of the relevant licence specified under section 53, issued in accordance with Regulations contained in the First Schedule.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding seventy-five thousand dollars or to imprisonment for a term not exceeding two years.

(3) All cannabis that is supplied in Saint Vincent and the Grenadines shall meet such standards for specified markets including, but not limited to, GMP, GPP, Fair trade, Global GAP, Euro GAP, GAP and such other standards as may be specified by the Authority from time to time.



### Types of licences.

53. (1) Medicinal Cannabis shall be supplied in accordance with any of the following licences; provided that all conditions attached thereto and the requirements of this Act and any Regulations made pursuant to this Act are complied with-

- (a) a cultivation licence, which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of medicinal cannabis;
- (b) a research licence, which shall be issued to allow for the conduct of scientific research relating to the development of medicinal cannabis;
- (c) a manufacturer licence, which shall be issued to allow for activities relating to the processing and manufacturing of cannabis material and medicinal cannabis products, including but not limited to, edibles and other derivatives;
- (d) a dispensing licence, which shall be issued to allow for the dispensing of medicinal cannabis to patients;
- (e) an import licence, which shall be issued to allow for the importation of medicinal cannabis products and planting material from any country where it is legal so to do;
- (f) an export licence, which shall be issued to allow for the exportation of medicinal cannabis to any country in keeping with the laws of any such country;
- (g) a transport licence, which shall be issued to allow for the transport of medicinal cannabis; and
- (h) a traditional cultivator's licence, which shall be issued solely to citizen of Saint Vincent and the Grenadines, to grow, harvest, dry, trim, cure or package medicinal cannabis, where the citizen-
  - (i) is a qualifying person for the purposes of the Cannabis Cultivation (Amnesty) Act, who has been granted amnesty under that Act and meets the requirements prescribed under Regulations made under this Act for the issuance of such a licence; or
  - (ii) is not a qualifying person for the purposes of the Cannabis Cultivation (Amnesty) Act, but nevertheless meets the requirements prescribed under Regulations made under this Act for the issuance of such a licence.

(2) A person who is granted a licence pursuant to this Act or Regulations made pursuant to this Act, shall not transfer or assign his licence to another person or cause or permit another person to use the licence.

(3) Any purported transfer or assignment of a licence shall be null and void.

### Protection from criminal liability.

54. For the avoidance of doubt, a person is hereby authorised to undertake any activity under this Part, to the extent that the activity is authorised by, and conducted in accordance with, the provisions of this Act or Regulations made pursuant to this Act.

## PART VII. ENFORCEMENT

### Designation of inspectors.

55. (1) The Authority may designate, in writing, inspectors for the purposes of all or any of the provisions of this Act and such designation may be specified for a fixed period.

(2) Every inspector designated in accordance with this section shall be furnished with a

warrant of designation and shall, when exercising any power conferred on him by this section, produce the warrant of appointment or a copy of it to that person.

(3) An inspector may, for the purposes of obtaining any information which may be required in relation to a matter under investigation under this Act –

- (a) at all reasonable times, enter any premises or place or vehicle where there are grounds to believe that any trade, business or any activity which is or may be subject to a licence under this Act, is being, or has been, carried on, or that documents relating to such trade, business or activity are kept and search and inspect the premises, place or vehicle and any documents that are on, at or in such premises, place or vehicle;
- (b) secure for later inspection any, or any part of any, premises or place or any vehicle on, at or in which such documents are kept or there are reasonable grounds for believing that such documents are kept;
- (c) require any person who carries on such trade, business or activity or any person employed in such trade, business or activity to produce to him such documents and where the documents are kept in a non-legible form, to reproduce them in a legible form or to provide him with any information as the inspector may reasonably require in relation to any entry in such documents;
- (d) inspect and take copies of or extracts from any such documents, files, papers or electronic information system on, at or in the premises, place or vehicle, including, in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form;
- (e) remove and retain such documents for such periods as may be reasonable for future examination, subject to a warrant being issued for that purpose by a Magistrate;
- (f) require any such person to give to the inspector any information which the inspector may reasonably require in respect of such trade, business or activity or in respect of the persons carrying on such trade, business or activity or employed in connection with such trade, business or activity;
- (g) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of the data equipment of any associated apparatus or material, to afford the inspector all reasonable assistance in relation to it and assist in the retrieval of information connected with the operation of such data equipment, apparatus or material;
- (h) summon, at any reasonable time, any other person employed in connection with such trade, business or activity to give to the inspector, any information which the inspector may reasonably require in relation to such trade, business or activity and to produce to the inspector any documents which are in the control of that other person;
- (i) have photographs taken of anything on, at or in the premises, place or vehicle and remove the photographs from the place; and
- (j) inspect any vehicle relating to such trade, business or activity.

(4) An inspector shall not, other than with the consent of the occupier, enter a private dwelling unless he has obtained a warrant from the Magistrate under section 56.

(5) Where an inspector, in the exercise of his powers under this section, is prevented from entering any premises, place or vehicle, an application may be made for a warrant under section 56 authorising such entry.

(6) An inspector appointed under this section, when exercising any powers conferred on him by this Act, may be accompanied by such other persons as he considers necessary.

#### **Issue of warrant by Magistrate.**

56. (1) Without prejudice to the powers conferred on an inspector by or under any provision of this section, if a Magistrate is satisfied, on the sworn statement of an inspector, that there are reasonable grounds for suspecting that there is information required by him under this section held on or at any, or any part of any, premises or place or in any vehicle, the Magistrate may issue a warrant authorising an inspector, (who for this purpose shall be a police officer above the rank of sergeant ), at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises, place or vehicle, if need be, by reasonable force, and exercise all or any of the powers conferred on an inspector under section 55.

(2) A person shall comply with any request or requirement of an inspector under this Act.

(3) A person who –

- (a) obstructs or impedes an inspector in the exercise of a power under this section;
- (b) without reasonable excuse, refuses to comply with a request under this section; or
- (c) in purported compliance with such a request, knowingly or recklessly gives information that is false or misleading in a material respect,

commits an offence and is liable, on conviction before a Magistrate's Court to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding six months.

## PART VIII . OFFENCES

### Prohibitions.

(1) A person shall not –

undertake any task, whilst under the influence of medicinal cannabis, if doing so would constitute negligence, professional malpractice, or professional misconduct;  
have in his possession, medicinal cannabis –

- (i) on a school bus;
- (ii) on the premises of any pre-school, primary or secondary school or at a tertiary institution;

(iii) in a public passenger motor vehicle, except in such manner as may be prescribed;

(iv) in a private residence that is used at anytime to provide licensed child care or other similar social service care at the residence;

engage in the use of medical cannabis –

- (i) on a school bus;
- (ii) on the premises of any preschool, primary or secondary school or at a tertiary institution;
- (iii) in any motor vehicle;

(iv) in a private residence that is used at any time to provide licensed child care or other similar social service care at the residence; or

(v) in any public place;

- (d) consume, sell or offer for free distribution, medicinal cannabis or any or samples thereof at any convention, trade show, or at a public or private event;
- (e) use medicinal cannabis for recreational purposes;
- (f) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or boat whilst under the influence of medicinal cannabis;
- (g) use or have in his possession, medicinal cannabis, if that person has not been diagnosed with a qualifying medical condition and is not authorised to use medicinal cannabis under this Act;
- (h) allow any person who is not authorised to use medicinal cannabis under this Act to use medicinal cannabis;
- (i) knowingly make a misrepresentation to an inspector of any fact or circumstances relating to the use of medicinal cannabis; or
- (j) makes a misrepresentation in relation to a qualifying medical condition to a medical doctor or fraudulently provides material misinformation to the medical doctor in order to obtain a medical certification.

(2) A patient or caregiver shall not knowingly obtain, seek to obtain, or have in their possession, individually or collectively, an amount of medicinal cannabis from an authorised pharmacy that would cause either the patient or the caregiver to exceed the prescribed amount that they are authorised to have in their possession as provided for in a prescription issued by a medical doctor.

(3) A patient or a caregiver shall not knowingly permit the unlawful use of an identification card by any person.

(4) A person who contravenes subsection (1), (2) or (3), commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding seventy-five thousand dollars or to imprisonment for a term not exceeding two years.

(5) A patient or caregiver who sells medicinal cannabis that is obtained under a prescription in this Act shall, in addition to the penalty prescribed under subsection (3), have his identification card revoked.

(6) For the purposes of this Part, "public place" has the meaning assigned to it in the Second Schedule.

### **Prohibitions relating to medical doctor.**

58. (1) A medical doctor shall not –

- (a) conduct a personal physical examination for the purpose of diagnosing a qualifying medical condition at a location where medicinal cannabis is sold or distributed;
- (b) hold a direct or indirect economic interest in any operation or facility which supplies medicinal cannabis, if he is engaged in prescribing medical cannabis or is in a partnership with a medical doctor who prescribes medicinal cannabis;
- (c) serve on the board of directors of a facility which supplies medicinal cannabis;
- (d) advertise his medical services in a facility which supplies medicinal cannabis or at an authorised pharmacy; or
- (e) submit a medical certification to the Authority for his benefit or for the benefit of any member of his family.

(2) A medical doctor who contravenes any of the provisions of subsection (1) commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding three years.

## PART IX. APPEALS

### Establishment of Appeals Tribunal.

59. (1) For the purposes of this Act, there is hereby established an Appeals Tribunal.

(2) The provisions of the Third Schedule shall have effect as to the constitution and operation of the Appeals Tribunal and otherwise in relation thereto.

### Appeals to the Appeals Tribunal.

60. (1) A person who is aggrieved by a decision of the Authority or any other person acting in exercise of any function delegated under section 7 or 26, may appeal to the Appeals Tribunal by way of a notice of appeal within fourteen days of the date of the decision or within such longer period as the Appeals Tribunal may, in any special circumstance, allow.

(2) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, document or statement relevant to the appeal.

(3) A copy of the notice of appeal, together with copies of any correspondence, document or statement shall be served on the Authority.

(4) The Appeals Tribunal shall, within seven days of the receipt of a notice of appeal under subsection (1), request the Authority to furnish it with a statement in writing setting out the reasons for its decision.

(5) The Appeals Tribunal may order that any book, paper, document or statement, relating to the appeal which is in the possession of the Authority or any other person acting in exercise of any function delegated under section 7 or 26, or the person aggrieved be produced at the hearing of the appeal.

(6) The Appeals Tribunal shall cause all parties to the appeal to be informed -

- (a) of the date of the hearing of the appeal;
- (b) that they may appear themselves or be represented by their attorney-at-law;
- and
- (c) that they may summon witnesses in their case.

(7) On hearing an appeal under this section, the Appeals Tribunal may –

- (a) dismiss the appeal and confirm the decision of the Authority;
- (b) allow the appeal and set aside the decision of the Authority;
- (c) vary the decision of the Authority; or
- (d) direct that the matter be referred to the Authority.

## PART X. GENERAL PROVISIONS

### Regulations.

61. (1) The Minister, acting on the advice of the Authority, shall make Regulations for or with respect to any matter that, by this Act, is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1) regulations made under subsection (1) may make provisions for or with respect to -

- (a) prescribing quality standards for the supply of medicinal cannabis and the systems for

- certification to meet the prescribed standards, which shall include standards specified under section 52;
- (b) prescribing fees;
  - (c) without limiting paragraph (b), prescribing fees or levies to recover any compliance or administrative costs;
  - (d) prescribing forms;
  - (e) prescribing particulars or information to be included in any application for the issue of a licence or other authorisation or renewal thereof;
  - (f) regulating, restricting or prohibiting premises, vehicles or equipment used or intended to be used for or in connection with the supply of medicinal cannabis;
  - (g) regulating or prohibiting the transport of medicinal cannabis, including in relation to specific geographical areas or regions in Saint Vincent and the Grenadines;
  - (h) matters to be considered by the Authority in relation to the suitability of premises for the supply of medicinal cannabis;
  - (i) standards or requirements as to security of access to premises which supply medicinal cannabis;
  - (j) requirements of signage at premises licensed in the prescribed manner and information to be displayed at those premises, or on equipment or vehicles used for or in connection with the supply of medicinal cannabis;
  - (k) the manner in which inspections, searches, detentions and seizures under this Act are to be carried out;
  - (l) documents to be kept in relation to medicinal cannabis;
  - (m) the sale, supply and safe custody, storage and security of medicinal cannabis; and
  - (n) the procedure for dispensing medicinal cannabis to visiting qualifying patients;
- (o) the zoning of designated areas to be used for or in connection with the supply of medicinal cannabis;
  - (p) generally, any other matter or thing that is authorised or required to be prescribed or necessary to be prescribed to carry out this Act.

