

ANTIGUA AND BARBUDA



THE CANNABIS (AMENDMENT) REGULATIONS, 2021
STATUTORY INSTRUMENT

2021, No. 44

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THE CANNABIS (AMENDMENT) REGULATIONS 2021 made in exercise of the powers contained in section 64 of the Cannabis Act, 2018, No. 28 of 2018.

1. Citation

These Regulations may be cited as the Cannabis (Amendment) Regulations, 2021.

2. Interpretation

In these Regulations, “the principal Regulations” means the Cannabis Regulations 2019, No. 17 of 2019.

3. Amendment of Regulation 2 – Interpretation

Regulation 2 of the principal Regulations is amended –

- (a) in the definition of “medicinal cannabis special dispensing licence”, by inserting after the words “medicinal cannabis special dispensing licence” the words, “or special dispensing licence”;
- (b) by inserting in the appropriate alphabetical position the following –

“Special Dispenser” means a person who is a registered pharmacy technician or registered nurse and who has completed the required training prescribed by the Authority;

4. Amendment of Regulation 15 – Application for sacramental cultivation authorization by the Minister

Regulation 15 of the principal Regulation is amended as follows –

- (a) at subregulation (4), by repealing the words, “shall not” and replacing these with the word “may”.
- (b) at subregulation (8), by repealing this subregulation in its entirety and replacing it with the following –

“(8) Any cannabis that is not used at the expiry of eighteen months from the date of harvest of that particular batch of cannabis shall be destroyed, at the cost of the Licensee, at an authorized cannabis goods disposal facility pursuant to Regulation 98.”

5. Amendment of Regulation 20 – Authorized medical professional

Regulation 20 of the principal Regulations is amended by –

Repealing subregulation (1) and replacing it as follows –

“(1) Notwithstanding the provisions of the Medical Practitioners Act or the Medical Act, a medical doctor or registered dentist who satisfy the requirements prescribed by these regulations may recommend non-prescribable medicinal cannabis to a patient.”

6. Amendment of Regulation 21 – Continuing Medical Education (CME) Requirements

The principal Regulations are amended in Regulation 21 by repealing subregulation (4) and replacing it as follows –

“(4) The continuing medical education requirement shall be accredited by a recognised accrediting body and shall consist of no less than 30 credit hours for the initial session and there after no less than six (6) accredited hours every two years and shall include the following general course topics:

- (a) the endocannabinoid system
- (b) administration or dosing of Medicinal Cannabis
- (c) contraindications to use which includes cannabis-drug interaction and drug-cannabis-disease interaction
- (a) complications of medicinal cannabis use;
- (e) potential side effects of medicinal cannabis use; and
- (j) management of the side effects and complications of medicinal cannabis.”

7. Amendment of regulation 23 – Authorized medicinal cannabis recommendation

Regulation 23(5) of the principal Regulations is amended by deleting the word “she” which appears between the words, “booklet” and “shall”.

8. Amendment of Regulation 24 – Medicinal cannabis patient identification card

Regulation 24 of the principal Regulations is amended –

- (a) by repealing subregulation (3) and replacing it as follows:

“(3) All patient identification cards shall be issued at the office the authority.”

(*b*) by repealing subregulation (8) and replacing it as follows –

“(8) Subject to subregulation (11), an identification card shall be valid for a period not exceeding one year from the date of issue and may be renewed with the approval of the Authority.”

(*c*) by repealing subregulation (10) and replacing it as follows –

“(10) Subject to regulation 25 (1)(*a*), neither the application fee nor the renewal fee for a medicinal cannabis patient identification card shall exceed one hundred eastern caribbean dollars.”

(*a*) by inserting the following new subregulation as follows –

“(11) A medicinal cannabis patient identification card shall be valid only for such period, not exceeding one year, for which the visitor is lawfully in Antigua and Barbuda.”

