

**EXPLANATORY NOTE****CANNABIS AND INDUSTRIAL HEMP BILL**

1. The Bill for consideration is the Cannabis and Industrial Hemp Bill (the Bill).
2. The purpose of the Bill is to appoint a Cannabis Advisory Council; to provide for the powers of the Minister responsible for commerce and the Minister responsible for health; to expand the functions of the Regulated Substances Authority; to provide for the declaration of an approved pharmacy association or medical and dental association; to provide for the recognition of a central trading entity; to provide for an amnesty or a pardon for cannabis cultivation and cannabis possession only offence; to provide for a licence to conduct cannabis or industrial hemp activity; to provide for a licence to sell Class One Medicinal Cannabis; to provide for a Certificate of Registration to prescribe Class Two Medicinal Cannabis; to provide for a dispensary licence and the sale of medicinal cannabis; to provide for the imposition of a cannabis or industrial hemp levy; to provide a person with a licence under this Act with access to incentives; to provide for prohibitions against the import, export, supply, possession and use of synthetic cannabinoids, to set out offences involving a young person, cultivation offences, possession offences, consuming and smoking offences, commercial offences and ticketable offences.
3. Clause 1 of the Bill contains the short title and commencement. By clause 2 of the Bill, definitions are provided for the words used in the Bill. Clause 3 of the Bill outlines the purposes of the Bill. Clause 4 of the Bill provides that this Bill prevails where there is a conflict with any other enactment.
4. Part 1 of the Bill (Administration) contains clauses 5 to 25. Clause 5 of the Bill provides for the appointment of a Cannabis Advisory Council (the Council). Clause 6 of the Bill provides for the Chairperson and Deputy Chairperson of the Council.

5. Clauses 7, 8 and 9 of the Bill provide for the tenure, functions and powers of the Council. Clauses 10, 11, 12, 13 and 14 of the Bill provide for the disqualification, leave of absence, resignation, revocation of appointment and vacancy of a member on the Council. Clause 15 of the Bill provides for the appointment of a temporary member on the Council.
6. Clause 16 of the Bill provides for confidentiality and oath of secrecy. Clause 17 of the Bill provides for meetings of the Council while clause 18 of the Bill provides for a member to declare his or her interest on a matter being dealt with by the Council and to abstain from voting on the Council.
7. In clause 19 of the Bill, the Minister may appoint a Secretary to the Council. Clause 20 of the Bill provides for the protection of members and the Secretary of the Council. Clause 21 of the Bill provides for the remuneration of a member and the Secretary of the Council. Clauses 22, 23 and 24 of the Bill provide for the additional functions of the Minister responsible for commerce (the Minister), Minister responsible for health and the Board of the Regulated Substances Authority. By virtue of clause 25 of the Bill, the Minister is given the power to declare a pharmacy association or medical and dental association as an approved pharmacy association or medical and dental association.
8. Part II of the Bill (Central Trading Entity) contains clauses 26 to 48. Clauses 26, 27, 28 and 29 of the Bill provide for an application, approval, refusal and a notice of change affecting security clearance. Clause 30 of the Bill provides for the restrictions for recognition of an entity as a central trading entity, such as, a maximum of two central trading entities may be recognized at a time. Clause 31 of the Bill provides for an application to be made to the Minister by a company or co-operative society for recognition as a central trading entity. Clause 32 of the Bill provides for the consideration of an application for recognition as a central trading entity. Clauses 33 and 34 of the Bill provide for the approval or refusal of an application for recognition as a central trading entity.

9. By virtue of clause 35 of the Bill, the Minister may issue a Certificate of Recognition to a company or co-operative society with an approved application for recognition as a central trading entity or a statutory body that is recognized as a central trading entity.
10. Under clause 36 of the Bill, a central trading entity has the exclusive right to distribute medicinal cannabis. By clause 37 of the Bill, a Certificate of Recognition can be amended. Clause 38 of the Bill provides for an application for renewal of a Certificate of Renewal. Clauses 39 and 40 of the Bill provide for the approval and refusal of an application for renewal of a Certificate of Recognition. Under clauses 41 and 42 of the Bill, a Certificate of Recognition can be suspended or terminated. By virtue of clause 43 of the Bill, the holder of a Certificate of Recognition is required to display the Certificate of Recognition at its place of operation. Clauses 44, 45, 46, 47 and 48 of the Bill provide for the obligations, responsibilities and powers of a central trading entity.
11. Part III of the Bill (Amnesty or Pardon for Cannabis Cultivation or Cannabis Possession Only Offence) contains clauses 49 to 60. Clause 49 of the Bill provides for the application of Part III of the Bill. A notice of an amnesty period is required to be declared by the Minister under clause 50 of the Bill. Clause 51 of the Bill provides for an application for a Certificate of Amnesty. Clause 52 of the Bill provides for an investigation into a cannabis cultivation or cannabis possession only offence and clause 53 of the Bill provides for recommendations to be made to the Minister responsible for justice after conducting an investigation.
12. Clauses 54 and 55 of the Bill provide for the approval, and refusal of an application for a Certificate of Amnesty while clauses 56, 57, 58 and 59 of the Bill provide for the issue, conditions, effect and revocation of a Certificate of Amnesty. Clause 60 of the Bill provides for a pardon, in accordance with section 74 of the Constitution of Saint Lucia, Cap. 1:01 for a cannabis cultivation or cannabis possession only offence.

13. Part IV of the Bill (Licence to conduct Cannabis or Industrial Hemp Activity) contains clauses 61 to 67. Clause 61 of the Bill sets out a restriction on conducting cannabis and industrial hemp activity and clause 62 of the Bill sets out a restriction on using, consuming, keeping, permitting or causing to be kept cannabis products in a public place.
14. Clause 63 of the Bill provides the instances on which a person is ineligible to make an application for a licence to conduct cannabis or industrial hemp activity. Clause 64 of the Bill provides for a person to make an application for a licence to conduct cannabis and industrial hemp activity. Clauses 65 and 66 of the Bill provide for the type, class and issue of a licence to conduct cannabis and industrial hemp activity. Clause 67 of the Bill provides for an exemption from the licence requirements.
15. Part V of the Bill (Certificate of Registration and Prescribing Class Two Medicinal Cannabis) contains clauses 68 to 93. Clause 68 of the Bill provides for a restriction for prescribing Class Two Medicinal Cannabis. Clause 69 of the Bill provides for the requirements for a Certificate of Registration.
16. Under clause 70 of the Bill, a medical practitioner can make an application for a Certificate of Registration. Clauses 71, 72, 73 and 74 of the Bill provide for the approval, refusal, issue and validity of a Certificate of Registration. Clauses 75, 76 and 77 of the Bill provide for an application for renewal, approval and refusal of a Certificate of Registration. Clauses 78, 79 and 80 of the Bill provide the suspension, revocation and display of a Certificate of Registration.
17. Clause 81 of the Bill provides for the considerations for prescribing Class Two Medicinal Cannabis. Clause 82 of the Bill provides for a Medicinal Cannabis Prescription and clause 83 of the Bill provides for a Medicinal Cannabis Certificate. Clause 84 of the Bill provides for the obligations of a licenced medical practitioner. Clause 85 of the Bill provides for the designation of a caregiver. By virtue of clause 86 of the Bill, a registered medical practitioner

is required to keep a record of caregivers. Clause 87 of the Bill provides for a Class Two Medicinal Cannabis Card. Clauses 88, 89, 90 and 91 of the Bill provide for the validity, possession, notification of a lost, defaced or destroyed and notice of withdrawal of a Class Two Medicinal Cannabis Card.

18. Clauses 92 and 93 of the Bill require a notice of change of caregiver to a registered medical practitioner and the Regulated Substances Authority.
19. Part VI of the Bill (Dispensary Licence, Sale and Supply of Medicinal Cannabis) contains clauses 94 to 109. Clause 94 of the Bill provides for the persons who are ineligible to make an application for a dispensary licence. Clause 95 of the Bill provides for an application for a dispensary licence. Clauses 96 and 97 of the Bill provide for the approval and refusal of an application for a dispensary licence. Clauses 98, 99 and 100 of the Bill provide for the issue, conditions and validity of a dispensary licence.
20. Clause 101 of the Bill provides for an application for renewal of a dispensary licence. Clauses 102 and 103 of the Bill provide for the approval and refusal of an application for renewal of a dispensary licence. Clauses 104, 105 and 106 of the Bill provide for the suspension, revocation and display of a dispensary licence. Clause 107 of the Bill sets out the application of the Pharmacy Act, Cap. 11.21 to the sale and supply of medicinal cannabis. Clause 108 of the Bill sets out a restriction for selling Class One Medicinal Cannabis. Clause 109 of the Bill provides the requirements for the sale of medicinal cannabis.
21. Part VII of the Bill (Cannabis or Industrial Hemp Levy) contains clauses 110 to 129. Clause 110 of the Bill allows the Minister to exempt a cannabis product or industrial hemp product from a cannabis or industrial hemp levy. Clauses 111, 112 and 113 of the Bill provide for the imposition and rate of a cannabis or industrial hemp levy on imported and locally processed cannabis products or industrial hemp products.

22. Clause 114 of the Bill provides for a collector of a cannabis or industrial hemp levy. Clause 115 of the Bill provides for the issue of a Collector's Certificate. Clause 116 of the Bill provides for a notice of change of circumstances.
23. Clauses 117, 118, 119 and 120 of the Bill provide for the validity, display, suspension and cancellation of a Collector's Certificate. Clauses 121 and 122 of the Bill provide for a register and the publication of a list of collectors. Clause 123 of the Bill provides for online notice of a cannabis or industrial hemp levy. Clauses 124, 125 and 126 of the Bill provide for the collection, remittance and recovery of a cannabis or industrial hemp levy.
24. By virtue of clause 127 of the Bill, a person may give notice of an overpaid cannabis or industrial hemp levy. Under clauses 128 and 129 of the Bill a person may make a claim for a refund of an overpaid cannabis or industrial hemp levy and get a refund of an overpaid cannabis or industrial hemp levy.
25. Part VIII of the Bill (Incentives) contains clauses 130 to 136. Clause 130 of the Bill provides for the type, rate and applicable period for incentives. Clause 131 of the Bill provides for the eligibility and non-eligibility of a person to make an application for incentives. Clauses 132, 133, 134 and 135 of the Bill provide for an application for incentives, the consideration, approval and refusal of an application for incentives and clause 136 of the Bill provides for an Order by Cabinet for granting incentives.
26. Part IX of the Bill (Prohibitions and Offences) contains clauses 137 to 183. Clause 137 of the Bill provides for the interpretation of words used in Part IX. Clause 138 of the Bill provides for the prohibition against the import, export, supply, possession and use of synthetic cannabinoids.
27. Clauses 139 to 142 of the Bill provide for offences involving a young person. Clauses 143 to 148 of the Bill provide for cultivation offences. Clause 149 to 151 of the Bill provide for possession offences.

Clauses 152 to 154 of the Bill provide for offences relating to consumption and smoking of cannabis. Clauses 155 and 163 of the Bill provide for commercial offences.

28. Clauses 164 of the Bill provides for ticketable offences. Clause 165 of the Bill provides for a notice of a fixed penalty. Clause 166 of the Bill provides for withdrawal of a notice of a fixed penalty and refund. In relation to ticketable offences, clauses 167 to 176 of the Bill provide for commencement of proceedings, options after service of ticket, plea of guilty and payment, request for hearing, absence of response from defendant, proceedings commenced by ticket, ticket as evidence, notice, sentence and disqualification from obtaining a licence on failure to pay fine.
29. Clause 177 of the Bill provides for arrest without warrant for ticketable offences while clauses 178 and 179 of the Bill provide for detention of cannabis and storage of detained cannabis. Clause 180 of the Bill provides for interfering with detained cannabis. Clause 181 of the Bill provides for testing of detained cannabis.
30. Clause 182 of the Bill provides for testing a person for cannabis use and clause 183 of the Bill provides for a test result from testing a person for using cannabis to be used as evidence of the information obtained from the test.
31. Part X of the Bill (Miscellaneous) contains clauses 184 to 187. Clause 184 of the Bill provides for the amendment of the Schedules. Clause 185 of the Bill provides for the Minister, after consultation with the Regulated Substances Authority, to make guidelines. Clause 186 of the Bill provides for the Minister, after consultation with the Council or the Regulated Substances Authority, where applicable, to make Regulations. Clause 187 of the Bill provides for the repeal of certain laws.

32. Schedule 1 of the Bill sets out the types and classes of licences for conducting in cannabis or industrial hemp activity. Schedule 2 of the Bill sets out the qualifying medical conditions. Schedule 3 of the Bill provides for the oath of secrecy to be taken by the members of the Council and a committee of the Council. Schedule 4 of the Bill provides for the types and classes of licenses to conduct cannabis and industrial hemp activity.



**SAINT LUCIA****No. of 2025****ARRANGEMENT OF SECTIONS***Section***PRELIMINARY**

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**SAINT LUCIA****No. of 2025**

**AN ACT** to appoint a Cannabis Advisory Council; to provide for the powers of the Minister responsible for commerce and the Minister responsible for health; to expand the functions of the Regulated Substances Authority; to provide for the declaration of an approved pharmacy association or medical and dental association; to provide for the recognition of a central trading entity; to provide for an amnesty or a pardon for cannabis cultivation and cannabis possession only offence; to provide for a licence to conduct cannabis or industrial hemp activity; to provide for a licence to sell Class One Medicinal Cannabis; to provide for a Certificate of Registration to prescribe Class Two Medicinal Cannabis; to provide for a dispensary licence and the sale of medicinal cannabis; to provide for the imposition of a cannabis or industrial hemp levy; to provide a person with a licence under this Act with access to incentives; to provide for prohibitions against the import, export, supply, possession and use of synthetic cannabinoids, to set out offences involving a young person, cultivation offences, possession offences, consuming and smoking offences, commercial offences, ticketable offences and other related matters.

[ ]

**BE IT ENACTED** by the King's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

**PRELIMINARY****Short title and commencement**

**1.**—(1) This Act may be cited as the Cannabis and Industrial Hemp Act, 2025.

(2) Subject to subsection (3), this Act comes into force on a date to be fixed by the Minister by Order published in the *Gazette*.

(3) Notwithstanding subsection (2), the Minister may, by Order published in the *Gazette*, fix different dates for the coming into force of different Parts or different sections of this Act.