(2) Regulations may also be made with respect to –

- (a) prohibiting, regulating or controlling the supply, distribution, use, safe custody and storage of medicinal cannabis;
- (b) preventing the improper use of medicinal cannabis;
- (c) prohibiting or regulating the issuing of medical certifications;
- (d) prohibiting or regulating the dispensing of medicinal cannabis by authorised pharmacists to patients;
- (e) requiring persons engaged in the supply of medicinal cannabis to keep records and provide information in writing or otherwise;
- (f) the custody, accumulation, destruction, use, supply and storage of medicinal cannabis, including, but not limited to –
  - (i) the specifications of cupboards and other receptacles; and
  - (ii) the manner of storage of any form of medicinal cannabis;
- (g) regulating the supply of medicinal cannabis to persons who have had a history of substance abuse;
- (h) regulating and controlling the advertising by any person of medicinal cannabis, including the form and content of advertisements;
- (i) the colouring of medicinal cannabis;
- (j) prohibiting or regulating the supply of medicinal cannabis, whether by wholesale or by retail, or any class of products, unless the product or class of product is packaged in accordance with regulations and contains no more than a

- specified concentration of cannabinoids;
- (k) the minimum size of packages or containers in which medicinal cannabis or any class of medicinal cannabis may be supplied or offered for supply;
- (l) specifying the containers in which medicinal cannabis may be supplied and prohibiting the use of those containers for other substances;
- (m) labelling and specifying the particulars to be included in labels attached to containers of medicinal cannabis;
- (n) the inspection of premises (other than residential premises), mobile facilities, stocks, records and any other documents relating to medicinal cannabis;
- (o) the administration and use of medicinal cannabis.

(3) Regulations made under this Act may –

- (a) be of general or limited application;
- (b) differ according to differences in place or circumstances;
- (c) apply to different classes of person, licences, authorisations or product;
- (d) confer powers or discretions or impose duties on the Authority, an inspector or any other specified person;
- (e) exempt specified persons or things or classes of person or classes of thing from complying with all or any of the regulations –
  - (i) whether unconditionally or on specified conditions; and
  - (ii) either wholly or to such an extent as is specified.

(4) Notwithstanding any law to the contrary, Regulations made under this Act may provide for the imposition of penalties on conviction before a Magistrate of a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

### **Review of Act.**

62. The provisions of this Act shall be reviewed from time to time by a joint committee of the House of Assembly appointed for that purpose, to determine whether the policy objectives of the Act remain valid and whether the provisions of the Act remain appropriate for securing those objectives.

### **Amendment of Schedules by Order.**

63. (1) The Minister may, from time to time, by Order published in the Gazette amend, revoke or vary the provisions of the Schedules to this Act.

(2) An Order made under subsection (1) shall be subject to affirmative resolution.

### **Consequential amendments to other enactments.**

64. The provisions of the enactment specified in the first column of the Fourth Schedule are amended in the manner specified respectively in relation to items in the second column of that Schedule.

**FIRST SCHEDULE****(Section 51)*****Regulations for the Issuing of Licences*****PART I. Preliminary****Citation.**

1. These Regulations may be cited as the **Medicinal Cannabis Industry (Licensing) Regulations, 2018**.

**Definitions.**

2. (1) In these Regulations –

‘applicant’ means a person who makes an application under these Regulations;

“analytical services” includes services for the testing or abstraction of cannabis”;

“cultivation of cannabis plant” includes –

(a) sow a seed of a cannabis plant;

(b) plant, grow, tend, nurture and harvest a cannabis plant,

whether on the premises or in a building located on the premises, but does not include the separation of cannabis material from a cannabis plant;

“cultivation” includes harvesting, drying, trimming curing and packaging;

“cultivation site” means the premises specified in a cultivation licence as the licensed premises on which cannabis plants are authorised to be cultivated in accordance with the licence;

“dispose” in relation to medicinal cannabis, means destroying the medicinal cannabis in accordance with guidelines or codes of practice issued by the Authority for the purposes of these Regulations;

“manufacture” means to compound, blend, extract, infuse, or otherwise make or produce medicinal cannabis;

“original application” in relation to a licence, means the first successful application for that licence made by the applicant concerned and the words “original licence” shall be construed accordingly;

“premises” means any land or building, and includes any vehicle or receptacle located on such land or in any such building used for the conduct of activities authorised under a licence;

“production” has the meaning assigned to it under the Single Convention on Narcotic Drugs, 1961;

“vehicle” includes an aircraft or a vessel which operates within the jurisdiction;

***PART II General Provisions for licencing*****Matters to be taken into account by the Authority in granting a licence to an individual or a body corporate.**

3. Without limiting the matters to which the Authority may have regard in deciding whether to grant a licence, an applicant shall satisfy such due diligence requirements specified by guidelines issued by the Authority and as such, the Authority shall, in relation to each applicant, conduct or cause to be conducted, such due diligence checks as it considers necessary or appropriate.



### **Spent convictions provisions in enactment and exception in special circumstances**

4. (1) Nothing in regulation 3 shall affect the operation of any enactment which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and requires a person who is aware of such convictions to disregard them.

(2) Notwithstanding the provisions of regulation 3(1) (a) and 3(2) (a), Cabinet may, acting on the recommendation of the Board, approve the issue a licence if it is satisfied that the conduct of an applicant in relation to a serious offence -

(a) involves the cultivation, obtaining, production, possession or supply of cannabis material; and

(b) this information was fully disclosed in an application for a licence made to the Authority;

and the Cabinet is satisfied that, based on the particulars submitted to it for consideration, the applicant would comply with the requirements of the Act and these regulations if the licence is so granted.

(3) For the avoidance of doubt, paragraph (3) does not require the Cabinet to grant the licence even if it so satisfied.

### **Application for a licence**

5. (1) An application may be made to the Authority, in accordance with these Regulations, for -

- (a) a cultivation licence, being a licence in terms of *Subpart III A*,
- (b) a manufacturing licence, being a licence in terms of *Subpart II B*,
- (c) a dispensing licence, being a licence in terms *Subpart III C*; or
- (d) an import licence, being a licence in terms of *Subpart III D*,
- (e) an export licence being a licence in terms of *Subpart III E*;
- (f) an research licence, being a licence in terms of *Subpart III F*;
- (g) a transport licence, being a licence in terms of *Subpart G*;
- (h) a traditional cultivator's licence, being a licence in terms of *Subpart H*.

(2) Notwithstanding any provisions of these Regulations, Cabinet may issue guidelines to exempt a citizen of Saint Vincent and the Grenadines who makes an application for traditional cultivator's licence from one or more of the requirements of these Regulations.

(3) An applicant for a licence shall submit to the Authority -

- (a) a completed application in accordance with Form 1 of this Schedule that contains the information specified in paragraph (3);
- (b) proof to the satisfaction of the Authority that the applicant meets the basic qualification requirements set out in regulation 6;
- (c) the relevant licence application fee set out in Part A of this Schedule, which shall not be refundable;
- (d) the required information mentioned in regulation 7 in respect of the applicant's employees;
- (e) in the case of an application for a cultivation licence, where there is a written agreement between the applicant and a licensed manufacturer for the applicant to supply cannabis to be used in accordance with a licence, a copy of that agreement;
- (f) an income tax clearance in respect of the applicant;

- (g) a police report in respect of the applicant, being in the case of –
  - (i) an individual, a report on that individual;
  - (ii) in the case of a body corporate, a report in respect of each of the directors of the body corporate;
  - (iii) in the case of a society registered under the Co-operative Societies Act or the Building Societies Act, a report in respect of each of its members;
- (h) in accordance with regulation 8, evidence that the applicant owns the premises on which the activities which are the subject of the licence will be carried on, or has the written agreement with the owner of those premises to use the premises for those activities, together with –
  - (i) in the case of land, proof that all applicable taxes in respect of the land have been paid up to date; and
  - (ii) a survey plan of the land comprising the premises or on which the premises are situated, as the case may be;
- (i) where the applicant –
  - (i) is a society registered under the Co-operative Societies Act or the Building Societies Act, a copy of the certificate of such registration; or
  - (ii) has submitted an application for registration under the Co-operative Societies Act or the Building Societies Act, and the application has not yet been determined, evidence of such application;
- (j) where the applicant is a company or registered business, a copy of the Certificate of Incorporation of the company or the Registration of Business Certificate of the business, as the case may be;
- (k) any other information required under regulation 10 (4) or Part III to be submitted with an application for the particular type of licence.

(3) Pursuant to paragraph (2)(a), the information is as follows –

- (a) if the applicant is -
  - (i) an individual, his name, date of birth and gender;
  - (ii) a company, the name of the company;
- (b) the address, telephone number and if applicable, the facsimile number and email address for -
  - (i) the persons for whom the licence is sought; and
  - (ii) where applicable, each building within the premises where the proposed activities are to be conducted;
- (c) the mailing address for the premises for which the licence is required;
- (d) the proposed activities to be conducted on the premises, the purpose for conducting those activities and where applicable the substances in respect of which each of the activities is to be conducted;
- (e) a detailed description of the security measures at the premises for which the licence is sort, subject to these Regulations and any guidelines issued by the

Authority; and

- (f) a detailed description of the method the applicant proposes to use for record keeping, which shall allow for–
- (i) compliance with the provisions of these Regulations;
  - (ii) the Authority to inspect and monitor the activities of the licensee; and
  - (iii) the reconciliation of orders for medicinal cannabis and shipments and inventories of medicinal cannabis, where applicable.

(4) Where an applicant intends to conduct any activity for which a licence is required under the Act on more than one premises, a separate application shall be submitted for each premises.

### **Basic qualification requirements in relation to an applicant.**

6. Pursuant to regulation 5(2)(b), the basic qualification requirements in relation to an applicant are that the applicant -

- (a) is either –
  - (i) a citizen of Saint Vincent and the Grenadines;
  - (ii) an individual who is ordinarily resident in Saint Vincent and the Grenadines and has been so for a period of not less than three years immediately preceding the date of the application;
  - (iii) a body corporate, or business registered, under the laws of Saint Vincent and the Grenadines; or
  - (iv) a co-operative society registered under the Co-operative Societies Act or a society registered under the Building Societies Act; and
- (b) is not disqualified under regulation 9 from applying for a licence.

### **Information relating to employees.**

7. For the purposes of regulation 5 (2) (d), the required information in respect of the applicant's employees is that which is contained in the list, in Form 2 of this Schedule, of all persons to be employed by the applicant in connection with the activity that is the subject of the licence, together with the following in respect of each employee –

- (a) a recent police record;
- (b) proof that each employee has attained the age of eighteen years; and
- (c) a photograph of the employee, which certified by a Justice of the Peace or an attorney-at-law.

### **Evidence of ownership of premises on which activities which are subject of a licence will be conducted.**

8. (1) Pursuant to regulation 5(1)(h) the evidence required in relation to the premises on which activities which are subject to a licence will be conducted shall be –

- (a) a deed of conveyance of the premises;
- (b) a certificate of the order containing the declaration of possession of title in relation to the premises, issued by the Registrar of the High Court pursuant to the Possessory Titles Act;
- (c) a will devising the premises; or
- (d) any other documentary evidence such as a contract of sale, deed of gift or a lease agreement in relation to the premises,

from which it can be reasonably established that the applicant has the rights of ownership or a leasehold interest in the premises.

(2) Where an applicant does not have evidence of ownership of the premises in any of the circumstances specified under paragraph (1), a Consent of Owner Form, as specified in Form 3 of this Schedule, shall be submitted with the application.

### **Disqualification from holding a licence.**

9. An applicant shall be disqualified from holding a licence if the applicant does not satisfy the due diligence requirements pursuant to regulation 3.

### **Authority to make determination on application.**

10. (1) Where a person has made an application for a licence, the Authority shall decide whether to make a recommendation to the Cabinet to issue, or refuse to issue the licence.

(2) The Authority may, subject to paragraph (3) and regulation 11, make a recommendation to refuse to issue a licence if the Authority considers it appropriate in all the circumstances to do so.