9. Amendment of Regulation 25 – Requirements for medicinal cannabis patient identification card

Regulation 25(1) of the principal Regulations is amended as follows –

(*a*) in the opening sentence,

(i) by inserting the words “eastern caribbean” between the words “one hundred” and “dollars”

(ii) by deleting the words “or to a medicinal cannabis dispensary authorized by the Authority to issue identification cards and in the circumstances”

(*b*) by inserting the following new paragraphs immediately after paragraph (*b*) to read as follows –

“(*c*) a non-citizen with an authorized recommendation for medicinal cannabis use from his or her home country may submit his or her application along with a valid photo identification card, to the Authority two weeks prior to his or her arrival in the State to be issued with a medicinal cannabis patient identification card;

(*a*) a visitor to Antigua and Barbuda who did not, prior to travel to Antigua and Barbuda, submit an application for a medicinal cannabis identification card, may submit the application after arriving in Antigua and Barbuda at a cost of EC\$200.00”

10. Amendment of Regulation 28 – Caregiver

Regulation 28 of the principal Regulations is amended by repealing subregulation (5) thereof and replacing it as follows –

“(5) Subject to subregulation (2), the Authority shall issue a special caregiver authorization to –

- (a) a caregiver who has been designated by a patient;
- (b) a caregiver who has responsibility for a minor who is a patient; and the caregiver information shall be entered into the Antigua and Barbuda Cannabis Tracking System.”

11. Amendment of Regulation 39 – Cultivation plan for nursery licence

Regulation 39 of the principal Regulations is amended –

- (a) by repealing subregulation (2) and replacing it as follows –

“(2) A nursery licensee producing seeds, plants and cuttings for distribution shall tag all such products pursuant to Regulation 100.”

- (b) by inserting a new subregulation (2A) as follows –

“(2A) A nursery licensee shall ensure that its products are sold only to individuals or entities that are licensed under the Cannabis Act.”

- (c) by inserting immediately after subregulation (3) the following new subregulation –
“(4) A nursery licence is equivalent to a tier 1 cultivation licence.”

12. Amendment of Regulation 48 – Rejection of an application

Regulation 48 (2) of the principal Regulations is amended by repealing the words “twenty five” and replacing these with the word “fifty”.

13. Amendment of Regulation 49 – Approval of an application

Regulation 49 of the principal Regulations is amended by repealing subregulation (2) thereof and replacing it as follows –

“(2) Where the applicant fails to pay the licensing fees to the Authority in the time specified in subregulation (1), the approval shall become void and the application fee shall be forfeited.”

14. Amendment of Regulation 63 – Individual occupation licence – complete application required

Regulation 63 of the principal Regulations is amended by repealing subregulation (10) and replacing it with the following –

“(10) Where the application is rejected, any amount paid towards the licence fee shall be returned to the applicant within sixty days.”

15. Amendment of Regulation 66 – Medicinal cannabis special dispensing licence

Regulation 66 of the principal Regulations is amended by repealing paragraph (a) of subregulation (2) and replacing it with the following –

“(a) be either a pharmacist registered under the Pharmacy Act 1995 or a special dispenser approved by the Authority;”

16. Amendment of Regulation 70 – Non-citizen investment

The principal Regulations is amended by repealing Regulation 70 in its entirety and replacing it as follows –

“70. Non-citizen investment

(1) A cannabis business that has been licensed to a national shall maintain a minimum of 67% local ownership to be regarded as the business of a national.

(2) Where a non-national acquires more than 33% of the interest in a medicinal cannabis business licensed to a national, the medicinal cannabis business shall no longer be considered as the business of a national and all fees and charges applicable to a non-national medicinal cannabis business shall apply to that business in the same manner as a non-national medicinal cannabis business.

(3) Where an application is made for a medicinal cannabis licence to conduct a business that is owned jointly by nationals and non-citizens, the profit-sharing agreement for the business shall be submitted together with the application for the licence.”

17. Amendment of Regulation 73 – Schedule of Application Fees – medicinal cannabis businesses

Regulation 73 of the principal Regulations is amended as follows –

(a) in subregulation (1), by repealing the schedule of Application Fees and replacing the table with the following –

	MEDICINAL CANNABIS BUSINESS APPLICATION TYPE	FEES in USD National	FEES in USD Non-National
(a)	Medicinal Cannabis Cultivation Location Application Fee		
(i)	Tier 1- up to 5000 square feet	\$2,000.	\$15,000.
(ii)	Tier 2- 5001 to 20,000 square feet	\$2,000.	\$15,000.
(iii)	Tier 3- 20,001 to 1 acre	\$3,000.	\$15,000.
(iv)	Tier 4- 1 to 5 acres	\$3,000.	\$15,000.
(v)	Tier 5 – 5 acres or more	\$3,000.	\$15,000.