**Interpretation**

**2.** In this Act —

“aircraft” —

(a) means any machine for flying, whether propelled by mechanical means or not;

(b) includes any description of a balloon;

“amnesty” means the period during which a person admits to illegal cannabis cultivation or cannabis possession only and is not punished;

“amnesty period” means the period declared under section 50;

“analytical service” includes a service for testing or extracting cannabis, industrial hemp, cannabis products or industrial hemp products;

“approved medical and dental association” means a body that is declared an approved medical and dental association under section 25;

“approved pharmacy association” means a body that is declared an approved pharmacy association under section 25;

“beneficial owner” means a natural person —

(a) who ultimately owns or controls a company or legal arrangement;

(b) who exercises ultimate effective control over a legal person or legal arrangement, such as, a senior manager or signatory;

(c) on whose behalf a transaction or activity is being conducted;

“Board” means the Board of the Regulated Substances Authority appointed under section 22 of the Regulated Substances Act, No. 26 of 2023;

“branded merchandise” —

(a) means non-consumable products utilized by a holder of a cannabis licence for advertising and marketing purposes and includes clothing, bags, pens, keychains, mugs, water bottles, lanyards, stickers, pins, and posters;

(b) does not include food items or items containing cannabis;

“cannabinoid” —

(a) means a substance found in a plant of the genus cannabis which reacts with specific receptors in the human brain and body to give a therapeutic effect;

(b) does not include synthetic cannabinoids;

“cannabinoid materials” means a group of chemicals or compounds, such as, tetrahydrocannabinol and cannabidiol found in the cannabis sativa plant;

“cannabis” —

(a) means a genus of flowering plants within the Cannabaceae family identified by distinctive glandular trichomes, divided serrated leaves and tough bast fibers;

(b) includes —

(i) all parts of the plant of the genus cannabis, growing or not growing,

(ii) phytocannabinoids,

- (iii) a compound, processed, salt, derivative, mixture or preparation of the plant of the genus cannabis or its seeds or phytocannabinoids,
  - (iv) a viable cannabis seed,
  - (v) a cannabis product,
  - (vi) a hemp-derived product;
- (c) does not include —
- (i) industrial hemp,
  - (ii) the mature stalks of the plant of the genus cannabis, and fiber produced from the stalk, without any leaf, flower, seed or branch of the cannabis plant,
  - (iii) oil or cake made from the seeds of the cannabis plant,
  - (iv) sterilized cannabis seeds that are incapable of germination,
  - (v) any other ingredient combined with cannabis to prepare a topical or oral administration, food, drink or other product;
- “cannabis accessories” means any equipment, product of any kind that is used, intended or designed for vaporizing, ingesting, inhaling, administering or introducing cannabis into the human body;
- “cannabis or industrial hemp activity” —
- (a) includes —
    - (i) cultivating and transporting cannabis or industrial hemp,
    - (ii) transporting cannabis products or industrial hemp products,
    - (iii) processing cannabis or industrial hemp,
    - (iv) exporting cannabis, industrial hemp, cannabis products or industrial hemp products,
    - (v) importing cannabis products or industrial hemp products,
    - (vi) conducting research on cannabis, industrial hemp, cannabis products, or industrial hemp products,

- (vii) selling cannabis products or industrial hemp products;
  - (viii) providing an area at an enclosed building or other place for the use and consumption of a cannabis product;
  - (b) does not include —
    - (i) the cultivation of cannabis under section 64,
    - (ii) the use or consumption of cannabis in a private place;
- “cannabis cultivation only offence” in relation to an amnesty or pardon, means an offence under section 49(1)(a);
- “cannabis industry” includes the activities and professionals involved, directly or indirectly, in —
- (a) cultivating, trading, transporting and exporting cannabis, industrial hemp;
  - (b) processing, trading, transporting, importing, exporting cannabis products, industrial hemp products and cannabis accessories;
  - (c) conducting research and tests on cannabis, industrial hemp, cannabis products and industrial hemp products;
- “cannabis levy” means the cannabis levy charged and paid under section 112 or 113;
- “cannabis possession only offence” in relation to an amnesty or pardon, means an offence under section 49(1)(b) or (c);
- “cannabis product” —
- (a) means a product for human consumption such as —
    - (i) cannabinoid materials that are produced and used for medicinal purposes in the form of a substance, compound, mixture, extraction, derivative, product or other preparation of cannabis, including, a topical formulation, tincture, beverage, or edible substance,
    - (ii) a hemp-derived product;

- (b) does not include synthetic cannabinoids;
- “cannabis raw materials” means any part of the cannabis plant that is intended to be processed into a cannabis product;
- “cannabis stamp” means a stamp that is affixed to a packaged cannabis product;
- “caregiver” means —
  - (a) the parent or legal guardian of a young person under section 85(1);
  - (b) a person designated under section 85(2);
- “central trading entity” means a company, co-operative society or statutory body with a valid Certificate of Recognition;
- “Certificate of Amnesty” means a Certificate of Amnesty issued under section 56;
- “Certificate of Recognition” means a Certificate of Recognition under section 35;
- “Certificate of Registration” means a Certificate of Registration under section 73;
- “Chairperson” means the Chairperson of the Council appointed under section 6(1);
- “Chief Medical Officer” means the Chief Medical Officer under the Public Health Act, Cap. 11.01;
- “Chief Pharmacist” means the Chief Pharmacist of the Public Service under the Pharmacy Act, Cap. 11.21;
- “citizen” in relation to an application for a Traditional Medicinal Cannabis Cultivator’s Licence or Traditional Industrial Hemp Cultivator’s Licence, has the meaning assigned under the Citizenship of Saint Lucia Act, Cap. 1.04;
- “Class A offence” means a Class A offence specified in Schedule 1;
- “Class B offence” means a Class B offence specified in Schedule 1;



- “Class C offence” means a Class C offence specified in Schedule 1;
- “Class D offence” means a Class D offence specified in Schedule 1;
- “Class One Dispensary Licence” means a dispensary licence to sell only Class One Medicinal Cannabis;
- “Class One Medicinal Cannabis” means a cannabis product that —
- (a) is available to the public without a medicinal cannabis prescription; and
  - (b) contains a maximum amount of tetrahydrocannabinol, tetrahydrocannabinolic acid or other cannabinoid as declared under section 23(a)(ii)(A);
- “Class Two Dispensary Licence” means a dispensary licence to —
- (a) sell Class One Medicinal Cannabis;
  - (b) dispense Class Two Medicinal Cannabis;
- “Class Two Medicinal Cannabis” means a cannabis product that —
- (a) is available to the public with a medicinal cannabis prescription; and
  - (b) that contains an amount of tetrahydrocannabinol, tetrahydrocannabinolic acid or other cannabinoid as declared under section 23(a)(ii)(B);
- “Class Two Medicinal Cannabis Card” means a Class Two Medicinal Cannabis Card under section 87;
- “collector” means a person issued a Collector’s Certificate under section 115;
- “Commissioner of Crown lands” means the Commissioner of Crown lands appointed under section 3 of the Crown Lands Act, Cap. 5.02;
- “Commissioner of Police” means the Commissioner of Police under the Police Act, Cap. 14.01;

“committee” means a committee appointed under section 9(1) (b);

“company” in relation to a central trading entity, means a body incorporated —

(a) registered or continued under the Companies Act, Cap. 13.01 or any other enactment; and

(b) with a shareholding of a minimum of twenty per cent of traditional cultivators with no more than one traditional cultivator owning more than two point five per cent of the shares;

“Comptroller of Customs” means the Comptroller of Customs under the Customs (Control and Management) Act, Cap. 15.05;

“controlled drug” has the meaning assigned under the Drug (Prevention of Misuse) Act, Cap. 3.02;

“co-operative society” in relation to a central trading entity —

(a) has the meaning assigned under the Co-operative Societies Act, Cap. 12.06; and

(b) has a shareholding of a minimum of twenty per cent of traditional cultivators with no more than one traditional cultivator owning more than two point five per cent of the shares;

“Council” means the Cannabis Advisory Council appointed under section 5;

“Crown lands” means Crown lands under the Crown Lands Act, Cap. 5.02;

“cultivate” means to propagate, breed, grow, harvest, dry, cure or separate parts of the cannabis plant or hemp plant, manually or mechanically;

“cultivation” means the act of growing the cannabis plant or hemp plant;

“cultivation offence” means an offence under Division 3 of Part IX;

“Cultivator’s Licence” means a licence, as specified in Schedule 4, to cultivate —

- (a) in relation to medicinal cannabis, cannabis;
- (b) in relation to industrial hemp, industrial hemp;

“Deputy Chairperson” means the Deputy Chairperson of the Council elected under section 6(2);

“dispensary licence ” means —

- (a) a Class One Dispensary Licence;
- (b) a Class Two Dispensary Licence;

“dispense” means the supply of Class Two Medicinal Cannabis by a licensed pharmacy;

“dwelling-house” means —

- (a) a place where a person is ordinarily resident;
- (b) land that is subjacent to the dwelling-house and the immediately contiguous land that is attributable to the dwelling-house, such as a yard, garden or other similar land;
- (c) a building or structure on land under paragraph (b);

“edible cannabis” —

- (a) means a cannabis substance or mixture of substances that is prepared in the same manner as food or drink for human consumption;
- (b) includes cannabis accessories that contain a cannabis substance or mixture of substances under paragraph (a);

“educational institution” includes —

- (a) a nursery, school, training centre, college or other institution of higher education that provides care or education suited to the requirements of students below the age of twenty-one years;
- (b) a building, playing field or other premises established or maintained by an institution specified under paragraph (a) for the benefit of its students whether or not the building, playing field or other premises are within the curtilage of the institution;

- “exempt cannabis product” means a cannabis product exempted under section 22(a)(ii)(B);
- “exporter” means a person who exports cannabis products or industrial hemp products;
- “Exporter’s Licence” means a licence, as specified in Schedule 4, to export —
- (a) in relation to medicinal cannabis, cannabis and cannabis products;
  - (b) in relation to industrial hemp, industrial hemp and industrial hemp products;
- “extraction” in relation to processing cannabis, means the conversion of target molecules in cannabis raw materials into a usable form;
- “forest” has the meaning assigned under the Forest, Soil and Water Conservation Act, Cap. 7.09;
- “heavy equipment” means equipment, whether mechanically propelled or not, that is used for off-road navigation or construction;
- “hemp-derived product” means a product for human consumption, other than the hemp plant, which contains or is derived from industrial hemp by processing hemp raw materials;
- “hemp raw materials” means —
- (a) the fibre derived from the stem of a hemp plant;
  - (b) the naturally-occurring amounts of tetrahydrocannabinol derived from industrial hemp;
- “human consumption” means any manner of use of a cannabis product by an individual, whether orally, topically or inhalation;
- “identification card” means —
- (a) an identification card issued under the Elections Act, Cap. 1.02;
  - (b) a form of identification issued by an individual’s country of birth or residence;

“importer” means a person who imports cannabis products or industrial hemp products;

“Importer’s Licence” means a licence, as specified in Schedule 4, to import —

(a) in relation to medicinal cannabis, cannabis products;

(b) in relation to industrial hemp, industrial hemp products;

“incentives” means a benefit under section 130;

“industrial hemp” means a *Cannabis sativa L.* plant, or any part of that plant which is not for human consumption, whether growing or not growing, with —

(a) a delta-9 tetrahydrocannabinol concentration not exceeding 0.3 per cent on a dry-weight basis, per volume or weight of a cannabis product; or

(b) a combined per cent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis, regardless of moisture content;

“industrial hemp levy” means the industrial hemp levy charged and paid under section 112 or 113;

“industrial hemp product” means —

(a) a product that is produced from industrial hemp; and

(b) is not used for human consumption;

“industrial hemp stamp” means a stamp that is affixed to a packaged industrial hemp product;

“inspector” means a person employed by the Regulated Substances Authority under section 11 of the Regulated Substances Authority Act;

“licensed cultivator” means a person with a valid Cultivator’s Licence;

“licensed laboratory” means a laboratory with a Cannabis Research Licence;

“licensed person” means a person issued a Class One Dispensary Licence under section 98(a);

“licensed pharmacy” means a pharmacy issued a Class Two Dispensary Licence under section 98(b);

“licensee” —

- (a) in relation to Part IV, means a person with a licence to conduct cannabis or industrial hemp activity;
- (b) in relation to Part V, means a person with a licence to prescribe Class Two Medicinal Cannabis;
- (c) in relation to Part VI, means a person with a licence to sell medicinal cannabis;
- (d) in relation to Part VIII, means a person with a licence under this Act;

“Medical and Dental Association” means the body registered under the Companies Act, Cap. 13.01 as the Medical and Dental Association;

“medical practitioner” has the meaning assigned under the Health Practitioners Act, Cap. 11.06;

“medicinal cannabis” means a cannabis product that is classified as —

- (a) Class One Medicinal Cannabis; or
- (b) Class Two Medicinal Cannabis;

“Medicinal Cannabis Certificate” means a document issued under section 83;

“medicinal cannabis prescription” means a prescription issued by a registered medical practitioner under section 82;

“Minister” means the Minister responsible for commerce, unless otherwise specified;

“Ministry” means the Ministry responsible for commerce;

“motor boat” includes a jet-ski, yacht or other boat that is propelled by a motor;

“motor vehicle” has the meaning assigned under the Motor Vehicles and Road Traffic Act, Cap. 8.01;

“National Insurance Corporation Number” means the unique number issued to a person by the National Insurance Corporation under the National Insurance Corporation Act, Cap. 16.01;

- “off-road recreational vehicle” includes an alternative terrain vehicle;
- “pardon” means the exercise of a power by the Governor General under section 74(1) of the Constitution of Saint Lucia, Cap.101;
- “patient” means a person who is in the care of a registered medical practitioner;
- “person” includes a company or an unincorporated body;
- “pharmacist” has the meaning assigned under the Pharmacy Act, Cap. 11.21;
- “pharmacy” has the meaning assigned under the Pharmacy Act, Cap. 11.21;
- “phytocannabinoids” means the separated resin, whether crude or purified, that is obtained from a plant or part of a plant of the genus cannabis;
- “possession offence” means an offence under Division 4 of Part IX;
- “preparation” means —
- (a) any solution or mixture, in whatever physical state, containing two or more cannabis raw materials or derivatives;
  - (b) one or more cannabis raw materials or derivatives in dosage form;
- “private place” means —
- (a) the whole or part of a building, house, room, shed, hut, tent, mobile home, caravan, boat, land or place to which the public does not have access to as of right;
  - (b) a tabernacle or place of worship for a religious organization;
  - (c) an establishment with a valid dispensary licence and Public Consumption Space Licence;
  - (d) a place declared to be a private place under section 22(c);

“process” —

- (a) in relation to a cannabis product, means —
  - (i) to separate or prepare parts of cannabis,
  - (ii) to compound, blend, grind, extract, infuse, make or prepare phytocannabinoids or cannabis products;
- (b) in relation to an industrial hemp product, means —
  - (i) to separate or prepare industrial hemp,
  - (ii) the use of retting or decortication of industrial hemp;

“Processor’s Licence” means a licence, as specified in Schedule 4, to process —

- (a) in relation to medicinal cannabis, cannabis raw materials;
- (b) in relation to industrial hemp, hemp raw materials;

“promotion” includes —

- (a) buy one product, get another product free;
- (b) free product with a donation;
- (c) a contest;
- (d) a sweepstake;
- (e) a raffle;

“Public Space Consumption Licence” means a licence to use and consume medicinal cannabis as specified in Schedule 4;

“public place” —

- (a) means a place that is open to and for the use of the public, such as —
  - (i) a structure,
  - (ii) a facility,
  - (iii) a place of assembly;



(b) includes —

(i) a ministry, department or office,

(ii) a bar, restaurant or club;

(iii) a place or building of all types accessible to the public;

(c) does not include —

(i) a privately occupied residence, if the residence is not used for a commercial purpose,

(ii) a private place;

“purchaser” means a person who buys a cannabis product from a licensed person or licensed pharmacy;

“qualifying medical condition” means a medical condition specified in Schedule 2;

“recognized laboratory” in relation to tests carried out by a central trading entity, means a laboratory declared a recognized laboratory under section 23(a)(i);

“registered medical practitioner” means a medical practitioner who is issued a Certificate of Registration under section 73;

“Register of Cannabis Products” means a record of cannabis products under section 24(1)(g);

“Register of Collectors” means the Register of Collectors under section 121;

“Regulated Substances Act” means the Regulated Substances Act, No. 26 of 2023;

“Regulated Substances Authority” means the Regulated Substances Authority established under section 5 of the Regulated Substances Act, No. 26 of 2023;

“Regulated Substances Fund” means the Regulated Substances Fund under the Regulated Substances Act;

“Regulated Substances Tribunal” means the Regulated Substances Tribunal under the Regulated Substances Act;

“religious organization” means —

- (a) a faith-based organization registered under the Non-Governmental Organisations Act, Cap. 13.33; or
- (b) a body that is incorporated or registered as a non-profit company under the Companies Act, Cap.13.01 or another enactment that —
  - (i) is incorporated for a religious purpose,
  - (ii) has an identity and mission derived from a religious or spiritual tradition,
  - (iii) has a constitution that recognizes cannabis as a sacrament in adherence to its religious practise;

“Research Licence” means a licence, as specified in Schedule 4, to carry out scientific research —

- (a) in relation to medicinal cannabis, cannabis and cannabis products;
- (b) in relation to industrial hemp, industrial hemp and industrial hemp products;

“sample” means a prescribed portion of cannabis or industrial hemp, cannabis product or industrial hemp product that is submitted, for testing and analysis, —

- (a) in the case of a test under section 43, 164 or 165, to a recognized laboratory;
- (b) in the case of conducting research on cannabis, industrial hemp, cannabis products or industrial hemp products, to licensed laboratory;

“Secretary” means the Secretary of the Council appointed under section 19;

“security clearance” means a clearance granted by the Regulated Substances Authority;

“seed-to-sale tracking system” means a system that documents and tracks cannabis from a seed to its final product form;

“site” means an area that is used exclusively by the holder of a licence to conduct cannabis or industrial hemp activity or a Certificate of Recognition that consists of at least one building, or one part of a building;

“statutory body” means a body set up, for market-based for profit or non-market-based not for profit, by an enactment with powers and operational autonomy —

- (a) to provide goods and services to the public;
- (b) for a public purpose; or
- (c) to carry out a Government-related function, and is under the control of the Government; and
- (d) to which section 19 of the Interpretation Act, Cap. 1.01 applies;

“substance abuse” means the use of illegal drugs or the use of prescription or over-the-counter drugs or alcohol for purposes other than the purpose meant to be used, or in excessive amounts;

“Substance Abuse Advisory Council” means the Substance Abuse Advisory Council established within the Ministry responsible for health for substance abuse;

“synthetic cannabinoid” means a substance —

- (a) with a similar chemical structure and pharmacological activity to a cannabinoid;
- (b) that is not extracted or derived from a plant of the genus *cannabis* or hemp plant; or
- (c) that is created or produced by chemical or biochemical synthesis;

“tetrahydrocannabinol” means delta—9 tetrahydrocannabinol, the main psychoactive constituent of cannabis and one of the naturally occurring chemical compounds found in cannabis or industrial hemp;

“tetrahydrocannabinolic acid” means delta—9 tetrahydrocannabinolic acid which has the potential to be converted into tetrahydrocannabinol;

“traditional cultivator” means a person —

- (a) who cultivated cannabis prior to the commencement of this Act;
- (b) to whom an amnesty under this Act applies;

“Transport Licence” means a licence, as specified in Schedule 4, to transport —

- (a) in relation to medicinal cannabis, cannabis and cannabis products;
- (b) in relation to industrial hemp, industrial hemp and industrial hemp products;

“ultimately own and control” means a direct or an indirect ownership or control of twenty-five per cent or more of the shares, voting rights or ownership interest in a company or legal arrangement;

“young person” means a person who is below the age of twenty-one years.