(3) For the purposes of deciding whether to make a recommendation to issue or refuse to issue a licence, the Authority –

(a) shall have regard to the following–

- (i) the information and documents provided by the applicant;
- (ii) any advice, information or documents received in response to a due diligence check conducted under paragraph (4), and any advice provided by an agency of government in relation to the application; and

(b) may have regard to any other matter relating to the conduct of activities authorised by the licence;

(c) may have regard to any other matter the Authority considers relevant; and

(d) may require the applicant to provide access to an inspector of the premises at which activities proposed to be authorised by the licence will be carried out, for the purposes of inspecting the premises.

(4) The Authority may, by notice in writing, require an applicant to give to the Authority such further information or documents in relation to the application as the Authority reasonably requires.

(5) The Authority may, subject to the provisions of this Regulation and Part III –

- (a) if the Authority is satisfied that the application is made in accordance with the Act and these Regulations, make a recommendation to the Cabinet to approve the application for the issue of a licence, on such terms and conditions proposed by the Authority; or
- (b) subject to regulation 11, make a recommendation to the Cabinet to refuse the application, and where the Cabinet refuses the application to issue the licence, thereafter, notify the applicant in writing, within seven days from the date of refusal of the decision and the reasons therefor and of the applicant's right of appeal under Part

IX of the Act.

**General circumstances in which the Authority may recommend the refusal to issue a licence.**

11. (1) The Authority shall make a recommendation to the Cabinet to refuse to issue a licence if -

- (a) the Authority is not satisfied on reasonable grounds that -
  - (i) the applicant has satisfied the due diligence requirements pursuant to regulation 3; and
  - (ii) each of the applicant's relevant business associates in relation to the application, whether in relation to a business relating to the proposed activity for which the licence is sought, or in relation to any other business, has not satisfied the due diligence requirements;
- (b) the Authority is satisfied, on reasonable grounds, that the issue of the licence would not be consistent with Saint Vincent and the Grenadines' international obligations;
- (c) the Authority is not satisfied, on reasonable grounds, that the applicant will take all reasonable measures to ensure the physical security of the premises at which the activity authorised under a licence will be carried out;
- (d) the Authority is not satisfied, on reasonable grounds, of the suitability of the location of the premises or proposed security arrangements at the premises where activities authorised by the licence will be carried out;
- (e) the application fee has not been paid; or
- (f) the applicant has not complied with a requirement under these Regulations in relation to the application.

(2) A business associate of the applicant is a relevant business associate in relation to an application if the Authority considers it is reasonable, in the circumstances of the application, to take that business associate into account.

**Authority may impose conditions on licence subsequent to Cabinet's approval.**

12. Where the Authority, based on a recommendation made to the Cabinet, receives approval from the Cabinet to issue a licence, with or without conditions, the Authority shall do so subject but not limited to, the conditions set out in regulation 16.

**Notification of decision.**

13. Pursuant to regulation 12, the Authority shall, as soon as practicable –

- (a) notify the applicant, in writing, of the Cabinet's decision; and
- (b) issue to the applicant a licence specifying the matters as mentioned in regulation 14 to the applicant.

**Matters to be specified in medicinal cannabis licence.**

14. A licence shall, after payment of the prescribed fee and security bond specified in Form A and Form B of this Schedule respectively, be issued in the manner specified in Form C of this Schedule and shall specify the following –

- (a) the name of the licensee;

- (b) the activities authorised by the licence, and the extent to which those activities are authorised only in accordance with a licence held by the licensee;
- (c) the extent of the premises on which the activity that is authorised by the licence is to be conducted;
- (d) the persons authorised by the licence to engage in activities authorised by the licence;
  - (a) the conditions (if any) imposed by the Authority in accordance with regulation 16;
- (f) the period for which the licence is in force;
- (g) that the Authority may, in accordance with regulation 26, require the disposal of medicinal cannabis in the possession of, or under the control of, the licensee.

### **Period of validity of a licence.**

15. A licence shall cease to be in force –

- (a) at the end of the period for which it is expressed to be in force; or
- (b) if it is revoked earlier, when it is revoked.

### **Terms and conditions.**

16. The following terms and conditions shall be deemed to be terms and conditions of every licence, in addition to any other terms and conditions which may apply to any such licence by virtue of any other provision of these Regulations –

- (a) that the licensee shall take all reasonable steps not to engage or employ a person to carry out any activity authorised by the licence if the person is under the age of eighteen years;
- (b) that the licensee carries out any activity authorised by the licence in accordance with the licence;
- (c) that the licensee complies with the guidelines and directives issued by the Authority, from time to time;
- (d) that the licensee displays the licence (or a copy thereof duly certified by a Justice of the Peace or a Notary Public) in a conspicuous location on the premises on which the activity which is the subject of the licence is carried on;
- (e) that the required information referred to in regulation 7, in respect of each new employee be submitted to the Authority prior to engaging the employee, and the employee shall not be engaged without that approval;
- (f) that the licensee shall notify the Authority as soon as reasonably practicable after any of the following matters come to the attention of the licensee –
  - (i) a matter that may affect the due diligence requirements of the licensee or a business associate of the licensee (in relation to a business relating to the licence or in relation to any other business);
  - (ii) a breach of the licence; or
  - (iii) any other matter that may require or permit the Authority to revoke the licence;
- (g) that the licensee shall permit an inspector to enter the premises at which the person is present and where the activity which is the subject of the licence is being conducted, for the purposes of the following -
  - (i) inspecting or monitoring the activity;
  - (ii) ensuring whether or not the activity is being carried out as authorised by the licence and whether the licence conditions are being complied with; and
  - (iii) take samples of anything at such land or premises and remove and test such

samples;

- (h) that the licensee shall provide to the Authority, at such intervals as the Authority may require, a full accounting of all transactions, including the price for which medicinal cannabis was purchased and sold by the licensee and sufficient information relating thereto as would enable the Authority to trace, back to the supplier, the medicinal cannabis purchased by the licensee;
- (i) that the licensee shall provide to the Authority a monthly reconciliation statement in respect of all cannabis handled, and all cannabis disposed of, by the licensee;
- (j) that any medicinal cannabis which constitutes waste material or by-products of the activities carried on under the licence –
  - (i) shall be disposed of in accordance with these Regulations and guidelines issued by the Authority; and
  - (ii) before such disposal, shall be packaged in a manner approved by the Authority and made available for inspection by the Authority; and
- (k) that the licensee shall keep a log, in a form approved by the Authority, of all persons entering and exiting the premises on which the activities which are the subject of the licence are carried on, and shall make the log available to the Authority for inspection on request.

### **Variation of licence.**

17. (1) The Authority may vary a licence by giving notice in writing to the licensee –

- (a) at any time, on the Authority's own initiative; or
- (b) on application made by the licensee.

(2) The Authority may vary a licence if the Authority considers it appropriate in all the circumstances to do so.

(3) A variation made under this regulation may include an amendment extending the period of validity, in the case of a cultivation licence, for such further period as may be necessary for the completion of the cultivation of cannabis on the premises, being in any event a period not extending beyond the duration of the crop cycle.

(5) Without limiting paragraph (1), the Authority may vary a licence –

- (a) to impose conditions or additional conditions,
- (b) to remove or vary conditions that were imposed by the Authority by virtue of these Regulations; or
- (c) to extend, modify or reduce the activities authorised by the licence or the licensee.

(6) A variation of a licence takes effect on the day specified in the notice under paragraph (1).

### **Applications for variation of licence**

18. (1) An application for variation of a licence shall be in writing, and shall contain the following information –

a detailed document outlining the proposed variation as well as any additional information that is relevant to the proposed variation; and  
a copy of the original licence.

(2) The application for a variation must be accompanied by the application fee provided in Part A of this Schedule.

(3) The application may be withdrawn at any time before a decision is made on the application, but the application fee shall be non-refundable.

(4) If an application has been made for variation of a licence the Authority may refuse to vary the licence.

### **Duration of licences and obligations with respect to fees and security bond.**

19. (1) A licence issued under these Regulations shall, subject to regulation 21, be valid for the period specified in paragraph (2), unless renewed for a further period in accordance with regulation 20 or surrendered at an earlier date by notice in writing given by the licensee to the Authority.

(2) The period mentioned in paragraph (1) is –

- (a) in the case of a cultivation licence, a period of one year from the date of issue of the licence; and
- (b) in the case of any other licence, a period of three years from the date of issue of the licence.

(3) The relevant licence fee specified in the Part A of this Schedule shall be payable by the licensee, to the Authority, annually on the anniversary of the date of issue of the licence so long as the licence is valid.

(4) Upon the revocation, surrender or expiration of a licence, any security bond paid by the licensee in relation to the licence shall be refunded by the Authority, less any costs offset, in accordance with regulation 60.

### **Renewal of licences.**

20. (1) A licensee may apply for renewal of the licence by submitting to the Authority a completed application in accordance with Form 1 of this Schedule, together with –

- (a) the original licence;
- (b) the relevant licence renewal application fee set out in Part A of this Schedule and any amounts required to replenish the relevant security bond set out in Part B of Form 1 this Schedule; and
- (c) all supporting documentation as would be required on an original application for the licence, other than any documentation expressly exempted by the Authority from time to time for the purposes of the renewal.

(2) An application for the renewal of a licence shall be submitted to the Authority, at least thirty calendar days prior to the expiration date of the current licence and no application for



renewal shall be accepted by the Authority more than sixty calendar days prior to the expiration date of the current licence.

(3) If a completed application for renewal is submitted within the thirty calendar days period specified under paragraph (2), the licensee may continue to operate until the Cabinet approves or refuses the application for renewal.

(4) After the expiration of the licence and within the sixty calendar day period specified under paragraph (2), a licensee shall submit a late fee of five hundred dollars, which shall be paid in addition to the required renewal fee in order to renew the licence.

(5) A licensee who does not submit an application for renewal within the sixty day calendar period after the expiration of the licence, shall forfeit his eligibility to apply for a renewal and instead shall be required to submit a fresh application in accordance with regulation 5, in addition to being required to submit a late fee of five hundred dollars along with the original application fee, in order to renew the licence.

(6) The Authority, in determining an application for renewal under this regulation, shall take into account the factors required under these Regulations to be taken into account on the original application, and may also take into account any information garnered during the course of the original licence and any subsequent renewal thereof.

(7) The provisions of regulation 19 shall apply, with the necessary modifications, to a licence that is renewed under this regulation.

(8) A licence renewed under this Regulation may include such terms and conditions as the Authority thinks fit, including any term or condition not included in the original licence or a subsequent renewal thereof.

### **Revocation of licence.**

21.(1)The Authority shall, by notice in writing given to the licensee, revoke a licence if the Authority is satisfied on reasonable grounds –

- (a) that the licensee, or if the licensee is a company, any of the directors of the company, has engaged in conduct that constitutes a serious offence since the licence has been granted;
- (b) that the licensee no longer satisfies the due diligence requirements pursuant to regulation 3; or
- (c) that a business associate of the licensee no longer satisfies the due diligence requirements pursuant to regulation 3;(whether in relation to a business relating to the licence or in relation to any other business);that the licensee is disqualified under regulation 9;
- (d) that the licence is lost or has been stolen.

(2) The Authority may, by notice in writing given to the licensee, revoke or suspend a licence, if the Authority is satisfied on reasonable grounds –

- (a) that a condition of the licence has been breached; or
- (b) that the licensee has engaged in conduct that an offence under the Drugs Prevention of Misuse Act, the Drug trafficking Act or the Proceeds of Crime Act; or
- (c) that the licence was obtained or varied on the basis of information that -

- (i) was false or misleading in a material particular;
  - (ii) omitted a matter or thing without which the information was misleading in a material particular;
- (d) that the location, facilities or security arrangements at the premises at which activities authorised by the licence take place are not suitable for those activities;
  - (e) that the licensee has ceased to carry on all activities authorised by the licence;
  - (f) that activities authorised by the licence to be undertaken at the premises by the licensee have been undertaken by the licensee other than at those premises;
  - (g) that the licensee is not taking all reasonable measures to ensure the physical security of the medicinal cannabis or cannabis material in the licensee's possession or control; or
  - (h) that the licensee has not provided information required by a notice given under regulation 10(4) within the time specified in the notice.

(3) The revocation of a licence takes effect on the day specified in the notice under paragraph (1) or (2).

#### **Authority to notify of proposed revocation.**

22. (1) Before revoking or suspending a licence under regulation 21, the Authority shall give written notice of the proposed revocation to the licensee.

(2) A notice under paragraph (1) in relation to a licence shall –

- (a) state that the Authority proposes to revoke or suspend the licence and the reasons for the proposed revocation or suspension; and
- (b) invite the licensee to make a written submission to the Authority about the proposed revocation or suspension.