(b)	Medicinal Cannabis Processing and Extraction Application Fee	\$3,000.	\$15,000.
(c)	Medicinal Cannabis -Infused Products Manufacturer Application Fee	\$3,000.	\$15,000.
(a)	Medicinal Cannabis Dispensary Application Fee	\$3,000.	\$15,000.
(e)	Medicinal Cannabis Lounge Application fee	\$2,000.	\$10,000.
(j)	Medicinal Cannabis Therapeutic Centre	\$2,000	\$10,000.
(g)	Medicinal Cannabis Transport Application Fee (for a single transport)	\$1,000.	\$5,000.
	For each additional vehicle	\$500.	\$1,000.
(h)	Medicinal Cannabis Testing Facility Application Fee	\$1,000.	\$5,000.
(i)	Medicinal Cannabis Research and Development Application Fee	\$1,000.	\$5,000.
(j)	Medicinal Cannabis Export Application Fee	\$100.00	\$100.00
(k)	Medicinal Cannabis Import Application Fee	\$100.00	\$100.00
(i)	Change of Location Application Fee	\$2,000	\$5,000.

- (b) in subregulation (2) by inserting immediately after the word “submitted” the words, “and are non-refundable”.
- (c) by repealing subregulations (3) and (4) entirely.

18. Amendment of Regulation 74 – Schedule of Licence Fees: medicinal cannabis businesses

Regulation 74 of the principal Regulations is amended by repealing the schedule of Licence fees outlined in subregulation (1) and replacing it with the following schedule of Licence fees –

	Medicinal Cannabis Business LicenceType	National biennial Licence Fees US\$	Non-nationals biennial Licence Fees US\$
(a)	Medicinal Cannabis Cultivation Location Licence Fee		
(i)	Tier 1- up to 5000 square feet	\$25,000	\$50,000
(ii)	Tier 2- 5001 to 20,000 square feet	\$35,000	\$60,000
(iii)	Tier 3- 20,001 to 1 acre	\$50,000	\$100,000
(iv)	Tier 4- 1 to 5 acres	\$80,000	\$160,000
(v)	Tier 5 – 5 acres or more	\$100,000+ \$2000 more/acre	\$200,000 + \$2000 more/acre
(b)	Medicinal Cannabis Processing and Extraction Licence Fee	\$100,000	\$170,000

(c)	Medicinal Cannabis – Infused Products Manufacturer Licence Fee	\$50,000	\$100,000
(a)	Medicinal Cannabis Dispensary Licence Fee	\$100,000	\$175,000
(e)	Medicinal Cannabis Lounge Licence fee	\$20,000	\$40,000
(j)	Medicinal Cannabis Therapeutic Centre	\$20,000	\$40,000
(g)	Medicinal Cannabis Transport Licence Fee	\$7,500	\$15,000
	For each additional vehicle	\$2,000	\$5,000
(h)	Medicinal Cannabis Testing Facility Licence	\$25,000	\$75,000
(i)	Medicinal Cannabis Research and Development Licence Fee	\$5,000	\$25,000

Schedule for Import and Export License Fees

	Medicinal Cannabis Business Licence Type	License fee
(a)	Medicinal Cannabis Export Licence Fee	\$1,000
(b)	Medicinal Cannabis Import Licence Fee	\$2000

19. Amendment of Regulation 75 – Schedule of Renewal Fees: medicinal cannabis businesses

Regulation 75 of the principal Regulations is amended –

- (a) by repealing the schedule of Renewal fees applicable to a medicinal cannabis business licence and replacing it with the following schedule –

	Medicinal Cannabis Business License Type	National biennial renewal licence fees US\$	Non-nationals biennial renewal licence fees US\$
(a)	Medicinal Cannabis Cultivation Location Renewal Licence Fee		
(i)	Tier 1- up to 5000 square feet	\$25,000	\$50,000
(i)	Tier 2- 5001 to 20,000 square feet	\$35,000	\$60,000
(iii)	Tier 3- 20,001 to 1 acre	\$50,000	\$100,000
(iv)	Tier 4- 1 to 5 acres	\$80,000	\$160,000
(v)	Tier 5 – 5 acres or more	\$100,000+ \$2000 more/acre	\$200,000 + \$2,000 more/acre
(b)	Medicinal Cannabis Processing and Extraction Renewal Licence Fee	\$100,000	\$170,000
(c)	Medicinal Cannabis – Infused Products Manufacturer Licence Fee	\$50,000	\$100,000