### **Purposes of this Act**

3. The purposes of this Act are —

- (a) to prevent —
  - (i) the distribution of cannabis and cannabis products to a young person, except by prescription and under the strict supervision of a registered medical practitioner,
  - (ii) subject to this Act, the arrest and penalizing of persons for the cultivation and possession of cannabis for medicinal use,
  - (iii) the revenue generated from the cannabis industry from being used to benefit criminal enterprises or gangs,
  - (iv) the diversion of cannabis to an illicit market;
- (b) to provide for licenses for a cannabis or industrial hemp activity;
- (c) to control the commercial production, transportation, processing, importing, exporting and distribution of cannabis;
- (d) to ensure the safety and security of cannabis and cannabis products.

**Conflict of laws**

4. Where a conflict exists between this Act and any other enactment, this Act prevails.

**PART I  
ADMINISTRATION***Division 1  
Appointment of the Cannabis Advisory Council***Appointment of the Cannabis Advisory Council**

5.—(1) The Minister shall appoint a Cannabis Advisory Council which comprises —

- (a) the Chief Medical Officer or his or her designate;
- (b) the Chief Executive Officer of the Regulated Substances Authority or his or her designate;
- (c) a representative of the Rastafarian community;
- (d) a representative of the Medical and Dental Association;
- (e) a representative of a pharmacy association;
- (f) a representative of each central trading entity;
- (g) a person with experience, expertise or qualifications in cannabis or business relating to cannabis.

(2) The Minister shall publish in the *Gazette* the names of the members of the Council as first constituted and every change in the membership of the Council.

**Chairperson and Deputy Chairperson of the Council**

6.—(1) The Minister shall designate a person under section 5(1), to serve as the Chairperson of the Council.

(2) The members of the Council shall, at its first meeting, elect a Deputy Chairperson from amongst its members.

**Tenure of the Council**

7.—(1) The Council is appointed for a period of two years.

(2) A member of the Council is eligible for reappointment to serve a maximum of three consecutive terms.

**Functions of the Council**

8.—(1) The functions of the Council are —

- (a) to give advice to the Board of the Regulated Substances Authority on —
  - (i) the medical conditions to be listed in Schedule 2 as a qualifying medical condition,
  - (ii) matters pertaining to access to, use of and methods for the administration of medicinal cannabis,
  - (iii) the restrictions and other conditions to be imposed on a licence for —
    - (A) conducting cannabis or industrial hemp activity;
    - (B) the use of medicinal cannabis in a public place;
- (b) to make a recommendation to the Board of the Regulated Substances Authority on the maximum amount of tetrahydrocannabinol, tetrahydro-cannabinolic acid or other cannabinoids in —
  - (i) Class One Medicinal Cannabis,
  - (ii) Class Two Medicinal Cannabis;
- (c) to collaborate with and give recommendations on all matters referred to it by the Board of the Regulated Substances Authority;
- (d) to gather information on medicinal cannabis, cannabis products, industrial hemp and industrial hemp products;
- (e) to carry out any other function assigned to the Council under this Act or as determined by the Minister.

(2) A recommendation of the Council under subsection (1)(b) is by a majority of votes and, in any case in which the voting is equal, the Chairperson or other member presiding at the meeting has a casting vote in addition to his or her original vote.

### **Powers of the Council**

**9.**—(1) The powers of the Council are —

- (a) to co-opt a person to attend a meeting of the Council;
- (b) to appoint a committee to assist the Council in the performance of its functions.

(2) Where the Council appoints a committee under subsection (1)(b), the Council —

- (a) shall set out, in writing, the terms for appointing a committee;
- (b) may pay an allowance to a member of a committee as Cabinet determines.

(3) The Chairperson of a committee appointed under subsection (1)(b) must be a member of the Council.

(4) In assisting the Council with the performance of its functions under section 8, a committee appointed under subsection (1)(b) shall —

- (a) make recommendations to the Council;
- (b) keep a record of a recommendation made under paragraph (a).

### **Disqualification of a member of the Council**

**10.** A person is disqualified from being a member of the Council if he or she —

- (a) is declared by a court to be a bankrupt;
- (b) is declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (c) is convicted of a criminal offence, except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.13; or
- (d) is convicted of an offence under this Act.

**Leave of absence of a member of the Council**

**11.** The Minister may approve a leave of absence for a member of the Council for a period not exceeding three months.

**Resignation of a member of the Council**

**12.—(1)** The Chairperson of the Council may resign by submitting a written notice of his or her resignation to the Minister.

(2) A member of the Council other than the Chairperson may resign, by submitting, through the Chairperson, a written notice of his or her resignation to the Minister.

**Revocation of appointment of a member of the Council**

**13.—(1)** The Minister may, by written notice, revoke the appointment of a member of the Council if satisfied that the member —

(a) fails to attend three consecutive meetings of the Council without presenting —

(i) a medical certificate issued by a medical practitioner,

(ii) a written excuse —

(A) in the case of the Chairperson, to the Minister;

(B) in the case of a member of the Council other than the Chairperson, to the Chairperson;

(b) is unable to perform his or her functions;

(c) is disqualified from being a member of the Council under section 10;

(d) fails to act in the best interest of the Council;

(e) commits an act of misconduct.

(2) In this section, “act of misconduct” means —

(a) a wrongful or bad behaviour that brings the reputation of the Council into disrepute;

(b) an act that contravenes section 18(1) or (2) by —

(i) knowingly voting in respect of a matter before the Council in which he or she has an interest, whether directly or indirectly,

(ii) knowingly seeking to influence the vote of a member of



the Council in relation to a matter before the Council in which he or she has an interest, whether directly or indirectly.

#### **Vacancy on the Council**

- 14.** The office of a member of the Council is vacated —
- (a) if the member becomes disqualified under section 10;
  - (b) if the member resigns under section 12;
  - (c) if the appointment of a member is revoked under section 13;
  - (d) on —
    - (i) the expiry of the term of appointment of the member,
    - (ii) the death of the member.

#### **Appointment of temporary member on the Council**

**15.—(1)** The Minister may appoint a person to act temporarily in the place of a member of the Council if a member of the Council —

- (a) is unable to perform his or her functions;
- (b) is absent;
- (c) is disqualified from being a member of the Council under section 10;
- (d) resigns under section 12; or
- (e) is no longer a member of the Council as a result of his or her appointment being revoked under section 13; or
- (f) is dead;

**(2)** An appointment under subsection (1) must comply with the composition requirements under section 5 and the person who is appointed to act temporarily holds office —

- (a) in the case of the absence or inability of a member of the Council to perform his or her functions, for the portion of the term of absence or inability of the member;
- (b) in the case of the disqualification, resignation, revocation of appointment or death of a member of the Council, for the unexpired portion of the term of the former member of the Council.

**Confidentiality and oath of secrecy**

**16.—**(1) A member of the Council and committee are required to take an oath of secrecy as set out in Schedule 3.

(2) A member of the Council and committee —

- (a) shall preserve confidentiality with respect to matters coming to his or her knowledge in the performance of his or her duties;
- (b) shall not disclose to another person information that he or she has acquired in the course of performing his or her duties under this Act or any other law relating to the affairs of the Council;
- (c) shall not permit another person to have access to records in the possession, custody or control of the Council.

**Meetings of the Council**

**17.—**(1) The Council shall meet at least once every month or at a time as may be necessary or expedient for the transaction of business.

(2) A meeting of the Council must be held at a place, time and on a date as the Chairperson determines.

(3) Notwithstanding subsection (1), the Chairperson may call an emergency meeting of the Council if —

- (a) the Chairperson determines that a meeting is necessary;
- (b) a written request for a meeting is addressed to the Chairperson by three or more members of the Council; or
- (c) the Minister or the Minister responsible for health directs the Chairperson to call a meeting.

(4) A member is deemed to be present at a meeting of the Council if the member participates by telephone, video link or other electronic means, and all the members participating in the meeting are able to hear and speak to each other.

(5) The Chairperson or, in his or her absence, the Deputy Chairperson, presides at a meeting of the Council, and in the absence of the Chairperson and Deputy Chairperson from a meeting, the members present at that meeting shall elect a member to preside at that meeting.

(6) The quorum at a meeting of the Council is a majority of the members of the Council, including the member presiding at the meeting.

(7) Minutes of each meeting must be kept by the Secretary and confirmed by the Chairperson, Deputy Chairperson or other member presiding as soon as practicable at the next meeting.

(8) The validity of a meeting of the Council is not affected by a vacancy amongst the members or by a defect in the appointment of a member.

#### **Declaration of interest to and abstention from voting on the Council**

**18.—**(1) A member of the Council shall, as soon as is practicable, make a declaration to the Chairperson of a matter in which he or she has, directly or indirectly, personally or by his or her relative, partner, business associate or company, a pecuniary, business or competing interest and that member shall not take part, directly or indirectly in a meeting of the Council on that matter.

(2) Where a member declares an interest under subsection (1), the member of the Council shall depart the meeting on the matter coming up for discussion and shall not receive any other communication on the matter.

(3) A declaration and the member leaving the meeting of the Council in accordance with subsections (1) and (2) must be noted in the minutes of the meeting.

#### **Secretary of the Council**

**19.—**(1) The Minister shall appoint a Secretary to the Council.

(2) The Secretary shall perform the functions assigned to him or her by the Council.

#### **Protection of a member and Secretary of the Council**

**20.** A member of the Council and the Secretary is not personally liable for an act or default of the Council done or omitted to be done in good faith in carrying out the functions of the Council.

#### **Remuneration of a member and Secretary of the Council**

**21.** A member of the Council and the Secretary may be paid remuneration allocated from the Regulated Substances Fund.

*Division 2*

*Powers of the Minister and Minister responsible for Health, Functions of the Regulated Substances Authority and Declaration of Approved Pharmacy Association or Approved Medical and Dental Association*

**Powers of the Minister**

**22.** The powers of the Minister are —

- (a) on the advice of the Board of the Regulated Substances Authority, to set, by Order published in the *Gazette*, the maximum amount of tetrahydrocannabinol, tetrahydrocannabinolic acid or other cannabinoids in —
  - (A) Class One Medicinal Cannabis;
  - (B) Class Two Medicinal Cannabis;
- (b) to declare an area, building or other place to be a private place for the use and consumption of medicinal cannabis;
- (c) on the advice of the Board of the Regulated Substances Authority, to exempt, by Order published in the *Gazette* —
  - (i) a person from the licensing requirements under section 41 of the Regulated Substances Act or this Act,
  - (ii) a list of cannabis product that do not require —
    - (A) an Importer's Licence to be imported;
    - (B) a dispensary licence to be sold;
- (d) after consultation with a central trading entity and on the recommendation of the Board of the Regulated Substances Authority, to set, by Order published in the *Gazette*, the price for trading cannabis, cannabis products, industrial hemp and industrial hemp products based on current market prices.

**Powers of the Minister responsible for health**

- 23.** The powers of the Minister responsible for health are —
- (a) to declare, by Order published in the *Gazette* a separate laboratory to be a recognized laboratory for testing —
    - (i) in the case of medicinal cannabis, cannabis and cannabis products,
    - (ii) in the case of industrial hemp, industrial hemp and industrial hemp products;
  - (b) to provide the Council with a written policy regarding the performance of its functions.

**Functions of the Regulated Substances Authority**

**24.—**(1) Without prejudice to the Regulated Substances Act, the functions of the Board of the Regulated Substances Authority under this Act are —

- (a) on receipt of a recommendation under section 8(1) (b), to advise the Minister on the maximum amount of tetrahydrocannabinol, tetrahydro-cannabinolic acid or other cannabinoids in —
  - (i) Class One Medicinal Cannabis,
  - (ii) Class Two Medicinal Cannabis;
- (b) to give a written recommendation to the Minister for the approval or refusal of an application for recognition as a central trading entity;
- (c) to advise the Minister on an exemption of a person or cannabis product;
- (d) to receive and approve or refuse an application for a licence under Parts IV, V and VI;
- (e) to issue a licence under Parts IV, V and VI;
- (f) to specify the labelling requirements for a licensed cultivator or licensed processor to conduct trade in medicinal cannabis or industrial hemp.

(2) Without prejudice to section 6 of the Regulated Substances Act, the functions of the Regulated Substances Authority under this Act are —

- (a) keep and maintain a Register of Cannabis Products;
- (b) keep and maintain a record of all applications and licences;
- (c) to inspect and verify the site design of a company, co-operative or statutory body making an application under section 31;
- (d) to approve or refuse a security clearance for an employee or prospective employee of a central trading entity or any other person issued a licence under this Act;
- (e) to issue a Class Two Medicinal Cannabis Card under section 87;
- (f) to develop and apply, prior to the sale of a cannabis product a cannabis stamp and an industrial hemp stamp;
- (g) to receive the cannabis or industrial hemp levy;
- (h) to receive fees relating to —
  - (i) an application for a licence for cannabis an industrial hemp activity under section 65,
  - (ii) the issue of a Class Two Medicinal Cannabis Card under section 87;
  - (iii) an application for a dispensary licence under section 95;
- (i) to receive a complaint with regard to a cannabis product or industrial hemp product;
- (j) to cause an investigation to be carried out in relation to a complaint with regard to a cannabis product or industrial hemp product;
- (k) to perform any other functions under this Act.

(2) The Register of Cannabis Products under subsection (2)(a) must contain —

- (a) information on the type and name of a cannabis product that is —
  - (i) processed under a Processor’s Licence,
  - (ii) imported under an Importer’s Licence;
- (b) any other prescribed information.

**Declaration of an approved pharmacy association or medical and dental association**

**25.—**(1) Subject to subsection (2), where a pharmacy association or medical and dental association does not exist, Cabinet may, by Notice published in the *Gazette*, declare an entity that represents the interests of —

- (a) pharmacists and pharmacies in Saint Lucia, to be an approved pharmacy association;
- (b) medical practitioners, to be an approved medical and dental association.

(2) Prior to a declaration under subsection (1), a pharmacy association or medical and dental association must be incorporated or registered under the Companies Act, Cap. 13.01 or any other enactment.

(3) A notice under subsection (1) must specify —

- (a) the name of the entity that is declared an approved pharmacy association or medical and dental association;
- (b) the enactment under which the entity is incorporated or registered in Saint Lucia;
- (c) the registered address of the entity;
- (d) the purpose of the entity.

**PART II**  
**CENTRAL TRADING ENTITY**

*Division 1*  
*Security Clearance for a Central Trading Entity*

**Application for security clearance with regard to a central trading entity**

**26.—**(1) Prior to making an application for a Certificate of Recognition as a central trading entity, a company, co-operative or statutory body shall make an application to the Regulated Substances Authority for security clearance in the prescribed form.