(3) A notice under paragraph (1) shall specify a period within which the licensee may make a submission under paragraph (2) (b) and such period shall not end earlier than thirty days after the day on which the notice was given.

#### **Ceasing of suspended activities and reinstatement of licence.**

23. (1) If a licence is suspended in respect of any or all activities set out in the licence, the licensee shall cease conducting those activities for the duration of the suspension.

(2) The Authority shall, by notice to a licensee, reinstate a licence, in respect of any or all activities affected by the suspension if the licensee demonstrates to the Authority that –

- (a) the failure which gave rise to the suspension has been rectified; or
- (b) the suspension was unfounded.

#### **Report of loss or theft.**

24. (1) Where a licensee is in possession of medicinal cannabis that is stolen or there is an unusual waste or disappearance of medicinal cannabis that cannot be explained on the basis of normally accepted business activities, the licensee shall –

- (a) immediately report the occurrence to an inspector ; and

- (b) provide a written report to the Authority, within forty eight hours after becoming aware of the occurrence.

(2) The provisions of section 45 of the Act shall apply *mutatis mutandis* in relation to the procedure regarding the loss of a licence issued under these Regulations.

### **Disposal of medicinal cannabis, application of security bond.**

25. (1) Where by virtue of any provision of these Regulations, a licence is suspended, revoked or surrendered, or has expired, the Authority shall give to the licensee such written directions as the Authority considers appropriate for the safe custody or disposal, (as the case may require) of any medicinal cannabis in the custody or control of the licensee and not lawfully held under any other licence and the licensee shall comply with those directions.

(2) The security bond paid under these Regulations by a licensee on the issue of the licence may be applied by the Authority to offset any costs reasonably incurred by the Authority in disposing of any medicinal cannabis, due to –

- (a) the licensee's failure to comply with directions issued under paragraph (1) to the licensee;
- (b) the licensee's failure to dispose of the medicinal cannabis in any case where disposal becomes necessary (for example, in the case of cannabis, where it is infected, or the medicinal cannabis exceeds the quantity that the licensee is permitted to handle under the licence); or
- (c) any circumstances from which the Authority may reasonably conclude that the licensee has abandoned the licence or the medicinal cannabis.

(3) Where a licensee intends to surrender a licence or does not make an application for the renewal of a licence under these Regulations, the licensee shall, not later than sixty days before the surrender or expiration of the licence (as the case may be), make a written report to the Authority setting out a disposal plan for all medicinal cannabis estimated to be left in the licensee's possession on the date of the termination.

(4) A licensee shall comply with such written directions as may be issued to the licensee by the Authority in response to a report made by the licensee under paragraph (3).

### **Inspection of premises prior to issuance of licence.**

26. (1) Prior to considering an application for a licence, the Authority shall cause an inspection to be made of the proposed premises on which the activities which are the subject of the licence are to be carried on, by an inspector who shall have power to –

- (a) enter onto the premises for the purpose of conducting the inspection;
- (b) require any person who would be required or authorised to give any report under these Regulations if the licence were to be issued, to submit to an interview for the purpose of assessing the person's capability to provide the report;
- (c) take photographs of the premises; and
- (d) traverse the premises in order to establish the boundaries thereof.

(2) Pursuant to paragraph (1), the inspector shall promptly submit a report of the inspection to the Authority, together with the photographs taken.

(3) The Authority may cause to be conducted any further inspections as are necessary to ensure full compliance with the requirements of these Regulations for the issuance of a

licence, and particularly with a view to inspecting the working of surveillance systems at the proposed premises concerned.

**PART III. Provisions Applicable to Specific Licence Types**  
*SubPart III A – Cultivation Licences*

**Activities authorized by cultivation licence.**

27. Without limiting the matters that the Authority may specify in a cultivation licence, a cultivation licence shall authorise one or more of the following –

- (a) the types and strains of cannabis plants that may be cultivated;
- (b) the maximum size of the cannabis crop that may be cultivated;
- (c) the maximum number of cannabis plants that a licensee may have in his possession or control at any time for the normal conduct of business; and
- (d) the period during which the cannabis plants may be cultivated.

**Additional requirements for cultivation licence.**

28. - (1) Subject to regulation 5, where the applicant for a cultivation licence is an individual, there shall be submitted with the application –

two passport-sized photographs of the applicant; and  
copies of two Government issued forms of identification,  
certified by a Justice of the Peace or a notary public.

(2) The Authority shall not recommend to the Cabinet the approval of an application for a cultivation licence unless, in addition to the several requirements set out in Part II, the following additional requirements are satisfied –

- (a) arrangements satisfactory to the Authority are in place for the off-site security surveillance of the premises where the cannabis is to be cultivated, whether by electronic means or otherwise;
- (b) the premises where the cannabis is to be cultivated is not situated within six hundred metres of any school or place of worship, subject to, in relation to a place of worship, the provisions of the Permitted Use of Cannabis For Religious Purposes Act;
- (c) the premises where the cannabis is to be cultivated consists of an area having clearly defined boundaries and ownership of the proposed premises is clearly established in accordance with regulation 5(2)(h) and 8;
- (d) the Authority is satisfied that approving the application would not be inconsistent with any requirements under the Forest Resources Conservation Act or any action taken by the appropriate authority in exercise of functions under that Act and any other applicable laws concerning the issue of licences with respect to the carrying on of any activity in the geographical area concerned;
- (e) in the case of an application for a Tier 2 or Tier 3 licence, the applicant has submitted, to the satisfaction of the Authority, a draft security contract that includes provision for –
  - (i) off-site web-enabled electronic surveillance;
  - (ii) regular physical inspections and written reports thereon; and
  - (iii) a panic alarm system tied to a base operation that is operated, by a security company that is included on a list of approved security companies published by the Authority from time to time;

- (f) the applicant has submitted, to the satisfaction of the Authority, a proposal for the implementation of a system to monitor, track and trace all cannabis cultivated on the proposed premises;
- (g) the applicant meets the qualifications set out in regulation 29 in respect of the licence Tier applied for.

(3) In making a recommendation to the Cabinet in relation to the approval of an application for a cultivation licence, the Authority shall give preference to an applicant who has an agreement or arrangement with a proposed manufacturer or exporter for the crop harvested from the premises.

### **Issue of cultivation licence.**

29. – (1) Where based on the recommendation made by Cabinet, the Authority approves an application for a cultivation licence, the Authority shall issue to the applicant, upon receipt of the applicable licence fee and applicable security bond specified in Part A and Part B of this Schedule respectively, a licence in the form set out in Part C of this Schedule, being -

- (a) a Tier 1 cultivation licence in the case of premises –
  - (i) comprising land of up to 5 acres (outdoor) or a building of up to 5000 square feet (indoor);
  - (ii) the boundaries of which are secured in compliance with guidelines issued by the Authority; and
  - (iii) which satisfies the requirements set out in paragraph (2);
- (b) a Tier 2 cultivation licence in the case of premises –
  - (i) comprising land of more than 5 acres but not exceeding 10 acres (outdoor) or a building of more than 5000 square feet but not exceeding 10,000 square feet (indoor);
  - (ii) the boundaries of which are secured in accordance with guidelines issued by the Authority; and
  - (iii) which satisfies the requirements set out in paragraph (2); or
- (c) a Tier 3 cultivation licence in the case of premises –
  - (i) comprising land of more than 10,000 acres (outdoor) and a building of more than 10,000 square feet (indoor);
  - (ii) the boundaries of which are secured by guidelines issued by the Authority; and
  - (iii) which satisfies the requirements set out in paragraph (2).

(2) The requirements mentioned in paragraph (1) are that –

- (a) there is sufficient parking inside the premises for vehicles to park and for the purpose of loading cannabis for transport;
- (b) the nature of the terrain is appropriate, and the site is accessible by road; and
- (c) there is a clearly defined area for each aspect of the cultivation process (for example, a plant nursery, a planting area, and a harvesting and drying area).

### **Terms and conditions applicable to cultivation licence.**

30. (1) For the avoidance of doubt, it is hereby declared that all cannabis that is cultivated in accordance with a cultivation licence shall not be sold or disposed of in any manner without the written approval and certification of the Authority.

(2) Without prejudice to paragraph (1) and the power of the Authority to impose terms and conditions on a cultivation licence, the following additional terms and conditions shall be deemed to be included –

- (a) the licensee undertakes to ensure that, prior to the sale of the entire cannabis crop produced on the licensed premises, the Authority shall approve the written contract agreement entered into between the licensee and the manufacturer, researcher or exporter, as the case may be, and such agreement shall include, as part of its terms and conditions, a requirement that-
  - (i) the standards required by the manufacturer, researcher or exporter, if any, be stipulated in the contract agreement; and
  - (ii) any security bond required to be paid under these Regulations by the manufacturer, researcher or exporter be forfeited to the licensee in event of failure to complete the written contract;
- (b) cultivation by the licensee on the premises shall not exceed the acreage of land or square footage of the building specified in the Tier for which the licence is issued;
- (c) each cannabis plant on the cultivation site shall be tagged with a unique identifier issued by the Authority;
- (d) compliance with the guidelines issued by the Authority relating to the procedure, conditions and requirements for the storage of the cannabis;
- (e) a report on the activities conducted on the cultivation site shall be made to the Authority –
  - (i) at monthly intervals, in the case of a Tier 1, Tier 2 or Tier 3 licence;
  - (ii) forthwith in the case of any exceptional event; and
  - (iii) at such other times as may be reasonably required by the Authority;
- (f) any cannabis cultivated on the licensed premises –
  - (i) in excess of the amount permitted under the licence;
  - (ii) which remains un-dried for more than twenty-one days after harvesting, unless regulation 31 (1)(c) applies; or
  - (iii) otherwise than in accordance with the licence or any provision made by or under the Act,
 shall be disposed of in accordance with directions issued by the Authority;
- (g) all cannabis harvested from the cultivation site shall be dealt with in accordance with regulation 31;
- (h) the licensee shall notify the Authority, at least one month in advance of carrying out any harvesting of cannabis on the premises and shall not carry out any such harvesting unless an inspector is present; and
- (i) any drying or curing of cannabis harvested from the cultivation site shall be completed within four months after the harvesting, and the licensee shall facilitate the conduct of a site inspection by the Authority on completion of the process;
- (j) the licensee shall undertake to conduct an agricultural or other approved project subject to the approval of the Minister.

### **Harvesting of cannabis to be sold uncured.**

31. (1) With respect to a licence under this Sub-Part, where –

- (a) the licensee harvests cannabis that is to be sold uncured, the licensee shall dispose of

- the harvested cannabis over, within four months after the harvesting, in the manner approved by the Authority pursuant to regulation 30 (1) (a);
- (b) the licensee harvests cannabis that is to be sold cured, the licensee shall dispose of the cured cannabis in the manner approved by the Authority pursuant to regulation 30 (1) (a), and the licensee shall ensure that the harvested cannabis remains tagged as required by regulation 30 (1)(c) at all times during that period; or
- (c) the licensee does not, at the time of harvesting cannabis, have a manufacturer, researcher or exporter to purchase the cannabis, or an arrangement with a manufacturer, researcher, or exporter subsequently fails, the licensee shall be permitted to –
- (i) store the cannabis securely, for not more than four months after the date of the harvesting, while attempting to find a manufacturer, researcher or an exporter to purchase the cannabis; and
  - (ii) bag or cure the cannabis if prior approval to do so is obtained from the Authority.

### **Testing, packaging and labelling.**

32. – (1) All cannabis harvested on licensed premises shall be packaged in the official bags provided by the Authority.

(2) The Authority may charge a reasonable fee for the supply of bags under this regulation.

(3) The bags provided by the Authority under this regulation shall be labelled with identifiers unique to the licensee, which may include the relevant licence number, a unique lot number and the result of any potency or safety tests done.

(4) For the purposes of this regulation, the Authority may at any stage of cultivation of cannabis by a licensee, require the licensee to have any cannabis at the licensed premises tested by an analytical service provider and the results of the test furnished to the Authority.

(5) A person who, without lawful excuse or authority, is in possession of, or uses, any bag, label or other unique identifier devised by the Authority for the purposes of these Regulations commits an offence and shall be liable on conviction in a Magistrates' Court to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three months.

### *SubPart III B – Manufacturing Licences*

#### **Matters to be authorised by manufacturing licence.**

33. Without limiting the matters that the Authority may specify in a manufacturing licence, such licence shall authorise the manufacturing of medicinal cannabis products, including activities related to such manufacture.