(a)	Medicinal Cannabis Dispensary Licence Fee	\$100,000	\$175,000
(e)	Medicinal Cannabis Lounge Licence fee	\$20,000	\$40,000
(j)	Medicinal Cannabis Therapeutic Centre	\$20,000	\$40,000
(g)	Medicinal Cannabis Transport Licence Fee	\$7,500	\$15,000
(h)	Medicinal Cannabis Testing Facility Licence	\$25,000.00	\$75,000
(i)	Medicinal Cannabis Research and Development Licence Fee	\$5,000.00	\$25,000

(b) by inserting after subregulation (4) the following new subregulation –
 “(5) A penalty for the late payment of renewal fee shall be added at the time of applying for the renewal of the medicinal cannabis business licence in the amount of 20% of the applicable licence renewal fee.”

20. Amendment of Regulation 77 – Schedule of Application Fees – individual occupational licences

Regulation 77 of the principal Regulations is amended by repealing the schedule of Application fees for individual occupational licences and replacing this with the following new schedule of Application fees –

	Individual Occupational Application Fees	Proposed Nationals Fees US\$	Proposed Non-Nationals Fees
(a)	Medicinal Cannabis Cultivation Owner Application Fee	\$1,500	\$5,000
(b)	Medicinal Cannabis Processing and Extraction Owner	\$1,500	\$5,000
(c)	Medicinal Cannabis -Infused products Manufacturer Owner Application	\$1,500	\$5,000
(a)	Medicinal Cannabis Dispensary Owner Application Fee	\$1,500	\$5,000
(e)	Medicinal Cannabis Lounge Owner Application Fee	\$700	\$5,000
(j)	Medicinal Cannabis Therapeutic Centre Owner	\$700	\$5,000
(g)	Medicinal Cannabis Transport Owner Application Fee	\$700	\$5,000
(h)	Medicinal Cannabis Testing Facility Owner Application Fee	\$700	\$5,000
(i)	Medicinal Cannabis Research & Development Owner Application Fee	\$500	\$5,000

(j)	Change of Ownership Application Fee	\$2,000	\$5,000
(k)	Medicinal Cannabis Special Dispensing Licence Application Fee	\$250	5000
(l)	Medicinal Cannabis Business Manager Licence Application Fee	\$500	\$5,000
(m)	Medicinal Cannabis Staff Licence Application Fee	\$100	\$1000

21. Amendment of Regulation 78 – Schedule of Licence Fees – Individual occupational licence

Regulation 78 of the principal Regulations is amended by repealing the schedule of Licence Fees for Individual Occupational Licence set out in subregulation (1) and replacing it with the following schedule of Licence fees applicable to Individual Occupational Licences –

	Individual Occupational Annual Licence	Nationals Annual licence fees US\$	Non-Nationals Annual Licence fees
(a)	Medicinal Cannabis Cultivation Owner Licence	\$5,000	\$10,000
(b)	Medicinal Cannabis Processing and Extraction Owner Licence	\$5,000	\$10,000
(c)	Medicinal Cannabis -Infused products Manufacturer Owner Licence	\$3,750	\$7,500
(a)	Medicinal Cannabis Dispensary Owner Licence	\$5,000	\$10,000
(e)	Medicinal Cannabis Lounge Owner Licence	\$2,500	\$5,000
(j)	Medicinal cannabis Therapeutic Centre Owner	\$2,500	\$5,000
(g)	Medicinal Cannabis Transport Owner Licence	\$2,500	\$5,000
(h)	Medicinal Cannabis Testing Facility Owner Licence	\$2,500	\$5,000
(i)	Medicinal Cannabis Research & Development Owner Licence	\$2,500	\$5,000
(j)	Change of Owner/New Owner Licence	\$2,500	\$5,000
(k)	Medicinal Cannabis Special Dispensing Licence	\$1,250	\$2,500
(l)	Medicinal Cannabis Business Manager Licence	\$1, 250	\$5,000
(m)	Medicinal Cannabis Staff Licence	\$200	\$2,000