(2) An application under subsection (1) must include —

- (a) the name of each director and employee of the company;
- (b) the name of each member or employee of the cooperative;  
and
- (c) the name for each director, shareholder and employee of the statutory body;
- (d) the name of each individual who requires access to a site as part of his or her employment duties.

(3) Notwithstanding subsection (1), an application for security clearance is required for each new employee of a company, co-operative or statutory body after a Certificate of Recognition is issued under section 35.

**Approval of security clearance**

**27.—**(1) Where the Regulated Substances Authority is satisfied that a company, co-operative or statutory body making an application under section 26 meets the prescribed requirements for security clearance with regard to a central trading entity, the Regulated Substances Authority shall approve an application for security clearance.

(2) An approval under subsection (1) must be in writing.

**Refusal of security clearance**

**28.—**(1) Where the Regulated Substances Authority is not satisfied that a company, co-operative or statutory body making an application under section 26 meets the prescribed requirements for security clearance with regard to a central trading entity, the Regulated Substances Authority shall refuse an application for security clearance.



(2) A refusal under subsection (1) must be in writing and provide the reasons for the refusal.

**Notice of change affecting security clearance**

**29.—**(1) A company, co-operative or statutory body shall give notice to the Regulated Substances Authority immediately if a director, shareholder, member or employee —

(a) convicted of —

(i) a criminal offence, except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap 3.13, or

(ii) an offence under the Act;

(b) aware of any information that possess a risk to public health or public safety, including the risk of cannabis being diverted to an illicit market or activity.

(2) Where a company, co-operative or statutory body intends to have a new director, shareholder, member or employee, and prior to allowing a new director, shareholder, member or employee to join the company, co-operative or statutory body, the company, co-operative or statutory body must give notice to the Regulated Substances Authority of each new director, shareholder, member or employee who intends to join the company.

(3) On receipt of a notice under subsection (1), the Regulated Substances Authority shall perform a security clearance for each new director, shareholder, member or employee of the company, co-operative or statutory body.

*Division 2*

*Recognition as a Central Trading Entity*

**Restrictions for recognition as a central trading entities**

**30.—**(1) A company, co-operative society or statutory body shall not be recognized as a central trading entity, unless a Certificate of Recognition is issued to that company, co-operative society or statutory body.

(2) A company, co-operative society or statutory body that carries out the functions of a central trading entity without a valid Certificate of Recognition commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred thousand dollars.

(3) The Minister shall recognize a maximum of two central trading entities at any one time.

**Application for recognition as a central trading entity**

**31.**—(1) Subject to subsections (2) and (3), a company or co-operative society may make an application for recognition as a central trading entity to the Minister, to be recognized as a central trading entity.

(2) An application for recognition as a central trading entity under subsection (1) must —

- (a) be in the prescribed form;
- (b) be accompanied by —
  - (i) in the case of a company—
    - (A) a Certificate of Good Standing;
    - (B) the last filed Annual Returns;
    - (C) a Notice of Directors;
    - (D) a Notice of Beneficial Owners,
  - (ii) in the case of a co-operative society —
    - (A) the bye-laws;
    - (B) a Notice of Directors;
    - (C) a list of members,
  - (iii) a business plan,
  - (iv) the prescribed site design and physical security requirements,
  - (v) security clearance,
  - (vi) proof of financial stability to carry out the functions of a central trading entity,

- (vii) proof of ownership of land or permission from the owner of the land to use the property to carry out the functions of a central trading entity,
- (viii) proof of satisfying the prescribed mandatory qualifications and criteria to carry out the functions of a central trading entity,
- (ix) the prescribed non-refundable application for recognition as a central trading entity fee,
- (x) a statutory declaration in which the person making an application under subsection (1) agrees to allow an inspection of the land to carry out the functions of a central trading entity by the Regulated Substances Authority,
- (xi) any other documents as determined by the Minister for the proper consideration of an application for recognition as a central trading entity under subsection (1).

(3) Notwithstanding this section and where an entity is not recognized as a central trading entity after making an application under subsection (1), the Minister may, if necessary, recognize a statutory body as a central trading entity.

#### **Consideration of application for recognition as a central trading entity**

**32.—**(1) On receipt of an application for recognition as a central trading entity under section 28, the Minister shall refer the application to the Board of the Regulated Substances Authority.

(2) On receipt of an application for recognition as a central trading entity, the Regulated Substances Authority shall conduct an investigation by —

- (a) verifying the information provided in an application for recognition as a central trading entity;
- (b) inspecting the site of a company or co-operative society making an application for recognition as a central trading entity to ensure that the site satisfies the prescribed site design and physical security.

(3) After verifying the information provided in an application for recognition as a central trading entity and inspecting the site of a company or co-operative society under subsection (2), the Board of the Regulated Substances Authority shall give a written recommendation to the Minister for the approval or refusal of an application for recognition as a central trading entity.

#### **Approval of application for recognition as a central trading entity**

**33.** The Minister may, after considering the recommendation of the Board of the Regulated Substances Authority under section 32(3), approve an application for a company or co-operative society to be recognized as a central trading entity.

#### **Refusal of an application for recognition as a central trading entity**

**34.** The Minister may, after considering a recommendation of the Board of the Regulated Substances Authority under section 32(3), refuse an application for a company or co-operative society to be recognized as a central trading entity.

#### **Certificate of Recognition**

**35.—(1)** Where an application for recognition as a central trading entity is approved under section 33, the Minister shall issue a Certificate of Recognition to a company or co-operative society —

- (a) on payment of the prescribed annual Certificate of Recognition fee; and
- (b) after the company, co-operative society or statutory body signs the prescribed Record Keeping Attestation Form.

(2) A Certificate of Recognition under subsection (1) must —

- (a) be issued in the prescribed form —
- (b) contain —
  - (i) the name of the central trading entity, that is —
    - (A) in the case of a company, the name of the company;
    - (B) in the case of a co-operative society, the name of the co-operative society; or

- (C) in the case of a statutory body, the name of the statutory body,
- (ii) a certificate number,
- (iii) the address of the site,
- (iv) the effective date of the Certificate of Recognition,
- (v) the expiration date of the Certificate of Recognition.

(3) The Minister may issue a Certificate of Recognition subject to conditions.

#### **Effect of a Certificate of Recognition**

**36.** A central trading entity has the exclusive right to distribute medicinal cannabis and industrial hemp.

#### **Amendment of a Certificate of Recognition**

**37.—(1)** A company, co-operative society or statutory body shall make an application for an amendment of a Certificate of Recognition to the Minister to change the —

- (a) name of the company, co-operative or statutory body on the Certificate of Recognition;
- (b) address of the site or building within the site where the cannabis or industrial hemp activity occurs; or;
- (c) cannabis or industrial hemp activity at the site or within each building on the site.

(2) An application under subsection (1), must be —

- (a) in the prescribed form;
- (b) include —
  - (i) a description of the change;
  - (ii) the proposed new site design;
  - (iii) a signed and dated declaration by the person authorized by a company, co-operative or statutory body, indicating that all the information provided in support of the application for amendment of a Certificate of Recognition is correct and complete to the best of his or her knowledge;

(c) accompanied by —

- (i) a valid Certificate of Recognition belonging to the company, co-operative society or statutory body making the application for the amendment of a Certificate of Recognition,
- (ii) any other information requested by the Minister to establish whether the requested changes satisfy the prescribed mandatory qualifications and criteria to carry out the functions of a central trading entity, including, information pertinent to ensure public health and safety.

(3) If a company, co-operative society or statutory body satisfies the requirements under subsections (1) and (2), the Minister shall issue an amended Certificate of Recognition on payment of the prescribed non-refundable amended Certificate of Recognition.

(4) The conditions under which a Certificate of Recognition was approved under section 35 continue to apply with respect to the amended Certificate of Recognition, unless changed on the issuance of an amended Certificate of Recognition.

#### **Application for renewal of a Certificate of Recognition**

**38.** A company, co-operative society or statutory body with a valid Certificate of Recognition shall, within three months of the date of expiration on the Certificate of Recognition submit to the Board of the Regulated Substances Authority —

- (a) an application for the renewal of a Certificate of Recognition in the prescribed form;
- (b) all documents and information requested by the Minister.

#### **Approval of an application for the renewal of a Certificate of Recognition**

**39.—(1)** The Minister may approve an application for renewal of a Certificate of Recognition, if satisfied that the person meets the prescribed requirements for renewal of a Certificate of Recognition.

(2) Where the Minister approves an application for renewal of a Certificate of Recognition under subsection (1), the Minister shall give written notice of his or her approval, within twenty-one business days, to the company, co-operative society or statutory body.

**Refusal of an application for the renewal of a Certificate of Recognition**

**40.—**(1) The Minister may refuse an application for renewal of a Certificate of Recognition under subsection (1), if satisfied that the person does not meet the prescribed requirements for renewal of a Certificate of Recognition.

(2) Where the Minister refuses an application for renewal of a Certificate of Recognition under subsection (1), the Minister shall give written notice, within twenty-one business days, to the company, co-operative society or statutory body of his or her refusal and the reasons for refusal.

**Suspension of Certificate of Recognition**

**41.—**(1) The Minister may, on the recommendation of the Board of the Regulated Substances Authority, suspend a Certificate of Recognition if a central trading entity —

- (a) is in breach of any of the conditions of the Certificate of Recognition; or
- (b) has acted inappropriately.

(2) The Minister shall, on the recommendation of the Board of the Regulated Substances Authority suspend a Certificate of Recognition by providing a notice of suspension to the central trading entity.

(3) A notice of suspension under subsection (2) must —

- (a) specify —
  - (i) the alleged breach,
  - (ii) the measures or actions to be taken to rectify the alleged breach,
  - (iii) the time period for taking the measures or actions to rectify the alleged breach, and
  - (iv) that failure to rectify the alleged breach may result in the termination of a Certificate of Recognition;
- (b) be served on a central trading entity.

**Termination of Certificate of Recognition**

**42.** The Minister may, on the recommendation of the Board of the Regulated Substances Authority, terminate a Certificate of Recognition if a central trading entity —

- (a) is not in operation;
- (b) no longer exists; or
- (c) fails to rectify an alleged breach within the time period specified in a notice of suspension under section 41(2) and (3).

**Display of Certificate of Recognition**

**43.** A Certificate of Recognition issued under section 35 must be displayed in a conspicuous place on the site or premises of a central trading entity.

*Division 3**Obligations, Responsibilities and Powers of a Central Trading Entity***Obligation to retain services of an operations manager**

**44.—(1)** A central trading entity shall retain the services of one individual as the operations manager of the central trading entity.

(2) A retained operations manager —

- (a) must have sufficient knowledge of this Act in relation to the functions and activities conducted by the central trading entity; and
- (b) is responsible for ensuring that the operations within the central trading entity are performed in compliance with this Act.

(2) The holder of a Certificate of Recognition may designate one individual as an alternate operations manager who is qualified to replace the operations manager.



**Obligation to retain services of quality assurance person**

**45.—**(1) A central trading entity shall retain the services of a quality assurance person.

(2) A retained quality assurance person must —

- (a) assure the quality and approval of the cannabis before it is made available for sale and distribution;
- (b) ensure that all standard operating procedures are established and maintain a revision history;
- (c) investigate every complaint received with respect to the quality of the cannabis, if necessary, immediately taking measures to mitigate any risk; and
- (d) immediately investigate and, if necessary, immediately take measures to mitigate any risk if there are any grounds for reasonable suspicion that the cannabis or any part of the operations, distribution and sale process presents a risk of injury to human health or does not comply with this Act.

**Obligation for retention of documentation and information**

**46.—**(1) A central trading entity shall retain records when purchasing, selling, distributing, importing or exporting cannabis.

(2) A record under subsection (1) must contain the prescribed information for each lot or batch of cannabis.

(3) A central trading entity is required to retain documents or information in a manner that ensures —

- (a) that an audit, internal or external, can be made in a timely manner;
- (b) that a document is available at the site specified in a licence; and

- (c) that a record is retained until the end of the retention period of —
  - (i) at least two years after the date on which —
    - (A) cannabis being purchased from a licenced cultivator;
    - (B) cannabis being sold to a licenced processor or licensed researcher;
    - (C) cannabis being destroyed,
  - (ii) at least one year after the date of an occurrence of an intrusion into the central trading entity,
  - (iii) importing cannabis,
  - (iv) exporting cannabis,
  - (v) in the case of pre-packaged cannabis products, processing and labelling cannabis products.

(4) A central trading entity shall enter all required information specified by the Regulated Substances Authority, into a seed-to-sale tracking system established by the Regulated Substances Authority, as specified in the prescribed Record Keeping Attestation Form.

(5) In the event that a Certificate of Recognition is revoked, cancelled, suspended or expired, the holder of a Certificate of Recognition shall continue to retain the documents and information to be retained under section 46.

#### **Responsibilities of a central trading entity**

- 47.** The responsibilities of a central trading entity are —
- (a) to retain a copy of its site design, including any updated designs;
  - (b) obtain a security clearance from the Regulated Substances Authority for each employee as part of the hiring process;
  - (c) within the first six weeks of obtaining the Certificate of Recognition, to establish —
    - (i) a register for the seed-to-sale system,

- (ii) the prescribed standard operating procedures for all applicable parts of the distribution, importation, exportation, transportation and packaging processes;
- (d) to provide a licensed cultivator with the prescribed type of cannabis seeds for cultivation;
- (e) to purchase medicinal cannabis or industrial hemp from a licensed cultivator;
- (f) subject to a written authorization from the Regulated Substances Authority —
  - (i) to make cannabis available for sale to a person, with —
    - (A) a valid licence under Part IV, except a licensed cultivator;
    - (B) a dispensary licence,
  - (ii) to make cannabis available for sale by a licenced cultivator or other licensee, if the licenced cultivator meets the prescribed requirements for sale of cannabis, including, payment of the prescribed Central Trading Entity Direct Trade Fee.

#### **Powers of a central trading entity**

**48.** The powers of a central trading entity are —

- (a) to request a testing of cannabis produced by licensed cultivator to be undertaken at a recognized laboratory, prior to the purchase or sale of cannabis;
- (b) to enter into a contract with a person, other than a licensed cultivator, for trading medicinal cannabis or industrial hemp on behalf of —
  - (i) a licensed cultivator,
  - (ii) a company,
  - (iii) a co-operative society,
  - (iv) any other entity with an interest in cannabis or industrial hemp;

- (c) subject to a written authorization from the Regulated Substances Authority, to allow a licensed cultivator —
  - (i) to trade in medicinal cannabis or industrial hemp with another person, or
  - (ii) to conduct trade without first selling cannabis or industrial hemp to a central trading entity;
- (d) to do anything necessary to carry out its responsibilities under this Act.

### **PART III**

#### **AMNESTY OR PARDON FOR CANNABIS CULTIVATION OR CANNABIS POSSESSION ONLY OFFENCE**

##### **Application of this Part**

**49.**—(1) This Part applies to a person who, on or before the commencement of this Act —

- (a) is cultivating cannabis contrary to section 6(2), or 9(2) of the Drugs (Prevention of Misuse) Act, Cap. 3.02;
- (b) is found in possession of cannabis or cannabis resin contrary to section 8(2) of the Drugs (Prevention of Misuse) Act, Cap. 3.02;
- (c) is found in possession of cannabis in a quantity of more than thirty grammes under this Act.

(2) Notwithstanding subsection (1), a person may be liable to criminal prosecution for an offence under the Drugs (Prevention of Misuse) Act, Cap. 3.02 or any other enactment.

##### **Notice of amnesty period**

**50.**—(1) The Minister responsible for justice may, by Notice published in the *Gazette*, declare an amnesty period not exceeding one year for making an application for a Certificate of Amnesty under section 51.

- (2) A Notice under subsection (1) must specify —
  - (a) the purpose of the amnesty;

- (b) the amnesty period, including the commencement date and termination date;
- (c) any other information the Minister responsible for justice considers necessary.

### **Application for Certificate of Amnesty**

**51.—(1)** A person may make an application for a Certificate of Amnesty to the Minister responsible for justice, in the prescribed form.