#### **Additional requirements for manufacturing licence.**

34. The Authority shall not make a recommendation to Cabinet for the approval of an application for a manufacturing licence unless, in addition to the requirements set out in Part II, the following requirements are met –

- (a) the applicant submits the following information, where applicable, regarding the premises to be used to conduct the manufacturing activity –

- (i) the physical address of the proposed premises;
  - (ii) the type of manufacturing activity that will be conducted on the premises;
  - (iii) the type of medicinal cannabis products that will be manufactured;
  - (iv) the name and address of the person in charge of the manufacturing activity to be carried out on the premises;
  - (v) the anticipated gross annual income from the medicinal cannabis products to be manufactured on the premises;
  - (vi) a diagram of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, and common or shared entryways, including the areas in which manufacturing activities will be conducted;
  - (vii) a description of inventory control procedures sufficient to demonstrate how the applicant will comply with the requirements of these Regulations;
  - (viii) a description of quality control procedures sufficient to demonstrate how the applicant will comply with all the applicable requirements specified in these or other Regulations addressing quality control;
  - (ix) a description of the transportation process to be used by the applicant that is in compliance with Sub-Part III G;
  - (x) a description of security procedures sufficient to demonstrate how the applicant will comply with regulation 37 any guidelines relating to same that is issued by the Authority;
  - (xi) a description of the waste disposal procedures sufficient to demonstrate how the applicant will comply with any guidelines relating to same that is issued by the Authority;
  - (xii) a written statement signed by the owner of the premises, identifying the physical location of the property and acknowledging and consenting to the manufacturing of medicinal cannabis on the premises;
- (b) the applicant has satisfied all applicable requirements under the Standards Act or any other standards prescribed under this Act;
  - (c) the Authority is satisfied that the recommendation to the Cabinet for approval would not be inconsistent with any requirements under the Forest Resources Conservation Act or any action taken in the exercise of functions under that Act and any other applicable laws concerning the issue of licences with respect to the carrying on of any business or activity in the geographical area concerned; and
  - (d) the matters referred to in regulations 35 have been verified.

### **Pre-licensing security verification.**

35. Before making a recommendation to Cabinet for approval of an application for a manufacturing licence, the Authority shall cause an inspection to be made of the premises to be used for the proposed manufacturing activity to be carried out under the licence, and in particular to verify that –

- (a) the area for receiving the cannabis is secure;
- (b) an electronic surveillance system for off-site monitoring, which captures all access points to the premises, is in place and in good working order;
- (c) the proposed premises are fit for that purpose and are secured in accordance with guidelines issued by the Authority and consist of an enclosed building that has –
  - (i) clearly defined areas for receiving, storing and processing cannabis;



- (ii) entrances and exits that are the subject of strict access control systems and monitoring procedures;
  - (iii) a logged access control system in place, which includes additional security mechanisms for the areas designated for storage of cannabis and medicinal cannabis products and that access to those storage areas is limited to the smallest number of persons as is reasonably practicable for the purposes; and
- (d) all designated security posts on the premises are adequately staffed.

### **Issue of manufacturing licence.**

36. (1) Where the Authority issues a manufacturing licence upon receipt of an approval from the Cabinet, the Authority shall, upon receipt of the applicable licence fee, and the applicable security bond specified in Part B of this Schedule, issue to the applicant a Tier 1 licence or a Tier 2 licence (as the case may require) in the form set out in Part C of this Schedule.

(2) A Tier 1 licence shall be issued in respect of a licence to process medicinal cannabis products on premises not exceeding one hundred and fifty square meters.

(3) A Tier 2 licence shall be issued in respect of a licence to process medicinal cannabis products on premises exceeding one hundred and fifty square meters.

### **Security Plan.**

37. (1) A licensee under this Sub-Part shall develop and implement a security plan.

(2) At a minimum, the security plan shall include a description of the security measures to be taken to –

- (a) prevent access to the licensed premises by any unauthorized personnel and protect the physical safety of employees, including, but is not limited to –
  - (i) establishing physical barriers to secure perimeter access and all points of entry onto a premises (such as locking primary entrances with commercial grade, non-residential door locks, or where applicable, and subject to guidelines issued by the Authority, providing fencing around the premises, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
  - (ii) installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
  - (iii) establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
  - (iv) maintaining the premises such that visibility and security monitoring of the premises is possible; and
  - (v) establishing procedures for the investigation of suspicious activities;
- (b) prevent against theft or loss of medicinal cannabis including but not limited to-
  - (i) establishing an inventory system to track cannabis and medicinal cannabis products and the personnel responsible for processing it throughout the manufacturing process;
  - (ii) limiting access of personnel within the premises to those areas necessary to complete job duties and to those time-frames specifically scheduled for completion of job duties;

- (iii) supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles) to be used in the transporting of medicinal cannabis;
- (iv) providing designated areas in which personnel may store and access personal items;
- (v) secure and back up electronic records in a manner that prevents unauthorised access and that ensures the integrity of the records is maintained.

(2) At a minimum, the licensed premises shall have a complete digital video surveillance system, which shall be able to effectively and clearly record images of the area under surveillance.

(3) The video surveillance system shall be capable of supporting remote access by the licensee.

(4) To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, or disabling.

(5) Areas that shall be recorded on the video surveillance system include, but are not limited to, the following –

- (a) areas where cannabis or medicinal cannabis products are weighed, packaged, stored, quarantined, loaded or unloaded for transportation, or moved within the premises;
- (b) limited-access areas;
- (c) security rooms;
- (d) areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and
- (e) the interior and exterior of all entrances and exits to the premises.

(6) The surveillance system shall record continuously twenty-four hours per day.

(7) All recording and monitoring equipment shall be located in secure rooms or areas of the premises in an access-controlled environment.

(8) All surveillance recordings shall be kept on the licensee's recording device for a minimum of ninety days.

(9) All video surveillance recordings shall be subject to inspection by the Authority and shall be copied and sent, or otherwise provided, to the Authority upon request.

(10) The video recordings shall display the current date and time of recorded events.

### **Terms and conditions of manufacturing licence.**

38. Without prejudice to the power of the Authority to impose terms and conditions in relation to any manufacturing licence, it shall be deemed to be a term and condition of every manufacturing licence that the licensee shall, for the duration of the licence, remain compliant with all applicable requirements made by or under the following –

- (a) the Standards Act;
- (b) the Patents Act; and
- (c) any other applicable laws relating to standards or intellectual property.

### **Pre-licence security verification.**

39. Before determining an application for a dispensing licence, the Authority shall cause an inspection to be made of the proposed premises to be used for the activity to be carried out under the licence to verify that those premises are, physically secure and otherwise fit for the purposes of the licence, and in particular that the premises meet the requirements specified in regulation 41 (c).

### **Issue and scope of dispensing licence.**

40. - (1) Where the Authority approves an application for a dispensing licence, the Authority shall, upon receipt of the applicable licence fee specified in Part A of this Schedule, issue to the applicant a dispensing licence, in the form set out in Part C of this Schedule, being a licence to sell medicinal cannabis products, for the purposes and in the quantity mentioned in paragraph (2) on premises specified in the licence.

(2) Sale or use of medicinal cannabis for the purposes specified in paragraph (1) shall be in accordance with the provisions of the Act.

### **Terms and conditions of dispensing licence.**

41. Without prejudice to the power of the Authority to impose terms and conditions on a dispensing licence, the following terms and conditions shall be deemed to be included in the terms and conditions of a dispensing licence –

- (a) the licensee shall furnish to the Authority, at such intervals as the Authority may require, a report disclosing the amount of all medicinal cannabis products received from manufacturers licensed under *SubPart III B* or any other source authorised by the Authority;
- (b) the licensee shall keep, in a form approved by the Authority, a log of all medicinal cannabis products delivered to the licensee and all medicinal cannabis products sold by the licensee;
- (c) the licensee shall ensure that the premises on which the activities which are the subject of the licence are to be carried out, are physically secure and otherwise fit for the purposes of the licence, and in particular that the premises comprise an enclosed secure building that has –
  - (i) clearly designated areas for receiving and storing medicinal cannabis products;
  - (ii) strict systems limiting access to medicinal cannabis products on the premises so as to ensure compliance with these Regulations and the terms and conditions of the licence; and
  - (iii) camera systems in place to monitor all activities on the premises with respect to the handling of medicinal cannabis products;
- (d) the licensee shall designate and use a secure area on the premises for the storage of all medicinal cannabis products offered for sale by the licensee; and
- (e) the licensee shall keep a log, in a form approved by the Authority, of all persons accessing the area referred to in sub-paragraph (d) and shall make the log available to the Authority for inspection on request.

*SubPart III D – Import licence*

**Application for import permit.**

42. The Authority shall not make a recommendation to the Cabinet for the approval of an application for an import licence unless, in addition to the requirements set out in Part III, the applicant submits the following additional information –

- (a) in respect of any medicinal cannabis product to be imported –
  - (i) its description;
  - (ii) its intended use;
  - (iii) if applicable, its brand name;
  - (iv) its quantity;
- (b) the name and address of the exporter in the country of export;
- (c) the port of entry into Saint Vincent and the Grenadines;
- (d) the address of the premises to which the medicinal cannabis product is to be delivered; and
- (e) each mode of transportation used, the country of export and, where applicable, any country of transit or transshipment.

(2) An application for an import licence shall –

- (a) be signed and dated by the applicant; and
- (b) include a statement, indicating that all information submitted in support of the application is correct and complete to the best of the applicant's knowledge.

**Contents of import licence.**

43. (1) An import licence shall contain the following –

- (a) the licence number;
- (b) the information referred to in regulation 42;
- (c) the effective date of the import licence;
- (d) its expiry date;
- (e) if applicable, any conditions that the licensee shall meet in order to reduce any potential public health, safety or security risk, including the risk of the imported substance being diverted to an illicit market or use.

(2) An import licence shall be valid until –

- (a) its expiry date or the date on which it is suspended or revoked in accordance with these Regulations;
- (b) the expiry date of the manufacturer or dispenser's licence.

(3) An import licence under these Regulations is valid only for the importation in respect of which it is issued.

(4) For the avoidance of doubt, only medicinal cannabis products may be imported.

**Refusal to issue import licence.**

44. The Authority may recommend to the Cabinet the refusal of an application for an import licence, if –

- (a) the applicant does not hold a manufacturer's licence or a dispensing licence in relation to the medicinal cannabis that is to be imported; or
- (b) the Minister has reasonable grounds to believe that –
  - (i) the shipment for which the import licence is requested would contravene the laws of the country of export or any country of transit or transshipment; or
  - (ii) the importation is for the purpose of re-exporting the medicinal cannabis product.

**Provision of import licence.**

45. On request of a customs officer, the holder of an import licence shall provide a copy of the import licence to the customs office, sufferance warehouse or bonded warehouse, as the case may be, at the port of entry into Saint Vincent and the Grenadines.

**Declaration after release from customs.**

46. The holder of an import licence shall provide the Authority, within fifteen days after the day of release of a shipment that contains the imported medicinal cannabis product, in accordance with the Customs Act, with a declaration that contains the following information –

- (a) the name of the licensee and a copy of the import licence in respect of the shipment;
- (b) the date of release of the shipment; and
- (c) in respect of the imported medicinal cannabis product -
  - (i) its description;
  - (ii) its intended use;
  - (iii) if applicable, its brand name; and
  - (iv) its quantity.

**Transportation of imported substance.**

47. The holder of an import licence shall ensure that, after the imported medicinal cannabis product is released, it is transported directly to the premises specified in the import licence in accordance with SubPart III G.

*Sub-Part III E- Export Licence*

**Application for export licence.**

48. (1) The Authority shall not make a recommendation to the Cabinet for the approval of an application for an export licence unless, in addition to the requirements set out in Part III, the applicant submits the following additional information –

- (a) in respect of the medicinal cannabis to be exported;
  - (i) its description;
  - (ii) its intended use;
  - (iii) if applicable, its brand name;

- (iv) its quantity; and
- (v) in the case of dried cannabis, its percentages of delta-tetrahydrocannabinol w/w and cannabidiol w/w;
- (b) the name and address of the importer in the country of final destination;
- (c) the port of exit from Saint Vincent and the Grenadines and, if applicable, any country of transit or transshipment;
- (d) the address of the customs office, sufferance warehouse or bonded warehouse at which the shipment is to be presented for export;
- (e) each mode of transportation used; and
- (f) a declaration that, to the best of the knowledge of the applicant, the shipment does not contravene any laws of the country of final destination or any country of transit or transshipment.