22. Amendment of Regulation 79 – Schedule of Licence Renewal Fees: individual occupational licence

Regulation 79 of the principal Regulations is amended-

- (a) by repealing the schedule of Licence Renewal Fees set out in subregulation (1) and replacing it with the following schedule –

	Individual Occupational Annual License Fees	Nationals Annual Renewal Fees US\$	Nationals Annual Renewal Fees US\$
(a)	Medicinal Cannabis Cultivation Owner Licence	\$5,000	\$10,000
(b)	Medicinal Cannabis Processing and Extraction Owner Licence	\$5,000	\$10,000
(c)	Medicinal Cannabis -Infused products Manufacturer Owner Licence	\$3,750	\$7,500
(a)	Medicinal Cannabis Dispensary Owner Licence	\$5,000	\$10,000
(e)	Medicinal Cannabis Lounge Owner Licence	\$2,500	\$5,000
(j)	Medicinal Cannabis Therapeutic Centre	\$2,500	\$5,000
(g)	Medicinal Cannabis Transport Owner Licence	\$2,500	\$5,000
(h)	Medicinal Cannabis Testing Facility Owner Licence	\$2,500	\$5,000
(i)	Medicinal Cannabis Research & Development Owner Licence	\$2,500	\$5,000
(j)	Medicinal Cannabis Special Dispensing Licence	\$2,500	\$5,000
(k)	Medicinal Cannabis Business Manager Licence	\$1,250	\$2,500
(t)	Medicinal Cannabis Staff Licence	\$1, 250	\$5,000

- (l) by inserting after subregulation (4) the following new subregulation –

“(5) A penalty for the late payment of license renewal fee shall be added at the time of applying for the renewal of the medicinal cannabis business licence in the amount of 20% of the applicable licence renewal fee.”

23. Amendment of Regulation 92 – Health and Safety Regulations – medicinal cannabis business

Regulation 92 of the principal Regulations is amended in subregulation (6) by repealing the words “Ministry of Health” and replacing these with the words “Central Board of Health”.

24. Amendment of Regulation 101 – Tracking Funds and Money

Regulation 101 of the principal Regulations is amended in subregulation (3) by deleting the following words from the subregulation: “or any local licensing authority to investigate a matter and a local or foreign law enforcement authority pursuant to these Regulations may”.

25. Amendment of Regulation 110 - Transport of medicinal cannabis and medicinal cannabis infused product

Regulation 110 of the principal Regulations is amended at subregulation (7) by deleting subregulation (7) and replacing it as follows:

“(7) The transport of medicinal cannabis goods shall be done in a manner and by means that have been approved by the Authority for the transportation of medicinal cannabis goods.”

26. Insertion of Regulation 114A – Medicinal cannabis transport licence – Vessel requirement

The principal Regulations is amended by inserting after Regulation 114 the following –

“114A. Medicinal Cannabis Transport Licence – Vessel

Any aircraft, boat or other vessel used for the transportation of medicinal cannabis shall –

- (a) be registered in Antigua and Barbuda;
- (b) meet the requirements of the local regulatory authority; and
- (c) be approved by the Authority.”

27. Insertion of regulation 116A – Incorporation of local planting material into the Antigua and Barbuda Tracking System

The principal Regulations is amended by inserting after Regulation 116 the following –

“116A. Incorporation of local planting material into the Antigua and Barbuda Tracking System

(1) The Authority may, on application of a licensee, permit a licensee, its officers and directors to incorporate the four-plants in the possession of its officers and directors as their personal allowance under the Misuse of Drugs Act into the Antigua and Barbuda Tracking System for the purpose of providing planting material to the Licensee.

(2) The incorporation of the four-plant shall be done only as prescribed by this regulation.

(3) An Inspector of the Authority shall supervise the introduction of the initial cannabis planting material into the medicinal cannabis cultivation operations of the Licensee.

(4) Prior to incorporating the four-plant personal allowance of each officer and director into the medicinal cannabis cultivation operations of a Licensee, an Inspector of the Authority shall quantify the initial number of plants or seeds that the Licensee is allowed as starting planting material in the medicinal cannabis cultivation business.