(2) An application for a Certificate of Amnesty under subsection (1) must be submitted to the Board of the Regulated Substances Authority, within the amnesty period and must —

- (a) specify —
  - (i) the name and address of the person,
  - (ii) the national identification number of the person,
  - (iii) the location on which cannabis is being cultivated and stored with details indicating the ownership or occupation arrangement for use of the land to cultivate cannabis,
  - (iv) where applicable, the quantity of cannabis being cultivated or if harvested, the premises where the cannabis is stored,
  - (v) the section of the Drugs (Prevention of Misuse) Act, Cap. 3.02 or this Act that he or she has breached;
- (b) be supported by a statutory declaration which provides that the person has contravened the Drugs (Prevention of Misuse) Act, Cap. 3.02 or this Act and agrees —
  - (i) in the case of a person cultivating cannabis, to allow an inspection of the land where cannabis is being cultivated,
  - (ii) in the case of a person in possession of cannabis and no longer cultivates cannabis, to allow an inspection of the land where cannabis was being cultivated,
  - (iii) to allow a prescribed amount of cannabis being cultivated to be removed from the land and tested by a recognized laboratory,

- (iv) to cease cultivation or not be in possession of cannabis, other than the cannabis that was grown on the land prior to making an application for a certificate of amnesty,
- (v) to sell all cannabis to a central trading entity, if a test of the cannabis shows that the cannabis meets the prescribed requirements for medicinal cannabis,
- (vi) to dispose of all cannabis in the prescribed manner, if a test of the cannabis or industrial hemp shows that the cannabis or industrial hemp —
  - (A) does not meet the prescribed requirements for medicinal cannabis or industrial hemp;
  - (B) cannot be used in processing cannabis products or industrial hemp products;
- (c) be accompanied by any other information requested by the Board of the Regulated Substances Authority for proper consideration of the application.

**Investigation into cannabis cultivation or cannabis possession only offence**

**52.—(1)** An inspector shall conduct an investigation on receipt of an application for a Certificate of Amnesty under section 42 or otherwise to determine whether cannabis is being cultivated or possessed contrary to the Drugs (Prevention of Misuse) Act, Cap. 3.02.

- (2) Where an investigation under subsection (1) reveals that —
  - (a) cannabis is being cultivated on Crown lands or a forest reserve area, the Regulated Substances Authority —
    - (i) shall ascertain whether to permit the cultivation of cannabis in that area —
      - (A) in the case of Crown lands, notify and consult with the Commissioner of Crown Lands; or
      - (B) in the case of a forest reserve area, notify and consult with the Chief Forestry Officer,

- (ii) cause a prescribed sample amount of cannabis to be tested by a recognized laboratory;
- (b) a person is in possession of cannabis, the Regulated Substances Authority shall give notice to the person that —
  - (i) a prescribed sample amount of the cannabis must be tested by a recognized laboratory, and
  - (ii) the cannabis in his or her possession must be sold to the central trading entity, on approval of his or her application for a Certificate of Amnesty.

(3) Where, after an investigation under subsection (2)(a), the cultivation of cannabis is permitted, the Commissioner of Crown Lands or the Chief Forestry Officer shall provide a notice in writing to the person making an application for a Certificate of Amnesty to permit the cultivation of cannabis.

(4) Where, after consultation under subsection (2)(a), the cultivation of cannabis is prohibited, the Commissioner of Crown lands or the Chief Forestry Officer shall provide a notice, to the person cultivating cannabis on Crown lands, in writing to give request that person to cease cultivation of cannabis and other related activities.

(5) A notice —

- (a) in the case of subsection (3), must —
  - (i) identify the land for cultivating or not cultivating cannabis,
  - (ii) were applicable, specify —
    - (A) the time period for which cultivation is permitted;
    - (B) any other conditions for the cultivation of cannabis;
- (b) in the case of subsection (4), must provide —
  - (i) that the person shall cease cultivation of cannabis and other related activities,
  - (ii) the reasons for cessation of cultivation of cannabis,
  - (iii) that failure to cease cultivation may result in criminal prosecution under this Act.

(6) Where a person who is in possession of cannabis fails to comply with a notice under subsection (2)(b), he or she commits an offence and —

- (a) is liable on summary conviction to a fine not exceeding twenty thousand dollars or imprisonment for a term not exceeding three years;
- (b) the court may make an order for the Regulated Substances Authority to seize the cannabis in his or her possession.

### **Recommendations on conducting an investigation**

**53.** After conducting an investigation under section 53, the Regulated Substances Authority shall —

- (a) if an application for a Certificate of Amnesty is made under section 51, make a written recommendation to the Minister responsible for justice for the approval or refusal of an application for a Certificate of Amnesty; and
- (b) give written notice to the owner or occupier of the land that —
  - (i) he or she may make an application for a Certificate of Amnesty under section 51 within a time period specified in the notice,
  - (ii) failure to make an application for a Certificate of Amnesty under section 51 may result in criminal prosecution for cultivating cannabis without a valid licence under this Act.

### **Approval of application for Certificate of Amnesty**

**54.** The Minister responsible for justice may, after considering a recommendation of the Regulated Substances Authority under section 53, approve an application for a Certificate of Amnesty.

### **Refusal of application for Certificate of Amnesty**

**55.—**(1) The Minister responsible for justice may, after considering a recommendation of the Regulated Substances Authority under section 53, refuse an application for a Certificate of Amnesty.



(2) Where the Minister responsible for justice refuses an application for a Certificate of Amnesty under subsection (1), he or she shall provide a notice to the person of his or her refusal and the reasons for the refusal.

#### **Issue of Certificate of Amnesty**

**56.**—(1) Where the Minister responsible for justice approves an application for a Certificate of Amnesty under section 45, he or she shall issue a Certificate of Amnesty with or without conditions.

(2) A Certificate of Amnesty issued under subsection (1) must be in the prescribed form.

#### **Conditions for Certificate of Amnesty**

**57.** Where the Minister responsible for justice issues a Certificate of Amnesty under section 56, the Minister responsible for justice may impose any of the following conditions —

- (a) that a person shall not cultivate more cannabis, other than the cannabis that was grown on the land prior to making an application for a Certificate of Amnesty; and
- (b) in the case of a test of the cannabis that shows that the cannabis meets the prescribed requirements for medicinal cannabis, that a person —
  - (i) sells all the cannabis to a central trading entity, and
  - (ii) makes an application for a licence to cultivate cannabis under section 65, unless the person does not intend to cultivate cannabis, other than the cannabis that was grown on the land prior to making an application for a Certificate of Amnesty; or
- (c) that a person disposes of all cannabis, as directed by the Regulated Substances Authority, if a test of the cannabis shows that the cannabis —
  - (i) does not meet the prescribed requirements for medicinal cannabis,
  - (ii) is not usable for processing industrial hemp products.

**Effect of Certificate of Amnesty**

**58.**—(1) A person who is issued a Certificate of Amnesty under section 56 is not liable to criminal prosecution or other proceedings under the law for the cultivation of cannabis or possession of the cannabis cultivated contrary to section 9 of the Drugs (Prevention of Misuse) Act, Cap. 3.02.

(2) A police officer shall not charge or arrest a person for cultivation of cannabis or possession of cannabis cultivated contrary to section 9 of the Drugs (Prevention of Misuse) Act, Cap. 3.02 if the person holds a valid Certificate of Amnesty.

(3) Where criminal prosecution or other proceedings are pending against a person for an offence involving cultivation or possession only, the Director of Public Prosecutions may enter a *nolle prosequi*, if the person is issued a Certificate of Amnesty and complies with the conditions of the Certificate of Amnesty.

(4) This Act does not prevent the criminal prosecution of a person who, contrary to the Drugs (Prevention of Misuse) Act, Cap. 3.02 is engaged in the cultivation of cannabis and is in possession of cannabis without a valid Certificate of Amnesty or a licence to cultivate cannabis under this Act.

**Revocation of Certificate of Amnesty**

**59.** The Minister responsible for justice may, on the recommendation of the Regulated Substances Authority, revoke a Certificate of Amnesty where —

- (a) a person provides false information in his or her application for a Certificate of Amnesty;
- (b) a person fails to comply with the conditions of the Certificate of Amnesty.

**Pardon for a cannabis cultivation offence or cannabis possession only offence**

**60.** This Act does not prevent a person, where criminal proceedings are instituted for a cannabis cultivation offence or a cannabis possession only offence and results in a conviction, to be granted a pardon during the amnesty period.

**PART IV**  
**LICENCE TO CONDUCT CANNABIS OR INDUSTRIAL HEMP**  
**ACTIVITY**

*Division 1*  
*Restrictions*

**Restriction on conducting cannabis or industrial hemp activity**

**61.**—(1) A person shall not conduct cannabis or industrial hemp activity without a valid licence.

(2) Without limiting the generality of subsection (1), a person shall not, without a valid licence —

- (a) cultivate cannabis or industrial hemp;
- (b) process a cannabis product or an industrial hemp product;
- (c) transport cannabis, industrial hemp, cannabis products or industrial hemp products;
- (d) export a cannabis product or an industrial hemp product;
- (e) import a cannabis product or an industrial hemp product;
- (f) conduct scientific research on cannabis, industrial hemp, cannabis products or industrial hemp products;
- (g) provide for the use or consumption of a cannabis product.

(2) A person who contravenes subsection (1) commits a Class D offence.

**Restriction on keeping, using or consuming cannabis products in a public place**

**62.**—(1) The owner, manager or a person in control of premises in a public place shall not, without a valid licence, allow the use or consumption or cause or permit to be kept, used or consumed a cannabis product on the premises.

(2) A person who contravenes subsection (1) commits a Class D offence.

*Division 2**Ineligibility to make and Application, Application, Type,  
Class of a Licence to Conduct Cannabis or Industrial Hemp Activity and  
Exemptions for Licence Requirements***Ineligibility to make an application for a licence**

**63.—(1)** A person who is convicted of a criminal offence is not eligible to make an application for a licence under this Part, except —

- (a) where a person is convicted of an offence that is —
  - (i) a minor traffic offence,
  - (ii) a cannabis cultivation or possession only offence —
    - (A) for which the conviction has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.13;
    - (B) for which he or she has obtained a Certificate of Amnesty under section 47; or
    - (C) for which he or she has been charged and convicted and has served a sentence.

(2) A director of the Regulated Substances Authority, shareholder or beneficial owner of a licensed laboratory or recognized laboratory is ineligible to make an application in his or her name for a licence under this Part.

(3) A licensed laboratory or recognized laboratory is not eligible to make an application for a licence to cultivate or transport cannabis, process, transport, export or import a cannabis product.

**Application for licence to conduct cannabis or industrial hemp activity**

**64.—(1)** Without prejudice to section 43 of the Regulated Substances Act, a person that satisfies the prescribed requirements for applying for a licence and conducting cannabis or industrial hemp activity may make an application to the Board of the Regulated Substances Authority for a licence to conduct cannabis or industrial hemp activity.

- (2) An application for a licence under subsection (1) must
- (a) be in the prescribed form.
  - (b) be supported by —
    - (i) the prescribed supporting documents and information, and
    - (ii) the prescribed non-refundable application for a licence fee to conduct cannabis or industrial hemp activity.

(3) Notwithstanding this section and if after an analysis of the current and anticipated market for cannabis, industrial hemp, cannabis products or industrial hemp products, the Board of the Regulated Substances Authority may, by a publication in the *Gazette*, declare a limit on the number of applications for a licence that may be approved if approving another licence —

- (a) is likely to result in an oversupply of cannabis, industrial hemp, cannabis products or industrial hemp products;
- (b) is unnecessary to provide an adequate supply, quality, or variety of cannabis, industrial hemp, cannabis products or industrial hemp products.

#### **Type and class of licence for cannabis or industrial hemp activity**

**65.** Without prejudice to section 47 of the Regulated Substances Act, the type and class of a licence to conduct cannabis or industrial hemp activity are specified in Schedule 4.

#### **Issue of a licence for cannabis or industrial hemp activity**

**66.** Without prejudice to section 48 of the Regulated Substances Act, the Board of the Regulated Substances Authority may issue a licence to conduct cannabis or industrial hemp activity in the prescribed form.

**Exemption from licence requirements**

**67.—**(1) Without prejudice to section 42 of the Regulated Substances Act, a licence is not required under this Part —

- (a) to cultivate up to four plants of the genus cannabis;
- (b) to have possession of thirty grammes of cannabis;
- (c) to have more than thirty grammes of cannabis, if cultivated from the four plants of the genus cannabis as allowed under paragraph (a);
- (d) to import a cannabis product that is declared an exempt product under section 22(a)(i)(B).

(2) A person who cultivates up to four plants of the genus cannabis shall —

- (a) give notice to the Regulated Substances Authority, in the prescribed form, of his or her cultivation of up to four plants of the genus cannabis; and
- (b) comply with the prescribed registration requirements to be registered as a cultivator of up to four plants.

(3) Notwithstanding subsection (1), a person shall not —

- (a) cultivate a plant of the genus cannabis, whether inside one room of a dwelling-house, or outside a dwelling-house, where the plant is accessible to a young person;
- (b) process cannabis products or industrial hemp products and engage in any commercial activity, except with a valid licence to process cannabis products or industrial hemp.

**PART V**  
**CERTIFICATE OF REGISTRATION AND**  
**PRESCRIBING CLASS TWO MEDICINAL CANNABIS**

*Division 1*  
*Certificate of Registration*

**Restriction for prescribing Class Two Medicinal Cannabis**

**68.**—(1) A medical practitioner shall not prescribe Class Two Medicinal Cannabis, unless he or she holds a valid Certificate of Registration.

- (2) A medical practitioner who contravenes subsection (1) —
- (a) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars; and
  - (b) is subject to disciplinary action under the Health Practitioner’s Act, Cap. 11.06.

**Requirements for Certificate of Registration**

**69.** A medical practitioner may make an application for a Certificate of Registration under section 70 if the medical practitioner —

- (a) is registered under the Health Practitioners Act, Cap. 11.06;
- (b) holds a valid practising certificate issued under the Health Practitioners Act, Cap. 11.06.

**Application for Certificate of Registration**

**70.**—(1) Without prejudice to section 43 of the Regulated Substances Act, a medical practitioner may make an application to the Board of the Regulated Substances Authority for a Certificate of Registration.

(2) An application for a Certificate of Registration under subsection (1), must be —

- (a) in the prescribed form;

- (b) accompanied by —
  - (i) proof of registration with the Medical and Dental Council,
  - (ii) a copy of his or her practising certificate certified by the Medical and Dental Council,
  - (iii) the prescribed non-refundable application for Certificate of Registration fee;
- (c) any other documents requested by the Board of the Regulated Substances Authority.

#### **Approval of application for Certificate of Registration**

**71.**—(1) Without prejudice to section 45 of the Regulated Substances Act, the Board of the Regulated Substances Authority may approve an application for a Certificate of Registration, if satisfied that the medical practitioner meets the prescribed requirements to prescribe Class Two Medicinal Cannabis.

(2) Where an application for a Certificate of Registration is approved under subsection (1), the Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the medical practitioner of its approval.

#### **Refusal of application for Certificate of Registration**

**72.**—(1) Without prejudice to section 46 of the Regulated Substances Act, the Board of the Regulated Substances Authority may, after consultation with the Council, refuse an application for a Certificate of Registration, if satisfied that the medical practitioner does not meet the prescribed requirements to prescribe Class Two Medicinal Cannabis.

(2) Where an application for a Certificate of Registration is refused under subsection (1), the Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the medical practitioner of its refusal and the reasons for its refusal.



**Issue of Certificate of Registration**

**73.**—(1) Where the Board of the Regulated Substances Authority approves an application for a Certificate of Registration under section 71, the Board of the Regulated Substances Authority shall issue, on payment of the prescribed non-refundable Certificate of Registration fee, a Certificate of Registration to a medical practitioner.

(2) A Certificate of Registration issued under subsection (1) must be in the prescribed form.

**Validity of Certificate of Registration**

**74.** A Certificate of Registration is valid for a period of two years.

**Application for renewal of a Certificate of Registration**

**75.**—(1) Without prejudice to section 55 of the Regulated Substances Act, a registered medical practitioner may make an application for the renewal of a Certificate of Registration to the Board of the Regulated Substances Authority, within sixty days of the expiry of his or her Certificate of Registration.

(2) An application for renewal of a Certificate of Registration under subsection (1) must —

- (a) be in the prescribed form;
- (b) be accompanied by —
  - (i) proof of registration with the Medical and Dental Council,
  - (ii) a copy of his or her valid practising certificate certified by the Medical and Dental Council,
  - (iii) the prescribed non-refundable application for renewal of a Certificate of Registration;
- (c) any other documents requested by the Board of the Regulated Substances Authority as evidence of fulfilling the requirements for obtaining a Certificate of Registration.