(2) An application for an export licence shall be accompanied by a copy of the import licence issued by a competent authority in the country of final destination that sets out the name and address of the site of the importer in the country of final destination.

(3) An application for an export licence shall –

- (a) be signed and dated by the applicant; and
- (b) include a statement, signed and dated by the applicant, indicating that all information submitted in support of the application is correct and complete to the best of the signatory's knowledge.

### **Contents of export licence.**

49. (1) An export licence shall contain the following –

- (a) the licence number;
- (b) the information referred to in regulation 48;
- (c) the effective date of the export licence;
- (d) its expiry date;
- (e) the expiry date of the import licence issued by a competent authority in the country of final destination; and
- (f) if applicable, any conditions that the licensee shall meet in order to reduce any potential public health, safety or security risk, including the risk of the exported substance being diverted to an illicit market or use.

(2) An export licence shall be valid until –

- (a) its expiry date or the date on which it is suspended or revoked in accordance with these Regulations; and
- (b) the expiry date of the import licence that applies to the medicinal cannabis to be exported which is issued by a competent authority in the country of final destination or the date on which that licence is suspended or revoked.

(3) An export licence issued under these Regulations is valid only for the exportation in respect of which it is issued.

### **Refusal to issue export licence.**

50. The Authority may recommend to the Cabinet, the refusal of an application for an export licence if-

- (a) the applicant does not hold a licence in respect of the medicinal cannabis that is to be exported;
- (b) the Authority has reasonable grounds to believe that the shipment for which the export licence is requested would contravene the laws of the country of final destination or any country of transit or transshipment; or
- (c) the shipment would not be in conformity with the import licence issued by a competent authority of the country of final destination.

#### **Provision of copy of export licence.**

51. On request of a customs officer, the holder of an export licence shall provide a copy of the export licence to the customs office, sufferance warehouse or bonded warehouse, as the case may be, at the port of exit from Saint Vincent and the Grenadines at the time of exportation.

#### **Declaration after export.**

52. The holder of an export licence shall provide to the Authority, within fifteen days after the day on which a shipment of the medicinal cannabis product is exported, a declaration that contains the following information –

- (a) the name of the licensee and a copy of the export licence in respect of the shipment;
- (b) the date of export; and
- (c) in respect of the exported medicinal cannabis –
  - (i) its description and, in the case of cannabis, an indication as to whether it is in the form of seeds, plants or dried cannabis;
  - (ii) its intended use;
  - (iii) if applicable, its brand name;
  - (iv) its quantity; and
  - (v) in the case of dried cannabis, its percentages of delta-9-tetrahydrocannabinol w/w and cannabidiol w/w.

#### *Sub-Part III F – Research Licences.*

#### **Additional requirements for application for research licence.**

53. The Authority shall not recommend to Cabinet the approval of an application for a research licence authorising –

- (a) the provision of analytical services unless the Authority is satisfied that the applicant is duly qualified to provide those services;
- (b) the conduct of any research or development unless the Authority is satisfied that the applicant is duly qualified to conduct the research or development (as the case may be).

#### **Issue of research licence.**

54. Where the Authority approves an application for a research licence, the Authority shall,

upon receipt of the applicable licence fee and the applicable security bond specified in Part A and Part B, of this Schedule, respectively, issue to the applicant a research licence in the form set out in the Part C of this Schedule, being a licence authorising –

- (a) the conduct, for experimental purposes, of research utilising medicinal cannabis, which shall be described as a research (experimental purposes) licence; or
- (b) the provision of analytical services in respect of medicinal cannabis, which shall be described as a research (analytical services) licence.

**Terms and conditions of research licence.**

55. Without prejudice to the power of the Authority to impose terms and conditions for a research licence, it shall be deemed to be a term and condition of every research licence that the licensee shall keep a log, in the form approved by the Authority, of all persons entering and exiting the premises on which the activities which are the subject of the licence are carried out.

*Sub-Part G – Transport Licences*

**Additional requirements for transport licence application.**

**Issue and scope of transport licence.**

56. (1) Where the Authority approves an application for a transport licence, the Authority shall upon receipt of the applicable fee set out in Part A of this Schedule, issue a licence in the form set out in Part C thereof.

(2) A licence issued under paragraph (1) shall be construed as authorising, in the licensed vehicle, the transportation of cannabis to or from a location specified in paragraph (3), for use for any medicinal or research purpose.

(3) The locations mentioned in paragraph (2) are –

- (a) any cultivation site; or
- (b) any premises on which a licensee is permitted to –
  - (i) process, sell, or carry out any research or development on cannabis; or
  - (ii) provide therapeutic services using cannabis.

**Additional terms and conditions of transport licence**

57. Without prejudice to the power of the Authority to impose terms and conditions for any transport licence, the following terms and conditions shall be deemed to be included in the terms and conditions of a transport licence –

- (a) prior to the transportation of any cannabis, the proposed transportation time and route shall be submitted for the approval of a person designated by the Authority for that purpose, and the approved route shall be entered in a log kept in a form approved by the Authority;
- (b) real time access to the tracking of the vehicle, while transporting cannabis, shall be provided to the Authority;
- (c) all cannabis to be transported in the vehicle shall be placed in a compartment of the vehicle and sealed therein prior to the transportation, and upon arrival at the delivery location the seal shall be checked to verify that it has not been tampered with;
- (d) during transportation of cannabis, the vehicle shall not divert from the logged transportation route except in accordance with the prior written approval of the Authority, which approval shall –
  - (i) specify the time and place of the diversion, the circumstances warranting the



- diversion and the name of the official who gave the approval on behalf of the Authority; and
- (ii) be entered by that official in the log referred to in sub-paragraph (a);
- (e) the licensee shall permit an inspector of the Authority to accompany the vehicle during any transportation of cannabis, and to observe the delivery of the cannabis to the delivery location;
- (f) a log of all persons accessing the vehicle shall be kept by the licensee in a form approved by the Authority and the log made available to the Authority for inspection on request; and
- (g) all times for transportation approved under paragraph (a) or (d) shall be between the hours of five o'clock in the morning and six o'clock in the afternoon.

*Subpart III H Traditional Cultivator's licence*

**Additional terms and conditions of Traditional cultivator's licence**

58.(1) Pursuant to subsection (2), a traditional cultivator's licence may be issued to a citizen who desires to cultivate medicinal cannabis on premises of between [] and 5 acres.

(2) The Authority shall make a recommendation to the Cabinet for the issuance of Traditional cultivator's licence in the following circumstances, that is, where the applicant is a citizen who-

(a) is a qualifying person for the purposes of the Cannabis Cultivation (Amnesty)

Act who has been granted amnesty under that Act and is entitled to the relief stipulated thereunder and thereafter, makes an application under these Regulations for a traditional cultivator's licence and satisfies the provisions therein and any guidelines issued pursuant to regulation 5(2);

(b) is not a qualifying person for the purposes of the Cannabis Cultivation (Amnesty) Act, but nevertheless, makes an application under these Regulations for a traditional cultivator's licence and satisfies the provisions therein and any guidelines issued pursuant to regulation 5 (2).

(3) The Authority shall, by notice published in the Gazette and at least one newspaper in wide circulation in Saint Vincent and the Grenadines, issue guidelines exempting a citizen, (hereinafter referred to as a "traditional grower") from one or more of the requirements in relation to the making of an application under these Regulations and the conditions specified therein.

(4) The Authority shall, where the security measures are developed pursuant to regulation 5 (3) (e), cause also to be developed, where applicable, guidelines for alternative security mechanisms to facilitate traditional growers, in an effort to guarantee their effective access to the licensing scheme under these Regulations.

(5) The Authority shall, through alliances with other local entities and in an effort to facilitate the licensing process, provide such technical assistance to traditional growers who seek to make an application for a licence in accordance with these Regulations.

(6) The Authority shall also promote the development of medicinal cannabis projects with traditional growers who may request such assistance as a substitute mechanism for the growth of illicit cannabis:

Provided that, such projects shall not be used to incorporate cannabis that was illegally cultivated prior to the commencement of this Act, save and except during the amnesty period declared under the Cannabis Cultivation (Amnesty) Act in the manner specified under that Act.

**Part IV General**

**Issuance of Codes**

59. The Authority may from time to time, with the approval of the Minister, issue codes of practice, or directives, on any matter concerning the regulation of medicinal cannabis.

**Special provision for fees and security bond.**

60.(1) The Authority may, in respect of any category of licences and with the prior approval of the Minister, after consultation with the Minister responsible for finance –

- (a) waive the payment of any fee, or security bond, payable under these Regulations or defer the payment thereof for a specified period; or
- (b) enter into an agreement with any entity, from which any fee or security bond is payable under these Regulations, for the fee or security bond (as the case may be) to be paid in increments over a stated period of time.

(2) For the avoidance of doubt, a requirement under these Regulations for the payment of a fee, or security bond, by an applicant or licensee shall be construed as subject to any waiver, deferment or agreement made pursuant to this regulation, in respect of payment of that fee or security bond (as the case may be) by that applicant or licensee.

**Offences.**

61. (1) Any person who wilfully –

- (a) obstructs, hinders, assaults or resists an inspector or any other person exercising any power or duty;
- (b) provides any false or materially misleading information in any application, report or other document required to be furnished to the Authority; or
- (c) fails or refuses to produce any document, or other information, which that person is required to produce,

under these Regulations commits an offence.

(2) A person who commits an offence under these Regulations for which no specific penalty is provided shall be liable on summary conviction before a Magistrates' Court to a fine not exceeding fifty thousand dollars or imprisonment for a term not exceeding three months.

**Appeals.**

62. A licensee or an applicant for a licence (as the case may be) may appeal, in accordance with Part IX of the Act, any decision taken by the Authority in respect of the licence or application for a licence.

## Form 1

## THE MEDICINAL CANNABIS INDUSTRY ACT

## The Medicinal Cannabis (Licensing) Regulations, 2018

## MEDICINAL CANNABIS AUTHORITY

## LICENCE APPLICATION FORM

**Instructions to Applicant** *(Please also consult the Application Procedure Checklist set out in the Appendix hereto)*

1. Please read the form carefully and complete in BLOCK CAPITALS.
2. A separate application is required for each licence being applied for.
3. Each licence will be only applicable to the particular premises for which it is issued.
4. Individuals may only apply for cultivation licences. However, a registered sole trader may apply for any of the licences.
5. In completing this form, please note that:
  - a. Sections A, D, E and F are to be completed by all applicants
  - b. Section B should be completed by individuals and sole traders only
  - c. Section C should be completed by companies and other businesses
  - d. The Authorisation for Background Checks and the Final Declaration must both be signed.