(5) The Inspector shall –

- (a) create a detailed record of every plant, seed, seedling that is being incorporated from the four-plant personal allowance into the medicinal cannabis cultivation business of the Licensee;
- (b) tag each plant, seed and seedling in accordance with the Tracking System;
- (c) generate a list of the inventory;
- (a) ensure that a duly appointed representative of the Licensee initial and sign the record of the inventory and the Inspector shall also initial and sign the list;
- (e) file a copy of the signed inventory with the Authority’s Inspectorate Division.”

28. Amendment of Regulation 120 – Prohibited chemicals

Regulation 120 of the principal Regulations is amended in subregulation (1) by inserting after the words “medicinal cannabis cultivation” the words “or any other chemical prohibited under the Pesticides and Toxic Chemicals Act 2008, No. 12 of 2008.”

29. Amendment of Regulation 133 – Medicinal cannabis dispensary – facility specification

Regulation 133 of the principal Regulations is amended in subregulation (2) by repealing paragraph (b)(iii) thereof and renumbering the remaining subparagraphs accordingly.

30. Amendment of Regulation 136 – Medicinal cannabis lounge: general limitations or prohibited acts

Regulation 136 of the principal Regulation is amended by deleting subregulation (5) in its entirety and renumbering the subregulations thereafter accordingly.

31. Insertion of Division 6A into the principal Regulations

The principal Regulations are amended by inserting a new Division immediately before Division 7 as follows –

“DIVISION 6A – MEDICINAL CANNABIS BUSINESS THERAPEUTIC CENTRE

138A. Medicinal Cannabis Therapeutic Centre – Licence privileges

- (1) A Medicinal Cannabis Therapeutic Centre shall exercise privileges granted solely by the Authority.
- (2) A Medicinal Cannabis Therapeutic Centre shall allow an authorized patient entry at its licensed premises to obtain the recommended medicinal cannabis treatment.

(3) Subject to subregulation (2) a Medicinal Cannabis Therapeutic Centre shall not allow the smoking, vaping or ingestion of medicinal cannabis goods on the licensed premises.
138B. Medicinal Cannabis Therapeutic Centre: general limitations or prohibited acts

(1) The Medicinal Cannabis Therapeutic Centre shall use medicinal cannabis goods solely for the purpose of performing treatment by means of external application to an authorised patient during business hours.

(2) The treatment performed by the Medicinal Cannabis Therapeutic Centre shall be done only on premises licensed by the Authority for the purpose of conducting a Medicinal Cannabis Therapeutic Centre business.

(3) Access to the therapeutic treatment area shall be restricted to authorised patients and duly licensed staff of the Medicinal Cannabis Therapeutic Centre.

(4) The Medicinal Cannabis Therapeutic Centre shall maintain a patient database containing –

(a) the name of the authorised patient;

(b) a copy of the authorised patient's valid medicinal cannabis patient identification card;

(c) name of the medical practitioner that issued the recommendation;

(d) nature of the treatment received by the patient;

(e) date or dates on which the treatment was administered;

(f) the length of the treatment;

(g) the name of the medicinal cannabis product used to treat the patient;

(h) the quantity of the medicinal cannabis product used during each treatment of the patient;

(i) any complaint made by the patient as to any adverse reaction to the treatment;

(j) the name of the staff that performed the treatment.

(5) The Medicinal Cannabis Therapeutic Centre shall enter the patient name and ID number in the tracking system.

(6) The holder of a Medicinal Cannabis Therapeutic Centre Licence shall not permit the sale of medicinal cannabis products on the premises except to an Authorised patient for use by that patient in the course of treatment to be performed at the Medicinal Cannabis Therapeutic Centre.”

32. Amendment of Regulation 142 – Medicinal Cannabis export and import authorizations – general rules

Regulation 142 of the principal Regulation is amended-

- (a) in subregulation (2) paragraph (a), by repealing the words “the name of the drug” and replacing this with the words “the name of medicinal cannabis product”; and
- (b) by inserting the following new subregulation –

“(18) A licence to import or export medicinal cannabis goods shall be a single use licence”.

Made by the Minister this 28th day of May, 2021.

Hon. Steadroy C.O. Benjamin,
*Attorney General
and Minister of Legal Affairs.*