**Approval of application for renewal of a Certificate of Registration**

**76.**—(1) Without prejudice to section 57 of the Regulated Substances Act, the Board of the Regulated Substances Authority may approve an application for renewal of a Certificate of Registration, if satisfied that the medical practitioner meets the prescribed requirements for renewal of Certificate of Registration.

(2) The Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the medical practitioner of its approval of an application for renewal of a Certificate of Registration.

(3) Where the Regulated Substances Authority approves an application for renewal of a Certificate of Registration under subsection (1), the Board of the Regulated Substances Authority shall issue, on payment of the prescribed non-refundable renewal of Certificate of Registration fee.

**Refusal of application for renewal of a Certificate of Registration**

**77.**—(1) Without prejudice to section 58 of the Regulated Substances Act, the Board of the Regulated Substances Authority may refuse an application for renewal of a Certificate of Registration, if satisfied that the medical practitioner does not meet the requirements for renewal of a Certificate of Registration.

(2) The Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the medical practitioner of its refusal and the reasons for its refusal of an application for renewal of a Certificate of Registration.

**Suspension of Certificate of Registration**

**78.** Without prejudice to section 59 of the Regulated Substances Act, the Board of the Regulated Substances Authority may suspend a Certificate of Registration issued under section 73 or 76 if a registered medical practitioner —

- (a) fails to pay the prescribed non-refundable Certificate of Registration fee or renewal of Certificate of Registration fee;
- (b) does not comply with the conditions of his or her Certificate of Registration;

- (c) makes a false statement on a Medicinal Cannabis Certificate;
- (d) fails to give notice under section 84.

### **Revocation of Certificate of Registration**

**79.** Without prejudice to section 60 of the Regulated Substances Act, the Board of the Regulated Substances Authority may revoke a Certificate of Registration if the registered medical practitioner —

- (a) does not hold a valid Practitioner’s Certificate under the Health Practitioners Act, Cap. 11.06;
- (b) does not comply with the conditions of a Certificate of Registration;
- (c) makes a false statement on a Medicinal Cannabis Certificate;
- (d) fails to give notice under section 84.

### **Display of Certificate of Registration**

**80.** A registered medical practitioner shall display his or her Certificate of Registration in a prominent place at his or her place of work.

### *Division 2*

#### *Prescribing Class Two Medicinal Cannabis*

### **Considerations for prescribing Class Two Medicinal Cannabis**

**81.—(1)** Subject to this Part, a registered medical practitioner may prescribe Class Two Medicinal Cannabis, if satisfied in his or her assessment of the patient that —

- (a) the patient suffers from a qualifying medical condition;
- (b) the potential benefits of the use of Class Two Medicinal Cannabis are likely to outweigh the health risks to the patient.

(2) Where a registered medical practitioner prescribes Class Two Medicinal Cannabis for a patient, the registered medical practitioner shall issue to the patient —

- (a) a Medicinal Cannabis Prescription in the prescribed form; and
- (b) a certified copy of a Medicinal Cannabis Certificate in the prescribed form.

**Medicinal Cannabis Prescription**

**82.—(1)** A Medicinal Cannabis Prescription under section 81(2) (a) must not exceed the prescribed period, for the supply of a single dose at any one time.

(2) Notwithstanding the requirements for the issuance of a prescription by a medical practitioner under the Pharmacy Act, Cap.11.21 and Health Practitioner’s Act, Cap. 11.06, a registered medical practitioner may prescribe Class Two Medicinal Cannabis to his or her patient for an initial period not exceeding six months at any one time.

(3) A registered medical practitioner shall not issue a second or third Medicinal Cannabis Prescription to the same patient, unless the patient is further examined by the registered medical practitioner and the licensed medical practitioner determines that the patient continues to suffer from a qualifying medical condition.

(4) Notwithstanding subsection 81(2)(b), a registered medical practitioner shall not issue a certified copy of a Medicinal Cannabis Certificate to a patient, unless —

- (a) the patient is undergoing treatment or has been under his or her care for the treatment of a qualifying medical condition;
- (b) the registered medical practitioner, in completing his or her assessment of the patient has conducted all the appropriate diagnostic and physical examinations that are sufficient to determine that the patient is suffering from a qualifying medical condition; and
- (c) the registered medical practitioner has explained the potential risks and benefits of the use of medicinal cannabis —
  - (i) to the patient,
  - (ii) in the case of a patient who has designated a caregiver or if the patient is a young person, to the patient and the caregiver, or
  - (iii) for therapeutic or palliative care.

**Medicinal Cannabis Certificate**

**83.**—(1) A Medicinal Cannabis Certificate must be —

- (a) in the prescribed form;
- (b) signed by —
  - (i) the registered medical practitioner, and
  - (ii) the patient for whom the Medicinal Cannabis Certificate is being prepared, or
  - (iii) where applicable, the caregiver.

(2) A registered medical practitioner who makes a false statement on a Medicinal Cannabis Certificate commits a Class B offence and may —

- (a) have his or her Certificate of Registration suspended or revoked under sections 78 or 79; and
- (b) be subject to disciplinary action under the Health Practitioners Act, Cap. 11.06.

(3) A person shall not make a misrepresentation in relation to a qualifying medical condition or knowingly provide material misinformation fraudulently to a registered medical practitioner to obtain a Medicinal Cannabis Certificate.

**Obligations of a registered medical practitioner**

**84.** A registered medical practitioner shall, in relation to a patient —

- (a) submit to the Regulated Substances Authority —
  - (i) the National Insurance Corporation Number, address, nationality and date of birth of the patient,
  - (ii) a statement that he or she is satisfied that the patient suffers from a qualifying medical condition,
  - (iii) any requirement or limitation concerning the appropriate form and duration of use of Class Two Medicinal Cannabis,
  - (iv) his or her the name, address and telephone number,
  - (v) the original Medicinal Cannabis Certificate,
  - (vi) any other prescribed document;

- (b) keep a copy of the Medicinal Cannabis Certificate as part of the health care record of the patient.

**Caregiver of a patient**

**85.**—(1) In the case of a young person, the parent or legal guardian of the young person is the caregiver.

(2) Subject to this Part, a patient may designate, through his or her registered medical practitioner, a caregiver who is responsible for —

- (a) providing immediate care and safety to the patient; and
- (b) assisting with obtaining and administering Class Two Medicinal Cannabis.

(3) A patient shall not designate a caregiver under subsection (1) and (2) if the person —

- (a) has been charged or convicted of an offence —
  - (i) under the Proceeds of Crime Act, Cap. 3.04,
  - (ii) involving fraud and dishonesty,
  - (iii) under any other prescribed enactment;
- (b) has a history of substance abuse;
- (c) is a young person.

(4) Where the parent or legal guardian of a young person is disqualified from being a caregiver under subsection (3), the parent or legal guardian of the young person shall designate a caregiver for the young person.

(5) Where a parent or legal guardian of a young person is unable to designate a caregiver under subsection (4), the court may, by an order, appoint a caregiver to the young person.

(6) A person designated or appointed under subsection (1), (4) or (5) shall not be a caregiver for more than two patients at a time, unless that person is the parent of more than two children.

(7) A patient shall give written notice of the name, age and address of his or her caregiver to a registered medical practitioner.

**Record of caregivers**

**86.** A registered medical practitioner shall maintain a record of the name, age and address of a caregiver of a patient.

**Class Two Medicinal Cannabis Card**

**87.**—(1) Subject to this Part, the Regulated Substances Authority shall, with respect to a patient or a caregiver on behalf of a patient, issue a Class Two Medicinal Cannabis Card to a patient on receipt of —

- (a) a copy of a Medicinal Cannabis Prescription;
- (b) the original Medicinal Cannabis Certificate;
- (c) proof of the identity of the patient;
- (d) where applicable, proof of the identity of the caregiver;
- (e) the prescribed Class Two Medicinal Cannabis Card fee.

(2) A Class Two Medicinal Cannabis Card issued under subsection (1) —

- (a) to a patient, authorizes the patient —
  - (i) to obtain Class Two Medicinal Cannabis as specified in the Medicinal Cannabis Prescription issued by a registered medical practitioner, and
  - (ii) to possess, store and use Class Two Medicinal Cannabis as prescribed;
- (b) to a caregiver, authorizes the caregiver —
  - (i) to obtain Class Two Medicinal Cannabis on behalf of the patient whom he or she is designated to assist, and
  - (ii) to possess and store Class Two Medicinal Cannabis on behalf of, and administer Class Two Medicinal Cannabis to the patient that he or she is designated to care for;
- (c) must —
  - (i) be in the prescribed form, and
  - (ii) contain —
    - (A) the name of the patient;
    - (B) the name, address and date of birth of the caregiver, if applicable;

- (C) a random alphanumeric identification number that is unique to the patient who is issued a Class Two Medicinal Cannabis Card;
- (D) in the case of a Class Two Medicinal Cannabis Card issued to a caregiver on behalf of the patient, the random alphanumeric identification number of the patient whom the caregiver is designated to care for;
- (E) the issue date and expiry date of the Class Two Medicinal Cannabis Card;
- (F) a passport-sized photograph of the patient or caregiver, where applicable;
- (G) the contact information of the Regulated Substances Authority.

#### **Validity of Class Two Medicinal Cannabis Card**

**88.** A Class Two Medicinal Cannabis Card is valid from the date of issuance or as may be specified on the Class Two Medicinal Cannabis Card.

#### **Possession of Class Two Medicinal Cannabis Card**

**89.** A patient or caregiver shall have on his or her person his or her Class Two Medicinal Cannabis Card, at all times whilst he or she is obtains, possess or stores Class Two Medicinal Cannabis.

#### **Notification of lost, defaced or destroyed Class Two Medicinal Cannabis Card**

**90.—(1)** Where a Class Two Medicinal Cannabis Card is lost, defaced or destroyed, the holder of the Class Two Medicinal Cannabis Card shall immediately notify the Regulated Substances Authority.

(2) Where notified under subsection (1), the Regulated Substances Authority may issue a replacement Class Two Medicinal Cannabis Card on payment of the prescribed fee for replacement of a Class Two Medicinal Cannabis Card.



**Notice for withdrawal of Class Two Medicinal Cannabis Card**

**91.**—(1) A registered medical practitioner who prescribes Class Two Medicinal Cannabis for a patient shall give written notice to the Regulated Substances Authority, within ninety days of ascertaining that —

- (a) the patient no longer suffers from the qualifying medical condition;
- (b) Class Two Medicinal Cannabis is no longer proving to be therapeutic or palliative in the treatment of the patient for the qualifying medical condition;
- (c) the patient is no longer under the care of the registered medical practitioner; or
- (d) the patient has died.

(2) On receipt of a notice under subsection (1), the Regulated Substances Authority shall give written notice of the withdrawal of the Class Two Medicinal Cannabis Card to —

- (a) the patient or caregiver;
  - (b) the registered medical practitioner;
  - (c) all licensed pharmacies.
- (3) A notice under subsection (3) must specify —
- (a) the effective date for withdrawal of the Class Two Medical Cannabis Card;
  - (b) that the Class Two Medicinal Cannabis Card be returned to the Regulated Substances Authority.

**Notice of change of a caregiver to a registered medical practitioner**

**92.**—(1) Where a patient changes his or her caregiver, the patient shall give written notice of the change, as soon as practicable, to his or her registered medical practitioner.

(2) In the case of a young person, the parent, legal guardian or designated caregiver shall give written notice of a change, as soon as practicable, to the registered medical practitioner.

- (3) A notice under subsection (1) and (2) must specify —
- (a) the name of the previous caregiver and that his or her designation is withdrawn by the patient, the parent, legal guardian or designated caregiver;
  - (b) the name, age and address of the newly designated or appointed caregiver.

**Notice of change of a caregiver to the Regulated Substances Authority**

**93.**—(1) Where a registered medical practitioner is given notice under section 92, he or she shall give written notice of the change to the Regulated Substances Authority.

(2) On receipt of a notice under subsection (1), the Regulated Substances Authority shall give written notice to the previous caregiver that —

- (a) the patient, parent, legal guardian or designated caregiver has withdrawn his or her designation as a caregiver;
- (b) the Class Two Medicinal Cannabis Card that was issued to him or her is withdrawn; and
- (c) he or she must return the Class Two Medicinal Cannabis Card to the Regulated Substances Authority for cancellation.

**PART VI  
DISPENSARY LICENCE AND  
SALE OF MEDICINAL CANNABIS**

*Division 1  
Application for a Dispensary Licence*

**Non-eligibility to make an application for a dispensary licence**

**94.** A member of the Board of the Regulated Substance Authority, shareholder or beneficial owner of a licensed laboratory or recognized laboratory is ineligible to make an application in his or her name for a licence under this Part.

**Application for a dispensary licence**

**95.**—(1) Without prejudice to section 43 of the Regulated Substances Act, in the case of —

- (a) an application for a Class One Dispensary Licence, a person, including a religious organization, may make an application to the Board of the Regulated Substances Authority;
- (b) an application for a Class Two Dispensary Licence, a pharmacy may make an application to the Board of the Regulated Substances Authority.

(2) An application for a Class One Dispensary Licence under subsection (1)(a) must be —

- (a) in the prescribed form;
- (b) accompanied by —
  - (i) a Certificate of Registered Business Name or a Certificate of Incorporation,
  - (ii) in the case of a religious organization, a certificate evidencing registration or incorporation,
  - (iii) evidence that the business satisfies the prescribed requirements for selling Class One Medicinal Cannabis, and
  - (iv) the prescribed non-refundable application for a Class One Dispensary Licence fee,
- (v) any other information or documents requested by the Regulated Substances Authority.

(3) An application for a Class Two Dispensary Licence under subsection (1)(b) must be —

- (a) in the prescribed form;
- (b) accompanied by —
  - (i) a valid licence issued under the Pharmacy Act, Cap. 11.21,

- (ii) evidence that the pharmacy satisfies the prescribed requirements for dispensing Class Two Medicinal Cannabis,
- (iii) the prescribed non-refundable application for a Class Two Dispensary Licence fee,
- (iv) any other information or documents requested by the Regulated Substances Authority to properly consider an application.

#### **Approval of an application for a dispensary licence**

**96.**—(1) Without prejudice to section 45 of the Regulated Substances Act, No. 26 of 2023, the Board of the Regulated Substances Authority may approve an application for a dispensary licence, if satisfied that the person meets the prescribed requirements for selling medicinal cannabis.

(2) Where the Board of the Regulated Substances Authority approves an application for a dispensary licence under subsection (1), the Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the person of its approval.

#### **Refusal of an application for a dispensary licence**

**97.**—(1) Without prejudice to section 46 of the Regulated Substances Act, the Board of the Regulated Substances Authority may refuse an application for a dispensary licence, if satisfied that the person does not meet the prescribed requirements for selling medicinal cannabis.

(2) Where the Board of the Regulated Substances Authority refuses an application under subsection (1), the Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the person and the reasons for its refusal.

#### **Issue of a dispensary licence**

**98.** Without prejudice to section 48 of the Regulated Substances Act, where the Board of the Regulated Substances Authority approves an application for a dispensary licence under section 96 the Board of the Authority shall, on payment of —

- (a) the prescribed non-refundable Class One Dispensary Licence fee, issue a Class One Dispensary Licence in the prescribed form;

- (b) the prescribed non-refundable Class Two Dispensary Licence fee, issue a Class Two Dispensary Licence in the prescribed form.

#### **Conditions of a dispensary licence**

**99.** The use of medicinal cannabis is not all allowed on the premises of a holder of a dispensary licence, unless the holder of a dispensary licence has a Public Space Consumption Licence.

#### **Validity of a dispensary licence**

**100.** Without prejudice to section 48 of the Regulated Substances Act, a dispensary licence is valid for a period of one year.

#### **Application for renewal of a dispensary licence**

**101.**—(1) Without prejudice to section 55 of the Regulated Substances Act, a licensed business or licensed pharmacy may make an application to the Board of the Regulated Substances Authority for renewal of a dispensary licence, within sixty days of expiry of the licence.

- (2) An application for renewal under subsection (1) must —
  - (a) be in the prescribed form;
  - (b) be accompanied by the prescribed documents and information;
  - (c) the prescribed non-refundable application for renewal of a dispensary licence.