## SECTION A: TYPE OF LICENCE

All applicants should complete this section

TYPE OF LICENCE	
<b>Please indicate the type of licence for which you are applying.</b>	
<input type="checkbox"/> Cultivation (Tier 1)	<input type="checkbox"/> Manufacturing (Tier 1 or 2) <input type="checkbox"/> Export
<input type="checkbox"/> Cultivation (Tier 2)	<input type="checkbox"/> Dispensing <input type="checkbox"/> Research
<input type="checkbox"/> Cultivation (Tier 3)	<input type="checkbox"/> Import <input type="checkbox"/> Traditional cultivator's licence
<b>Please indicate whether this is your first application</b>	
<input type="checkbox"/> First Time Application	<input type="checkbox"/> Application for Renewal
<input type="checkbox"/> Current Licence Holder – type: _____	
<input type="checkbox"/> Applied previously, awaiting approval: date of application (MM-YYYY) _____ and type of licence applied for: _____	
<input type="checkbox"/> Applied previously Date of application (MM-YYYY) _____	
<input type="checkbox"/> Applied previously, application not approved	

### SECTION B: INDIVIDUAL INFORMATION

**Complete this section only if you are an Individual or Sole Trader  
(If sole trader please attach copy of Registration of Business Name Certificate)**

SURNAME	FIRST NAME	MIDDLE NAME
OTHER NAMES (IF APPLICABLE)	MAIDEN NAME (IF APPLICABLE)	MOTHER'S MAIDEN NAME
GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female	MARITAL STATUS <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed	DATE OF BIRTH (DD-MM-YYYY)
PLACE OF BIRTH (Town, Country)	NATIONALITY	LENGTH OF TIME LIVING IN SAINT VINCENT AND THE GRENADINES (IN YEARS):
ID #: Type: [ ] Driver's Licence [ ] Passport [ ] Identification Card		ID #: Type: [ ] Driver's Licence [ ] Passport [ ] Identification Card
PERMANENT ADDRESS		
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		
ADDRESS OF PREMISES BEING LICENCED (IF APPLICABLE)		
CONTACT NUMBERS (AS AVAILABLE) (Home)	(Work)	(Mobile)
EMAIL ADDRESS(ES)		

### SECTION C: COMPANY/BUSINESS INFORMATION

**Complete this section only if you are a Business or Company, including Cooperative  
(Please attach copy of Articles of Incorporation and Registration Certificate of Company)**

NAME OF COMPANY/BUSINESS	
REGISTERED ADDRESS	
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)	
ADDRESS OF PREMISES BEING LICENCED (IF APPLICABLE)	

TYPE OF COMPANY/BUSINESS: <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability <input type="checkbox"/> Cooperative <input type="checkbox"/> Friendly Society		REGISTRATION NUMBER:
CONTACT NUMBER	EMAIL ADDRESS	
<b>AUTHORISED AGENT:</b> Surname	First Name	Middle Name
Position	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (DD-MM-YYYY)
Contact Number(s)	Email Address	

### SECTION D: GENERAL DECLARATIONS

**All applicants should complete all the questions in this section.**

**If necessary, please use a supplementary sheet to provide all of the required information**

1. Are you, any of your Directors or any of your employees under the age of eighteen (18)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are you the titled owner of the premises being licenced (land, buildings or vehicle)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, who is the legal (titled) owner of the property? _____ If no, please also provide copy of title as well as Form 3 (Consent of Property Owner Form)
3. Have you, any of your Directors, your parent company or any related entity ever applied for a licence to handle medicinal cannabis or medicinal cannabis products in any other jurisdiction (whether or not the licence was issued)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state jurisdiction and type of licence: _____ _____ _____ Status: <input type="checkbox"/> Current <input type="checkbox"/> Denied <input type="checkbox"/> Being processed <input type="checkbox"/> Issued, but then Revoked/Suspended
4. Have you, any of your Directors, your parent company or any related entity ever applied for a casino or racing licence in any other jurisdiction (whether or not the licence was issued)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state jurisdiction and type of licence: _____ _____ Status: <input type="checkbox"/> Current <input type="checkbox"/> Denied <input type="checkbox"/> Being processed <input type="checkbox"/> Issued, but then Revoked/Suspended
5. Have you or any of your Directors ever been convicted of any serious offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state jurisdiction, type of crime and sentence dates or penalties paid, if any: _____ _____

6. Is the location of your property/facility within [] metres of any of the following? (Tick all that apply)	<input type="checkbox"/> Schools/Colleges <input type="checkbox"/> Childcare centres <input type="checkbox"/> Playground <input type="checkbox"/> Community Centre <input type="checkbox"/> Library <input type="checkbox"/> Place of Worship
7. Please state the name(s) of the beneficial owner(s) of the company.	
8. Please name parent company (ies) and any related entities (if applicable).	

### SECTION E: STATEMENT OF FINANCIAL HISTORY

**All applicants should complete all the questions in this section.  
Please attach supporting documents for all questions to which you have answered 'Yes'.**

1. Are you, any of your Directors, your parent company or any related entity delinquent in the payment of any judgments or tax liabilities due to any governmental agency anywhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Have you, any of your Directors, your parent company or any related entity filed a bankruptcy petition in the past 5 years, or had such a petition filed against it?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Are you, any of your Directors, your parent company or any related entity ever been a party to any business trust instrument?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Has a complaint, judgment, consent decree, settlement or other disposition related to a violation of any financial or trade regulation ever been filed or entered against you, any of your Directors, your parent company or any related entity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Have you, any of your Directors, your parent company or any related entity been a party to a lawsuit in the past 5 years, either as a plaintiff or defendant, complainant or respondent, or in any other fashion, in this or any other country?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Have you, any of your Directors, your parent company or any related entity completed financial statements, either audited or unaudited, in the past two years?	<input type="checkbox"/> Yes <input type="checkbox"/> No

7. Attach a list detailing the operating and investment accounts for this business, including financial institution name, address, telephone number, and account number for each account.
8. Attach a list detailing each outstanding loan and financial obligation obtained for use in this business, including creditor name, address, phone number, loan number, loan amount, loan terms, date acquired, and date due.

### SECTION G: AUTHORISATION FOR BACKGROUND CHECKS

**All applicants must sign this section for their application to be processed.  
Please READ CAREFULLY and sign to give consent.**

I, \_\_\_\_\_, hereby authorise the Medicinal Cannabis Authority, or its duly authorised representative, to validate the accuracy of the information provided in connection with this application for a licence. I understand that the Medicinal Cannabis Authority may utilise independent agencies to assist in checking such information, and I specifically authorise such an investigation by information services and outside entities of the Medicinal Cannabis Authority's choice. I also understand that by not signing, I am withholding my permission and that in such a case, no investigation will be done, and my application for a licence will not be processed.

\_\_\_\_\_  
Signature

### FINAL DECLARATION

**All applicants must sign this section for their application to be processed.**

I, \_\_\_\_\_, declare that this form and all the attachments, statements, disclosures and supporting documents are true and correct to the best of my knowledge and belief. I further declare that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a licence by the Medicinal Cannabis Authority, and that where, after the issue of a licence, a statement made in connection with the applicant is found to be false, the licence may be revoked.

\_\_\_\_\_ Position \_\_\_\_\_ Signature

\_\_\_\_\_ Date

### SUPPLEMENTAL INFORMATION FOR LICENCE APPLICATION

Please respond **ONLY** to the specific sub-form related to the licence for which you are applying.

<b>Sub-Form A: Cultivation licence/ Traditional Cultivators Licence (as applicable )</b>	
1. What is the size of the property (in acreage)?	
2. What is the anticipated crop yield (kg/square metre per harvest)?	
3. How long is each crop expected to take to harvest?	
4. What type of cannabis will you be growing?	<input type="checkbox"/> Cannabis Sativa <input type="checkbox"/> Cannabis Indica
5. How will the crop be grown?	<input type="checkbox"/> Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/> Greenhouse <input type="checkbox"/> Hydroponics <input type="checkbox"/> Other, please specify: _____
6. For what type of use are you cultivating? [Tick all that apply]	<input type="checkbox"/> Export <input type="checkbox"/> Manufacturing <input type="checkbox"/> dispensing <input type="checkbox"/> Research
7. Do you have a buyer, or have you started discussions or enter into any preliminary agreement with an entity (ies) to purchase your crop?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person or company and the status of the agreement (confirmed, in-process, etc.): _____ (Attach agreement if finalised)
8. Please provide a detail description of the transportation process you intend to use in accordance with regulation 17.	

<b>Sub-Form B: Manufacturing licence</b>	
1. (a) What is the size of the property (Acreage)? (b) Please include diagram of the premises in accordance with Regulation 35(a)(vi)	Indoor: _____  Outdoor: _____
2. What medicinal cannabis products are you intending to manufacture?  (Please attach list of products)	

3. Have you started discussions with an entity/entities to sell your products?  (Please attach list or agreement, if necessary)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person(s) or company(ies): _____
4. Do you propose to use a registered trade mark? Or patent? Is it owned or being used under a licence? Please attach a copy of the trade mark or patent as registered.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Owned <input type="checkbox"/> Used under Licence
5. Provide description of the procedures specified in regulation 35(a) (vii), (viii), (ix), and (x) and (xi). Provide documents where necessary.	Please attach documents, as applicable.
6. Provide detail description of the transportation process you intend to use in accordance with regulation 17.	

**Sub-Form C: Dispensing licence**

1. What medicinal cannabis products do you intend to sell? (Please attach list if necessary)	
2. Have you started discussions with an entity/entities to purchase products?  (Please attach list if necessary)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person(s) or company(ies): _____
3. Do you intend to sell other non-cannabis items on the same premises?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach list of items.

**Sub-Form D: Import/Export licence**

1. Reason for import/export (for example, sale, manufacture, research):		
2. Please attach copies of relevant licences and (if required) evidence that the licence has been renewed or renewal is in process.		
Details of licence	Licence No.	Expiry Date



<b>3. Shipping agents or customs agents in Saint Vincent and the Grenadines</b>		
<b>Name</b>	<b>Address</b>	<b>Service provided</b>
Storage and security All sections must be completed (include additional pages if required)		
Storage address: (If you do not take possession of any – or certain-drugs at your premises, please specify)		
Date of last security report	Provided by:	
Date of last inspection by Medicinal Cannabis Authority	Provided by:	

#### 4. Description of security measures

Secure storage (for example, vault or safe):
Access method to secure storage:
Building security and access control:
Transport process in accordance with Sub-part III G
Details of any losses and/or thefts of medicinal cannabis/medicinal cannabis products (include where applicable, medicinal product name, amount, storage address, date, outcome and any security modifications). Attach extra pages if more space is required:
5. Please provide the relevant information and documents required as per regulation 42 or 49, where applicable, in relation to the country of exporter/importer (as applicable) all required documents must be certified by a Notary Public in the country of export/import and attached.
6. Proposed authorised contacts Applications for import licence or export licence are only accepted from, or discussed with, the licence holder or additional persons who are confirmed as authorised contacts for a specified







<b>Sub-Form E: Research licence</b>	
10. What is the square footage of the premises?	Indoor: _____ Outdoor: _____
11. What activities do you plan on undertaking? (Tick all that apply)	<input type="checkbox"/> Research Only <input type="checkbox"/> Research and Cultivation for Research <input type="checkbox"/> Research and Sample Manufacturing <input type="checkbox"/> Analytical Services
12. Do you intend to research other items on the same premises?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach list of items.

<b>Sub-Form F: Transportation</b>	
1. How many vehicles do you wish to be licensed? (Attach list with make, model, year of each vehicle along with licence, engine & chassis number)	
2. Where will the vehicle(s) be routinely parked when not in use?	
3. For what type of use are you transporting? [Tick all that apply]	<input type="checkbox"/> R&D <input type="checkbox"/> manufacturing <input type="checkbox"/> Dispensing
4. What type of product do you intend to transport? [Tick all that apply]	<input type="checkbox"/> Raw Material <input type="checkbox"/> Manufactured Products
5. Have you started discussions with an entity to transport their crops? (Attach list if necessary)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person or company: _____ (Attach list if necessary)
7. Do you intend to transport other non-cannabis items using the same vehicle?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach list of items.

### DECLARATION

**All applicants must sign this section for their application to be processed.**

I, \_\_\_\_\_, declare that this form and all the attachments, statements, disclosures and supporting documents are true and correct to the best of my knowledge and belief. I further declare that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a licence by the Medicinal Cannabis Authority, and that where, after the issue of a licence, a statement made in connection with the applicant is found to be false, the licence may be revoked.

\_\_\_\_\_

Position

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

*APPENDIX*  
**Application Procedure Checklist**

**1. Complete Application Forms.** Each of the following documents **must** be completed for new and renewal applications:

- Application for Licence [FORM 1A]
- Supplemental Information for Licence Application [FORM 1B]
- Application for Occupational Licences (Group) [FORM 2A]
- Declaration of Ownership/Change in Directors [FORM 2B]

Please also note that:

- a. If the applicant does not own the premises/motor vehicle being licensed, Form2C “Consent of Owner Form” will also be required.
- b. A separate set of application forms are required for each licence being applied for.
- c. Use multiple copies of Form 2A and 2B if necessary.

**2. Gather all Supporting Documents:** In addition to the above, the following documents **must** also be submitted:

- Deed of Conveyance/
- Order of Declaration of Possessory Title or
- Lease Agreement for Property/Premises
- Official Police Records – for Owner or all Directors, as well as for each Employees
- Survey diagram of property and/or premises showing all distinct areas (with dimensions and partitions), including – but not limited to – entrance/exits, receive/loading areas and storage areas. Diagram does not have to be drawn to scale and should be on a single 8 ½ x 11 (letter-sized) paper.

For Businesses/Companies/Cooperatives/Societies:

- Constituent Documents (e.g. Articles of Incorporation, Partnership Agreement, etc.)
- Certificate of Registration
- Evidence of Application (in the case of an Application under the Cooperative or Building Societies Act, not yet approved)

For Cultivation Licence Applicants:

- Letter of Agreement from prospective Purchaser of raw material  
Individuals must have
- Passport-sized photo (certified by a Justice of the Peace or a Notary Public)
- Copies of two (2) Government issued identification

Please also note that:

- a. Only originals of the Police Record(s) will be accepted

- b. All copied documents submitted must be certified by a Justice of the Peace or a Notary Public.

