

ANTIGUA AND BARBUDA



THE CANNABIS (AMENDMENT) ACT, 2022

No. 26 of 2022

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

18th November, 2022.

ANTIGUA AND BARBUDA
THE CANNABIS (AMENDMENT) ACT, 2022
No. 26 of 2022

AN ACT to amend the provisions of The Cannabis Act, No. 28 of 2018 to increase the type of medicinal cannabis licence necessary, make provision for sacramental dispensary regulations and other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. Short title

This Act may be cited as the Cannabis (Amendment) Act, 2022.

2. Interpretation

In this Act —

“principal Act” means the Cannabis Act, 2018, No. 28 of 2018.

3. Amendment of section 2 – Interpretation

Section 2 of the principal Act is amended by

- (a) repealing the definition of “recommendation” and replacing it with the following:

“recommendation” means an electronic or physical counterfoil recommendation that is issued to a patient under Regulations made pursuant this Act;”

- (b) repealing the definition of “Special Dispenser” and replacing it with the following:

“Special Dispenser” means—

- (i) a registered pharmacist;
- (ii) a registered pharmacy technician or a registered nurse who has completed the required training prescribed by the Authority; or
- (ii) any person who meets the qualifications issued by the Authority, in addition to any training course prescribed by the Authority, and has successfully completed the required training.”

- (c) by inserting in the appropriate alphabetical position the following:

"telemedicine service" means the delivery of health care services through the use of audio or video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.”

4. Amendment of Section 6– Sacramental Dispensaries

Section 6 of the principal Act is amended in paragraph (a) of subsection (1) by repealing paragraph (a) of subsection (1) and replacing it as follows –

“(a) follow all regulations guiding sacramental cannabis dispensary operations;”

5. Amendment of Section 18– Establishment and constitution of the Board of the Authority

Section 18(2) of the principal Act is amended—

- (a) by repealing subsection (2) in its entirety and replacing this with the following –

“(2) The Board is constituted as follows—

- (a) an attorney-at-law with ten years or more experience in practice;
- (b) a medical practitioner with ten years or more experience in practice;
- (c) a businessperson with extensive experience appointed by the Cabinet; and
- (c) two members appointed by the Minister, representing relevant interest groups in Antigua and Barbuda including but not limited to the following—
 - (i) agricultural services;
 - (ii) the Rastafarian Community.”;
- (b) by inserting after subsection (4) the following new subsection –

“(5) The quorum of the Board shall be three including the Chairperson.”

6. Amendment of Section 47—Authorized Medicinal Cannabis recommendations

Section 47 of the principal Act is amended by renumbering the current section as subsection (1); then inserting after subsection (1) the following new subsection—

“(2) The Minister may prescribe by Regulations the procedure for recommending non-prescribable medicinal cannabis by telemedicine service.”

7. Amendment of Section 57—Types of licences

Section 57 of the principal Act is amended in subsection (1) by inserting after paragraph (j) the following new paragraph –

“(k) a Medicinal Collaborative Grow Licence which shall be issued to a company owned by five persons or more and such persons shall be citizens of Antigua and Barbuda.”

8. Amendment of section 60—Prohibitions

Section 60 of the principal Act is amended in subsection (2) by repealing subsection (2) and replacing it as follows –

“(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 authorized dispensary that would cause either the authorized patient or the caregiver to exceed the prescribed amount or recommendation that they are authorized to have in their possession.”

Passed the House of Representatives on
the 24th day of October, 2022.

Gerald Watt Q.C.,
Speaker.

Rosemarie Weston,
Clerk to the House of Representatives.

Passed the Senate on the 31st
October, 2022.

Alicia William-Grant,
President.

Rosemarie Weston,
Clerk to the Senate.