#### **Approval of an application for renewal of a dispensary licence**

**102.**—(1) Without prejudice to section 57 of the Regulated Substances Act, the Board of the Regulated Substances Authority may approve an application for renewal of a dispensary licence, if satisfied that the person meets the prescribed requirements for selling or dispensing medicinal cannabis.

(2) Where the Board of the Regulated Substances Authority approves an application for renewal of a dispensary licence under subsection (1), the Board of the Regulated Substances Authority shall give written notice of its approval, within twenty-one business days, to the person.

**Refusal of an application for renewal of a dispensary licence**

**103.**—(1) Without prejudice to section 58 of the Regulated Substances Act, the Board of the Regulated Substances Authority may refuse an application for renewal of a dispensary licence, if satisfied that the licensed business or licensed pharmacy does not meet the prescribed requirements for selling or dispensing medicinal cannabis.

(2) Where the Board of the Regulated Substances Authority refuses an application under subsection (1), the Board of the Regulated Substances Authority shall give written notice, within twenty-one business days, to the licensed person or licensed pharmacy of its refusal and the reasons for its refusal.

**Suspension of a dispensary licence**

**104.** Without prejudice to section 59 of the Regulated Substances Act, the Board of the Regulated Substances Authority may suspend a dispensary licence issued under section 98 or 102 if —

- (a) in the case of a licensed person, the person fails to pay the prescribed non-refundable Class One Dispensary Licence fee;
- (b) in the case of a licensed pharmacy —
  - (i) fails to pay the prescribed non-refundable Class Two Dispensary Licence fee,
  - (ii) no longer has a valid licence under the Pharmacy Act, Cap. 11.21;
- (c) a licensed person or licensed pharmacy does not comply with the conditions of a dispensary licence.

**Revocation of a dispensary licence**

**105.** Without prejudice to section 60 of the Regulated Substances Act, the Board of the Regulated Substances Authority may revoke a dispensary licence issued under section 98 or 102 if —

- (a) the licensed pharmacy is no longer licensed under the Pharmacy Act, Cap. 11.21;
- (b) if a licensed person or licensed pharmacy does not comply with the conditions of a dispensary licence.

**Display of a dispensary licence**

**106.** A licensed person or licensed pharmacy shall display the dispensary licence issued under section 98 or 102 in a prominent place at his or her place of work.

*Division 2**Restrictions and Requirements for the Supply and Sale of Medicinal Cannabis***Application of the Pharmacy Act to the sale of Class Two Medicinal Cannabis**

**107.**—(1) The restrictions and other requirements for the sale and supply of a controlled substance under the Pharmacy Act, Cap. 11.21 apply to the sale and supply of Class Two Medicinal Cannabis.

**Restriction on selling medicinal cannabis**

**108.**—(1) A person shall not sell Class One Medicinal Cannabis, without a valid Class One Dispensary Licence.

(2) A person shall not sell Class Two Medicinal Cannabis, without a valid Class Two Dispensary Licence.

(3) A person that contravenes subsection (1) or (2) commits a Class C offence.

(4) Notwithstanding this Act, a licensed pharmacy shall not sell to a patient or a caregiver —

(a) a quantity of Class Two Medicinal Cannabis that is greater than that which the patient or caregiver is permitted to obtain under a Medicinal Cannabis Prescription; or

(b) any form of cannabis or cannabis product prohibited under this Act.

(5) A licensed pharmacy shall conform to a requirement or limitation in relation to the use of Class Two Medicinal Cannabis as specified in the Medicinal Cannabis Prescription and shall provide information to the patient or caregiver with respect to —

(a) the lawful methods for using or administering Class Two

Medicinal Cannabis in individual doses;

- (b) the potential danger stemming from the use of Class Two Medicinal Cannabis;
- (c) the ways to prevent or deter the misuse of Class Two Medicinal Cannabis by a young person; and
- (d) any other information the licensed pharmacy considers relevant.

**Requirements for the sale of medicinal cannabis**

**109.** (1) A licensed pharmacy may sell Class Two Medicinal Cannabis to a patient or a caregiver who presents his or her valid —

- (a) Medicinal Cannabis Prescription; and
  - (i) Class Two Medicinal Cannabis Card, or
  - (ii) the identification document of the patient, including —
    - (A) an identification card;
    - (B) a passport;
    - (C) a driver’s licence.

(2) On the sale of medicinal cannabis, a licensed person or licensed pharmacy shall —

- (a) provide a receipt to the purchaser;
- (b) keep monthly records of all medicinal cannabis that is sold.

(3) A receipt under subsection (2) must specify —

- (a) the name, address and the registration number assigned to a licensed pharmacy or licensed pharmacy on being licensed in accordance with this Act;
- (b) the name, address and the random alphanumeric identification number which appears on the Class Two Medicinal Cannabis Card of the patient or caregiver;
- (c) the quantity of Class Two Medicinal Cannabis being dispensed;
- (d) the date on which the Class Two Medicinal Cannabis was dispensed;



- (e) any other requirement or limitation in relation to the use of Class Two Medicinal Cannabis as specified in the Medicinal Cannabis Prescription.

(4) A pharmacist or an employee of a licensed pharmacy shall enter the prescribed receipt information in a physical or electronic book that is kept and maintained for that purpose.

## **PART VII CANNABIS OR INDUSTRIAL HEMP LEVY**

### *Division 1*

#### *Exemption, Imposition and Rate of Cannabis or Industrial Hemp Levy*

#### **Exemption from cannabis or industrial hemp levy**

**110.**—(1) The Minister may, after consultation with the Regulated Substances Authority and by Order published in the *Gazette*, exempt a cannabis product or an industrial hemp product from a cannabis or industrial hemp levy.

(2) The Minister may grant an exemption under subsection (1) subject to conditions.

#### **Imposition of cannabis or industrial hemp levy**

**111.**—(1) Notwithstanding the Value Added Tax Act, Cap. 15.42 and any other enactment, a cannabis or industrial hemp levy may be charged —

- (a) by the Customs and Excise Department on imported cannabis products or industrial hemp products, on entry into Saint Lucia; or
- (b) by a licensed person or licensed pharmacy on locally processed cannabis products or industrial hemp products,

(2) A cannabis or industrial hemp levy shall be paid —

- (a) in the case of subsection (1)(a), on the C.I.F. value of cannabis products or industrial hemp products, by an importer to a customs officer;
- (b) in the case of subsection (1)(b), at the point of sale on the cost of cannabis products or industrial hemp products, by a purchaser to a licensed person or licensed pharmacy.

**Rate of cannabis or industrial hemp levy on imported cannabis products or industrial hemp products**

**112.**—(1) The prescribed rate for a cannabis or industrial hemp levy shall be charged and paid on imported cannabis products or industrial hemp products.

**Rate of cannabis or industrial hemp levy on locally processed cannabis products or industrial hemp products**

**113.**—(1) The prescribed rate for a cannabis or industrial hemp levy shall be charged and paid on locally processed cannabis products or industrial hemp products.

(2) A cannabis or hemp levy under subsection (1) must be evidenced in the prescribed form of a cannabis stamp or industrial hemp stamp that —

- (a) in the case of a cannabis product or industrial hemp product that is finished and packaged by a central trading entity, by affixing the cannabis stamp or industrial hemp stamp on the package of a cannabis product or industrial hemp product;
- (b) in the case of a cannabis product or industrial hemp product that is finished and packaged by a licensed processor, by affixing a cannabis stamp or industrial hemp stamp on the package of a cannabis product or industrial hemp product;
- (c) in the case of a cannabis product or industrial hemp product that is imported and sold by a licensed person or licensed pharmacy, by affixing a cannabis stamp or industrial hemp stamp on the package of a cannabis product or industrial hemp product.

(3) A cannabis stamp under subsection (2) must be prominently displayed on the package of locally produced cannabis products or industrial hemp products.

(4) Notwithstanding subsection (2), the Minister may prescribe another form for evidencing the cannabis or industrial hemp levy under subsection (1).

(5) A cannabis stamp or industrial hemp stamp is not required for the export of cannabis products or industrial hemp products.

*Division 2**Collector of Cannabis or Industrial Hemp Levy***Collector of cannabis or industrial hemp levy**

**114.** For the purposes of this Act, an officer of the Customs and Excise Department, a licensed person or licensed pharmacy is deemed to be a collector of a cannabis or industrial hemp levy.

**Issue of Collector's Certificate**

**115.—(1)** The Regulated Substances Authority shall issue a Collector's Certificate to a collector.

(2) A Collector's Certificate must include the following information —

- (a) a unique registration number for a collector;
- (b) the name and address of the collector;
- (c) the date of issuing the Collector's Certificate.

**Notice of change of circumstances**

**116.** A collector shall notify the Regulated Substances Authority in writing, within twenty-one business days of —

- (a) a change in the name, address, place of business, constitution of a cannabis product or an industrial hemp product being provided;
- (b) a change of address from which, or name in which, the cannabis product or industrial hemp product is being provided; or
- (c) a change in circumstances, if a collector ceases to operate or ceases operations on a temporary basis.

**Validity of Collector's Certificate**

**117.** A Collector's Certificate remains valid until —

- (a) suspended under section 119; or
- (b) cancelled under section 120.

**Display of Collector's Certificate**

**118.**—(1) A collector shall display the Collector's Certificate in a conspicuous place at each location of its operation.

(2) A collector that contravenes subsection (1) commits an offence and is liable to pay a fine not exceeding five hundred dollars each day or part of a day that the failure continues.

**Suspension of Collector's Certificate**

**119.**—(1) The Regulated Substances Authority may suspend a Collector's Certificate if a licensed person or licensed pharmacy fails to comply with the conditions of a dispensary licence.

(2) The Regulated Substances Authority shall provide a written notice to the collector of its intention to suspend a Collector's Certificate.

(3) A notice under subsection (2) must specify —

- (a) the condition of a Class One Dispensary Licence or Class Two Dispensary Licence that has been breached;
- (b) the action to be taken by the collector to rectify the breach;
- (c) the period in which the action to rectify the breach must be taken;
- (d) that if the breach is not rectified within the period specified under paragraph (c), the Collector's Certificate will be suspended.

(4) Where a Collector's Certificate is suspended under subsection (1), the collector shall not collect the cannabis or hemp levy unless the Regulated Substances Authority withdraws the suspension of the Collector's Certificate.

**Cancellation of Collector's Certificate**

**120.**—(1) The Regulated Substances Authority may cancel a Collector's Certificate if a collector —

- (a) no longer exists;
- (b) fails to comply with the conditions of a Class One Dispensary Licence or Class Two Dispensary Licence, where applicable.

(2) Where a Collector's Certificate is cancelled under subsection (1), the collector shall submit the Collector's Certificate to the Regulated Substances Authority for cancellation.

### **Register of Collectors**

**121.**—(1) The Regulated Substances Authority shall keep and maintain a Register of Collectors.

(2) The Regulated Substances Authority shall record in the Register, in relation to a collector, the following information —

- (a) the name;
- (b) the personal address and business address;
- (c) its unique registration number;
- (d) other details as the Regulated Substances Authority considers necessary.

### **Publication of list of collectors**

**122.** The Regulated Substances Authority shall, before the 1<sup>st</sup> day of January of each year, publish in the *Gazette* a list of all collectors.

#### *Division 3*

#### *Online Notice, Collection, Remittance and Recovery of Cannabis or Industrial Hemp Levy*

### **Online notice of cannabis or industrial hemp levy**

**123.**—(1) A collector that advertises, offers or supplies cannabis products or industrial hemp products online shall ensure that the advertisement notifies a person, who intends to purchase the cannabis products or industrial hemp products in Saint Lucia, of the cannabis or industrial hemp levy, where the cannabis or industrial hemp levy is included in the purchase amount, that the cannabis or industrial hemp levy will be collected when an online payment is made.

(2) A collector that contravenes subsection (1) is liable to pay a fine not exceeding ten thousand dollars.

**Collection of cannabis or industrial hemp levy**

**124.**—(1) A collector shall collect the cannabis or industrial hemp levy at the prescribed rate —

- (a) in the case of the Custom and Excise Department, at the port of entry of a cannabis product or industrial hemp product;
- (b) in the case of a licensed person, at the point of selling Class One Medicinal Cannabis;
- (c) in the case of a licensed pharmacy, at the point of selling Class Two Medicinal Cannabis.

(2) A collector shall —

- (a) establish and maintain an accounts payable system to handle the cannabis or industrial hemp levy collected;
- (b) account for the cannabis or industrial hemp levy collected separately and the cannabis or industrial hemp levy collected must not be commingled with any other sources of revenue;
- (c) segregate the cannabis or industrial hemp levy collected in a designated separate bank account;
- (d) remit to the Regulated Substances Authority the cannabis or industrial hemp levy collected and recorded in its accounting system;
- (e) submit a prescribed monthly report to the Regulated Substances Authority, unless otherwise agreed by the collector and the Regulated Substances Authority.

(3) A monthly report under subsection (2)(e) must —

- (a) include —
  - (i) an account of monies collected and remitted,
  - (ii) the name of the collector,
  - (iii) the payment period,
  - (iv) the number of persons charged and the rate of a cannabis or hemp levy,

- (v) the total cannabis or hemp levy collected,
  - (vi) the total cannabis or hemp levy refunded,
  - (vii) the total cannabis or hemp levy remitted;
- (b) be submitted together with the remittance of the monies collected for each month.

(4) For the purposes of verifying the information provided in a report submitted under subsections (2) and (3), the Regulated Substances Authority may request and the collector shall provide the Regulated Substances Authority with access to books, records and other documents for verifying the information in a report.

(5) The cannabis or hemp levy collected is held by a collector after collection in trust for the beneficial interest of the Regulated Substances Authority and the collector does not have a legal or equitable interest in the cannabis or industrial hemp levy collected.

(6) A collector that collects the cannabis or industrial hemp levy under subsection (1) that fails to remit the sums collected to the Regulated Substances Authority is liable to a fine not exceeding one hundred thousand dollars.

#### **Remittance of cannabis or industrial hemp levy**

**125.**—(1) A collector shall remit to the Regulated Substances Authority the cannabis or industrial hemp levy collected and recorded in its accounting system no later than the twenty-first day of the following calendar month.

(2) The Regulated Substances Authority shall pay the cannabis or industrial hemp levy received into the Regulated Substances Fund.

#### **Recovery of unpaid cannabis or industrial hemp levy**

**126.** A collector that fails to comply with sections 124 and 125 or causes the Regulated Substances Authority to spend funds to recover payment of the cannabis or industrial hemp levy collected shall compensate the Regulated Substances Authority for the cost incurred to recover the amount of the unpaid cannabis or industrial hemp levy.

*Division 4**Refund of Cannabis or Industrial Hemp Levy***Notice of overpaid cannabis or industrial hemp levy**

**127.** Where a person has overpaid a cannabis or industrial hemp levy, he or she may give written notice to the collector of the overpaid amount of the cannabis or industrial hemp levy.

**Claim for refund of overpaid cannabis or industrial hemp levy**

**128.** A collector shall, on being notified under section 127 and if the cannabis or industrial hemp levy collected has been remitted to the Regulated Substances Authority, submit to the Regulated Substances Authority a claim on behalf of a person for a refund of an overpaid cannabis or industrial hemp levy, accompanied by documentary proof of payment of the excess amount of an overpaid cannabis or industrial hemp levy.

**Refund of overpaid cannabis or industrial hemp levy**

**129.** The Regulated Substances Authority shall, on receipt of a claim for a refund under section 128 and if it determines that an excess amount of a cannabis or industrial hemp levy was paid, refund or cause the excess amount of the overpaid cannabis or industrial hemp levy to be refunded.

**PART VIII  
INCENTIVES***Division 1**Type, Rate and Applicable Period of Incentives***Type, rate and applicable period for incentives**

**130.** The Minister may, on the approval of Cabinet, prescribe the type, rate and applicable period for incentives available to a licensee.



*Division 2*  
*Application for Incentives*

**Eligibility and non-eligibility to make an application for incentives**

**131.**—(1) A licensee is eligible to make an application for incentives if the licensee meets the prescribed requirements for making an application for incentives.

(2) Notwithstanding subsection (1), a person who continues to benefit from incentives granted under the Fiscal Incentives Act, Cap. 15.16 or any other enactment is not eligible, for the duration of the period within which the incentives were granted, to make an application for incentives under this Act.