**3. Submit your Application.** All completed application forms and all supporting documents must be placed in a single sealed envelope and delivered to:

[Address of Medicinal Cannabis Authority]

**4. Await Feedback from the Medicinal Cannabis Authority.** The Authority will review your application for completeness and will notify you of any additional information that may be required. All applicants are required to pay a Non-Refundable Processing Fee (per license being applied for). The Application Processing Fee is  for individuals and  for all others. Do **NOT** pay this fee until you are advised by the Authority to provide proof of payment.

## Form 2

### THE MEDICINAL CANNABIS ACT

### The Medicinal Cannabis (Licensing) Regulations, 2018

### MEDICINAL CANNABIS AUTHORITY

#### EMPLOYEE INFORMATION LIST

Please attach Official Police Record for each Employee as well as a certified copy of their ID.  
You may use multiple copies of this form if necessary.

EMPLOYEE INFORMATION		
<b>EMPLOYEE #1</b>		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
ID #: Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> Identification Card		Date of Birth (DD-MM-YYYY):
<b>EMPLOYEE #2</b>		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
ID #: Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> Identification Card		Date of Birth (DD-MM-YYYY):
<b>EMPLOYEE #3</b>		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
ID #: Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> Identification Card		Date of Birth (DD-MM-YYYY):
<b>EMPLOYEE #4</b>		
Surname	First Name	Middle Name

Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
ID #: Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card		Date of Birth (DD-MM-YYYY):
<b>EMPLOYEE #5</b> Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
ID #: Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card		Date of Birth (DD-MM-YYYY):

Name of Individual/Business/Company: \_\_\_\_\_

\_\_\_\_\_  
Authorised Agent

\_\_\_\_\_  
Date

### Form 3

## THE MEDICINAL CANNABIS ACT

### The Medicinal Cannabis (Licensing) Regulations, 2018

#### MEDICINAL CANNABIS AUTHORITY

#### CONSENT BY PROPERTY OWNER TO UTILISE PREMISES FOR MEDICINAL CANNABIS

If the premises (land, buildings, or motor vehicle) to be licensed is not owned by the applicant, this form must be completed by the applicant and the declaration signed by the titled owner(s).

Please attach the relevant lease or rental agreement.

1. Type of Property:  Land  Land with Building(s)  Motor Vehicle

Dispensing Space

2. Description of Property (include Volume/Folio and Address or Engine/Chassis No. as appropriate):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Description of intended use of property in relation to Medicinal Cannabis: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**FOR SOLE OWNERS** [Please include copy of official identification of the owner(s) certified by a Justice of the Peace]

I, \_\_\_\_\_, declare that I am the owner of this property and I am fully aware of the intended use of the property as outlined in section 2 above and freely give my consent for such activities to be conducted on the site.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**FOR MULTIPLE OWNERS**

(Where the property is owned by a Company, this section is to be signed by all Owners/Directors, and the Certificate of Registration attached)

We, \_\_\_\_\_, declare that we are the owners of this property and are fully aware of the intended use of the property as outlined in Section 2 (Page 1) above and freely give our consent for such activities to be conducted on the site.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**PART A - Fees**

1. Application fee for licence or renewal of a licence:	
(a) cultivation licence -	
(i) in the case of an individual;	[\$]
(ii) in the case of a company, business, co-operative society or building society	[\$]
(b) manufacturing licence	[\$]
(c) import licence	[\$]
(d) export licence	[\$]
(e) dispensing licence	[\$]
(f) research licence	[\$]



## SECOND SCHEDULE

### *Definition of public place*

In this Schedule –

“public place” –

(a) means any –

- (i) structure;
- (ii) facility;
- (iii) space use for gathering by individuals;
- (iv) other place,

for the use of, or open to, the public, or any other similar space accessible to the public;

(b) includes –

- (i) bars, restaurants and clubs;
- (ii) Government offices; and
- (iii) other places or buildings of all types accessible to the public;

(c) does not include privately-occupied residence not used for commercial purposes.

## THIRD SCHEDULE

### *Constitution and Procedure of Appeals Tribunal*

#### **Appointment of members.**

1. (1) The Appeals Tribunal shall consist of not less than three nor more than five members appointed by the Cabinet, being persons appearing of members to the Minister to be knowledgeable and experienced in matters relating to medicinal cannabis, law, scientific research and finance.

(2) For the hearing of an appeal under this Act, the Appeals Tribunal may consist of one member sitting alone if the parties to the appeal agree.

#### **Temporary Appointment.**

2. If the chairman or other member of the Appeals Tribunal is absent Temporary or unable to act, the Cabinet may appoint another person to act temporarily appointment. as chairman or such other member.

### **Tenure of office.**

3. (1) Subject to the provisions of this Schedule, a member of the Appeals Tribunal shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment.

(2) Every member of the Appeals Tribunal shall be eligible for reappointment, but no such member shall be appointed for more than six consecutive years.

(3) If any vacancy occurs in the membership of the Appeals Tribunal, the vacancy shall be filled by the making of another such appointment; however, the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

(4) Cabinet may, at any time, revoke the appointment of the chairman or any other member if he thinks it expedient so to do.

### **Resignation.**

4. (1) Any member of the Appeals Tribunal other than the chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and transmitted through the chairman and from the date of the receipt by the Cabinet of such instrument such member shall cease to be a member of the Appeals Tribunal.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

### **Publication of membership.**

5. The names of the members of the Appeals Tribunal as first constituted and every change in membership thereof shall be published in the Gazette.

### **Authentication of documents.**

6. All documents made by, and all decisions of the Appeals Tribunal may be signified under the hand of the chairman or any member of the Appeals Tribunal authorised to act in that behalf.

### **Procedure.**

7.(1) The Appeals Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Appeals Tribunal may determine.

(2) The chairperson or any other person appointed to act temporarily as chairman shall preside at meetings of the Appeals Tribunal.

(3) Subject to sub-paragraph 1(2), the decisions of the Appeals Tribunal shall be by a majority of votes of the members and, in addition to an original vote, the chairperson shall, having a casting vote in any case in which the voting is equal.

(4) The Appeals Tribunal, with the approval of the Cabinet, may make rules to regulate its own proceedings.

(5) Proper records of all proceedings of the Appeals Tribunal shall be kept.

## Remuneration of members.

8. There shall be paid to the chairperson and other members of the Appeals Tribunal such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

## Protection of members.

9. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Appeals Tribunal in respect of an act done *bonafide* in pursuance or execution or intended execution of the provisions of this Act.

## Disclosure of interest.

10. Any member of the Appeals Tribunal who has any interest, directly or indirectly, in any matter brought before the Appeals Tribunal shall –

- (a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Appeals Tribunal; and
- (b) not be present during the deliberations of the Appeals Tribunal on the matter or take part in the decision of the Appeals Tribunal with respect thereto.

## FOURTH SCHEDULE

(Section 64)

### *Consequential Amendments*

*Provisions*

*Amendments*

### **The Drugs (Prevention of Misuse) Act**

Section 2

1. Delete the definition of “cannabis” and substitute therefor the following-

“cannabis” (except in the expression “cannabis resin” means any part of the genus cannabis or any part of any such plant except that it does not include hemp, cannabis resin or any of the following products after separation from the rest of the plant, namely-

- (a) the mature stalk of the plant;
- (b) fibre produced from the mature stalk of any such plant;
- or
- (c) the seed of any such plant.”;

2. Insert in the proper alphabetical sequence the following new definitions-

“hemp” means the plant cannabis sativa, or any part thereof, with a THC content of not more than 0.3 % or such other concentration as may be specified by the Minister by Order;

“THC” means [ to be inserted by the technical experts]”.

Insert next after section 2, the following new section as section 2A –

Insertion of new section 2A **“Relationship with the Medicinal Cannabis Industry Act**

2A. Except as otherwise provided, nothing in this Act affects any provision of or made under the Medicinal Cannabis Act or renders unlawful anything done in accordance with any provision of the Medicinal Cannabis Act.”

Insertion of new section 8A **Insert next after section 8, the following new section as section 8A-**

**“Restriction of cultivation of hemp**

8A(1) Subject to regulations made pursuant to subsection (2), it shall not be lawful for a person to cultivate hemp, or to advise or encourage or counsel other persons so to do, except in accordance with subsection (2).

(2) The Minister may make regulations for the licensing of the cultivation and production of hemp in such manner as may be prescribed.

**The Pharmacy Act**

Insert next after section 2, the following new section as section 2A –

**“Relationship with the Medicinal Cannabis Industry Act**

2A. Except as otherwise provided, nothing in this Act affects any provision of or made under the Medicinal Cannabis Act or renders unlawful anything done in accordance with any provision of the Medicinal Cannabis Act.”

## OBJECTS AND REASONS

The use of cannabis as a medicine dates back to about 2,500-10,000 years ago in traditional Chinese and Indian medicine. Recent studies show that cannabis has established effects on control of pain management in multiple sclerosis, pain associated with cancer, severe intractable epilepsy and glaucoma. Cannabis use in children with epilepsy and seizure disorders has also been shown to be effective without the deleterious side effects of anti-epileptic medications.

The intention of this Bill is to invoke the right of a patient to be treated with medicinal cannabis, an alternative medical treatment, in cases where it has been found to be effective in the prevention, treatment and management of a qualifying medical condition and the duty of the medical doctor to honour the decision of the patient as well as to inform him of any side effects of the treatment in accordance with the provisions of the Bill.

The use of cannabis for medicinal purposes is provided for by both existing international conventions to which Saint Vincent and the Grenadines is a party. One such Convention is The Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, which provides for the following in its preamble-

*“Recognising that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provisions must be made to ensure the availability of narcotic drugs for such purposes”.*

It further provides in Article 4 that; “subject to the provisions of this Convention, to limit exclusively to medical and scientific purpose the production, manufacture, export, import, distribution trade in, use and possession of drugs.”

This Bill must not be deemed in any manner to advocate, authorize, promote or legally or socially accept the use of cannabis for non-medical use. In cognizance of this, the Bill provides for strict regulatory measures so as to ensure the effective and efficient implementation of the provisions of the Bill.

## OUTLINE OF PROVISIONS

**Part 1** of the Bill provides for the preliminary provisions and sets out the Short title of the proposed Bill. The provision also provides that different days may be established for different purposes or provisions. This is to enable certain provisions of the Bill to be staggered where it may be considered necessary to do so for effective implementation of the legislative scheme.

Clause 2 sets out the definitions for the purposes of the proposed Bill. The definition of “cannabis” and “cannabis resin” align with the definitions in the Drugs (Prevention of Misuse) Act. The term “qualifying medical condition” is also defined. This definition is integral to the scheme of the Bill since, in order to be authorised to have access to medicinal cannabis, a patient must be diagnosed by a medical doctor with a qualifying medical condition, pursuant to the provisions of the Act.

**Part II** provides for the establishment of the Medicinal Cannabis Authority. Part II provides for the establishment of the Medicinal Cannabis Authority. The Authority shall have regulatory oversight of the medicinal cannabis industry, through the establishment of a licensing scheme to regulate the supply and use of medicinal cannabis. In order to ensure that public policy in relation to medicinal cannabis is implemented within the scope of science and medical research, the membership of the Board of the Authority shall consist of persons with expertise in medicine, science, law enforcement, land development and planning, industry and religion.

**Part III** of the Bill also establishes Medicinal Cannabis Advisory Council, to be appointed by order of Cabinet, to provide assistance to the Authority in developing policy and guidelines in relation to the medicinal cannabis industry.

**Part IV** of the Bill makes provisions for access to medicinal cannabis and sets out the requirements for the submission of a medical certification by a medical doctor to the Authority, on behalf of a patient, who has been diagnosed by the medical doctor with a qualifying medical condition. The Part also provides for the duration of registration and regulations will determine the duration of requirements for renewal of registration and the refusal of registration.

**Part V** provides for the maintenance of a confidential register of persons who have been registered and issued identification cards by the Authority.

**Part VI** provides for the scheme of licences, or authorisations necessary to authorise activities relating to the lawful supply of medicinal cannabis. The activities include cultivating, research, transporting, and manufacturing, producing, storing, importing and exporting of medicinal cannabis.

Pursuant to **Part VII**, the provisions of the Bill are to be enforced by authorised persons appointed by the Authority for said purpose.

**Part VIII** provides for offences and **Part IX** provides for Appeals and **Part X** provides for General provisions.