**Application for incentives**

**132.**—(1) A licensee may make an application for incentives to the Minister.

- (2) An application under subsection (1) must be —
- (a) in the prescribed form; and
  - (b) supported by the prescribed documents.

**Consideration of an application for incentives**

**133.**—(1) On receipt of an application under section 132, the Minister shall —

- (a) cause an inspection of the licensed premises of a licensee to be carried out; and
- (b) after an inspection, submit the application for incentives together with —
  - (i) the investigation report, and
  - (ii) all the supporting documents to Cabinet for consideration.

(2) On completion of an investigation under subsection (1), an authorized officer shall submit an investigation report to the Minister.

**Approval of an application for incentives**

**134.**—(1) On considering an application for incentives under section 132, Cabinet may approve an application for incentives where a licensee meets the prescribed requirements for incentives.

(2) Where an application for incentives is approved under subsection (1), the Minister shall give notice to the licensee of the approval of the application for incentives.

(3) An approval under subsection (1) must specify —

- (a) the type and rate for the incentives granted;
- (b) the applicable time period for each incentive granted, including, the commencement date and termination date;
- (c) the conditions for granting the incentives.

**Refusal of an application for incentives**

**135.** On considering an application for incentives under section 132, Cabinet may refuse an application for incentives where a licensee does not meet the prescribed requirements for incentives.

**Order by Cabinet**

**136.** Where Cabinet grants approval of incentives under section [121], Cabinet shall, by Order published in the *Gazette* specify —

- (a) the name of the licensee;
- (b) the type and rate of incentives granted,
- (c) the applicable period for each incentive granted, including, the commencement date and termination date,
- (d) the conditions for the incentives.

**PART IX  
PROHIBITIONS AND OFFENCES**

**Interpretation of this Part**

137. In this Part —

- “authorized officer” means a person employed by the Regulated Substances Authority;
- “cannabinoids” means a class of bioactive chemical compounds consisting of terpenophenolic secondary metabolites produced within the secretory cells of the cannabis plant as well as some other plant species;
- “cannabis” includes medicinal cannabis, cannabis products, industrial hemp, industrial hemp products, dried cannabis or phytocannabinoid;
- “cannabis plant” means any plant of the genus *Cannabis*;
- “commercial quantity of cannabis plants” means more than twelve cannabis plants but less than seventy-five cannabis plants;
- “trafficable quantity of cannabis plants” means seventy-five cannabis plants or more.

*Division 1*

*Prohibition on Import, Export, Supply, Possession and  
Use of Synthetic Cannabinoids*

**Prohibition on importing, exporting, supplying, possessing and using synthetic cannabinoids**

138.—(1) A person shall not import, supply, possess or use synthetic cannabinoids.

(2) A person that contravenes subsection (1) commits a Class D offence.

(3) In this section “supply” —

- (a) means selling or giving synthetic cannabinoids for monetary compensation or not;

(b) includes distributing synthetic cannabinoids.

*Division 2*

*Offences Involving a Young Person*

**Offering for sale and selling cannabis to a young person**

**139.**—(1) A person shall not offer for sale or sell cannabis to a young person.

(2) A person who contravenes subsection (1) commits a Class B offence.

**Giving, transferring or permitting the use of medicinal cannabis by a young person**

**140.**—(1) A person shall not give, transfer or permit the use of medicinal cannabis by a young person.

(2) Notwithstanding subsection (1), a young person may use medicinal cannabis where it is prescribed by a registered medical practitioner for treating a qualifying medical condition.

(3) A person who contravenes subsection (1) commits a Class A offence.

**Consuming, cultivating, possessing, keeping and selling cannabis by a young person**

**141.**—(1) A young person shall not consume, cultivate, possess or sell cannabis.

(2) Notwithstanding subsection (1), a young person may consume medicinal cannabis where it is prescribed by a registered medical practitioner for his or her consumption in treating a qualifying medical condition.

(3) A young person who contravenes subsection (1) —

(a) must —

(i) attend counselling sessions, drug education or treatment sessions organized by the Regulated Substances Authority in collaboration with the Ministry responsible for health, and

(ii) provide community service;

- (b) in the case of a person who is eighteen years and below twenty-one years, commits a Class A offence.

**Using cannabis in the presence of a young person**

**142.**—(1) Subject to this Act, a person shall not use cannabis in the presence of a young person.

(2) A person shall not use cannabis in a private residence where young persons are present in the same room or area that exposes young persons to the use of cannabis.

(3) Notwithstanding subsections (1) and (2), a person may, at any location, use cannabis for a medical purpose, if prescribed by a registered medical practitioner.

(4) A person who contravenes subsection (1) or (2) commits a Class A offence.

*Division 3*  
*Cultivation Offences*

**Cultivating cannabis plants near an educational institution**

**143.**—(1) A person shall not cultivate cannabis plants within a distance of [three hundred feet, near] of an educational institution.

(2) Notwithstanding subsection (1), a licence to cultivate cannabis may be issued to a person with a condition to allow cultivation of cannabis within a distance of less than three hundred feet of an educational institution.

(3) A person who contravenes subsection (1) commits a Class A offence.

**Cultivating cannabis plants in a public place**

**144.**—(1) A person shall not cultivate a cannabis plant in a public place where the cannabis plants are —

- (a) visible without optical aids, and  
(b) easily accessible to a young person.

(2) A person who contravenes subsection (1) commits a Class A offence.

#### **Cultivating cannabis plants in an unsecure place**

**145.**—(1) A person shall not cultivate cannabis plants outside of an enclosed area equipped with locks or other security devices that restricts access to the area in which the cannabis plants are being cultivated.

(2) A person who contravenes subsection (1) commits a Class A offence.

#### **Cultivating more than four cannabis plants**

**146.**—(1) A person shall not cultivate more than four cannabis plants.

(2) A person who cultivates more than four plants but less than twelve cannabis plants commits a Class A offence.

#### **Cultivating a commercial quantity of cannabis plants**

**147.**—(1) A person shall not cultivate a commercial quantity of cannabis plants without a valid Cultivator's Licence.

(2) A person who contravenes subsection (1) commits a Class B offence.

#### **Cultivating a trafficable quantity of cannabis**

**148.**—(1) A person shall not cultivate a trafficable quantity of cannabis plants.

(2) A person who contravenes subsection (1) commits a Class C offence.

### *Division 4 Possession Offences*

#### **Possession of cannabis at a correctional facility**

**149.**—(1) An inmate at a correctional facility shall not be in possession of cannabis.

(2) Notwithstanding subsection (1), an inmate at a correctional facility may be in possession of cannabis if prescribed by a registered medical practitioner.

(3) An inmate who contravenes subsection (1) commits a Class C offence.

**Possession of cannabis in excess of thirty grammes**

**150.** A person who is in possession of —

- (a) more than thirty grammes and less than sixty grammes of cannabis commits a Class A offence;
- (b) sixty grammes and more and less than one pound of cannabis commits a Class B offence;
- (c) one or more pounds of cannabis commits a Class C offence.

**Possession of an amount of Class Two Medicinal Cannabis that exceeds a prescribed amount of Class Two Medicinal Cannabis**

**151.—**(1) A patient or caregiver shall not knowingly obtain, seek to obtain, or have in his or her possession, individually or collectively, an amount of Class Two Medicinal Cannabis in excess of an prescribed amount of Class Two Medicinal Cannabis.

(2) A patient or caregive who contravenes subsection (1) commits a Class A offence.

*Division 5*  
*Consuming or Smoking Offences*

**Undertaking a task or operating a conveyance while under the influence of cannabis**

**152.—**(1) Subject to this Act, a person shall not, whilst under the influence of cannabis —

- (a) undertake a task, if doing so would constitute negligence, professional malpractice, or professional misconduct;
- (b) operate, navigate, or be in physical control of a motor vehicle, aircraft, heavy equipment, off-road recreational vehicle or motor boat.

(2) A person who contravenes subsection (1) commits a Class B offence.

**Consuming cannabis while operating, navigating or being in physical control of a motor vehicle, motor boat, aircraft or off-road recreational vehicle**

**153.**—(1) A person shall not consume cannabis while operating, navigating or being in physical control of a motor vehicle, motor boat, an aircraft or an off-road recreational vehicle.

(2) A person who contravenes subsection (1) commits a Class C offence.

(3) Where the terms of employment requires the operation or navigation of a motor boat, an aircraft or an off-road recreational vehicle, an employer or prospective employer may require an employee or prospective employee to take a test for cannabis use.

**Smoking and vaping cannabis or phytocannabinoids in a public place or public omnibus**

**154.**—(1) Subject to this Act, —

- (a) a person shall not smoke or vape any part of the plant of the genus cannabis in a public place or public omnibus;
- (b) a person who is the owner, occupier or concerned with the management of premises in a public place or a public omnibus shall not knowingly permit another to smoke or vape cannabis or phytocannabinoids.

(2) A person who contravenes subsection (1) commits a Class A offence.

*Division 6*  
*Commercial Offences*

**False promoting, advertising and marketing of cannabis products and cannabis accessories**

**155.**—(1) A person shall not promote, advertise and market cannabis products, if there are reasonable grounds to believe that the promotion, advertisement or marketing may —

- (a) create an impression that health or cosmetic benefits



may be derived from the use of the cannabis product, cannabis accessory;

- (b) associate the cannabis, the cannabis accessory or the service with an alcoholic beverage;
- (c) associate the cannabis, the cannabis accessory or the service with a tobacco product.

(3) Notwithstanding this section a company or brand name that is associated with a health or cosmetic product or an alcoholic beverage, may be displayed on a cannabis products or appear in a promotion, an advertisements or the marketing of cannabis products or cannabis accessories if the cannabis products or cannabis accessories do not convey a false impression that the product —

- (a) provides health or cosmetic benefits; or
- (b) is an alcoholic beverage;
- (c) is tobacco product.

#### **False promotion of edible cannabis**

**156.**—(1) A person shall not promote edible cannabis if there are reasonable grounds to believe that the promotion may create an impression that the edible cannabis is intended to meet the particular dietary or nutritional requirements of an individual —

- (a) who has a physical or physiological condition as a result of a disease, disorder or injury;
- (b) for whom a particular effect, including weight loss, is to be obtained by a controlled intake of food;
- (c) for use as an energy drink.

(2) A person who contravenes subsection (1) or (2) commits a Class A offence.

#### **Advertising, marketing and promoting of medicinal cannabis or industrial hemp**

**157.**—(1) A person shall not advertise, market or promote a service relating to medicinal cannabis or industrial hemp.

(2) A person who contravenes subsection (1) commits a Class C offence.

(3) Notwithstanding subsection (2), a person who is authorized to cultivate, sell or distribute cannabis or industrial hemp may promote medicinal cannabis or industrial hemp by means of informational promotion or brand preference promotion if the promotion is —

- (a) in a communication that is addressed and sent to an individual who is twenty-one years of age or older and is identified by name;
- (b) in a place where a young person is not permitted by law;
- (c) communicated by means of telecommunication, where the person responsible for the content of the promotion has taken reasonable steps to ensure that the promotion cannot be accessed by a young person;
- (d) in a prescribed place; or
- (e) conducted in a prescribed manner.

(4) A person who contravenes subsection (3) commits a Class C offence.

(5) In this section, “service relating to medicinal cannabis or industrial hemp” includes —

- (a) communicating information about the price or distribution;
- (b) appealing to young persons;
- (c) giving a testimonial or endorsement, however displayed or communicated;
- (d) providing sponsorship;
- (e) depicting a person, character or animal, whether real or fictional; or
- (f) presenting cannabis or any of its brand elements in a manner that associates it or the brand element with, or evokes a positive or negative emotion about or image of, a glamorous, recreational, exciting, vitalizing, risky or daring way of life.

**Promotions of cannabis products**

**158.**—(1) A person shall not —

- (a) give away an amount of cannabis, cannabis products or cannabis accessory as part of a business promotion;
- (b) hold a raffle or giveaway as part of a business promotion;
- (c) advertise free cannabis products or cannabis accessories.

(2) A person who contravenes subsection (3) commits a Class C offence.

**Promoting, advertising, selling, marketing or transporting cannabis products without proper labelling**

**159.**—(1) A licensee shall not promote, advertise, sell, market or transport cannabis products that are labeled as beer, wine, rum, liquor, spirits or any other term used to describe a type of alcohol or alcoholic beverage, which may convey a false impression that the product is an alcoholic beverage.

(2) A person who contravenes subsection (3) commits a Class C offence.

**Packaging medicinal cannabis or industrial hemp**

**160.**—(1) Subject to this Act, a person shall not sell medicinal cannabis or industrial hemp in a package or with a label —

- (a) that sets out a testimonial or endorsement, however displayed or communicated;
- (b) that sets out a depiction of a person, character or animal, whether real or fictional;
- (c) that associates the cannabis or one of its brand elements with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk, or daring way of life; or
- (d) that contains information that is false, misleading, deceptive or that is likely to create an erroneous

impression about the characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of cannabis or hemp-derived product;

(e) that does not meet the prescribed packaging requirement.

(2) A person who contravenes subsection (1) commits a Class B offence.

#### **Selling, consuming and distributing medicinal cannabis at an event**

**161.**—(1) Subject to this Act, a person shall not sell, consume, or distribute, freely or for reward, medicinal cannabis or a sample of medicinal cannabis at a convention, trade show, or other public or private event.

(2) A person who contravenes subsection (1) commits a Class C offence.

#### **Selling and advertising branded merchandise**

**162.**—(1) A person shall not advertise or sell branded merchandise that —

- (a) is designed in a manner to entice a young person;
- (b) identifies the licensee responsible for branding the merchandise by displaying the licensee's licence number in a manner that permanently affixes the licence number to the merchandise, so that it is legible and clearly visible from the outside of the merchandise.

(2) A person who contravenes subsection (1) commits a Class B offence.

#### **Selling cannabis products or industrial hemp products without the stamp**

**163.**—(1) A person who sells a cannabis product or industrial hemp product without a stamp affixed to the product commits an offence.

(2) A person who contravenes subsection (1) commits a Class B offence.

*Division 7*  
*Ticketable Offences*

**Ticketable offences**

**164.**—(1) The offences listed in Schedule 1 are ticketable offences for which proceedings may be commenced by a ticket under this Act.

(2) The fixed penalty in respect of proceedings commenced by a ticket are as specified in Schedule 1.

**Notice of fixed penalty**

**165.**—(1) An authorized offic of the Regulated Substances Authority shall give written notice to a person of his or her liability to pay a fixed penalty, if the Regulated Substances Authority believes that an offence specified under Schedule 1 has been committed.

(2) If a person given written notice under subsection (1) does not wish to have the alleged offence heard and determined by a court, the person may, after given notice, pay the amount of money specified in the notice with regard to the alleged offence.

(3) A notice under subsection (1) must —

(a) specify —

- (i) the section of this Act of which the Regulated Substances Authority believes has been breached,
- (ii) the fixed penalty for the alleged offence to which the notice relates, which at the date of giving the notice is believed to have been committed,
- (iii) the time period within which the fixed penalty under paragraph (b) must be paid,
- (iv) that the fixed penalty is payable to the Government,
- (v) a warning that failure to pay the fixed penalty specified in the notice, may give rise to prosecution for an offence under this Act;

(b) be —

- (i) signed by an authorized officer,
- (ii) served on the person that is the subject of the notice.

(4) A person on whom a notice is served may decline for an alleged offence to be dealt with under this section and, if the fixed penalty is not paid within the period specified in the notice or within such further time as may, whether before or after the expiry of that period, be allowed by the Regulated Substances Authority, is deemed to have declined to be so dealt with.

#### **Withdrawal of notice of fixed penalty and refund**

**166.**—(1) The Regulated Substances Authority may, whether the fixed penalty has been paid, withdraw a notice under section 165 at any time after it was given.

(2) An amount that has been paid by way of a fixed penalty and is withdrawn under subsection (1) must be refunded.

(3) The amount of a fixed penalty paid is subject to subsection (2) as specified in the notice.

(4) Where the fixed penalty specified in a notice under subsection (3) is paid in accordance with the notice and the notice is not withdrawn under subsection (1), proceedings shall not be brought or imposed if the person to which the notice was given has been found liable by a court, and if punished for the alleged offence.

#### **Commencement of proceedings**

**167.**—(1) The Regulated Substances Authority shall cause a ticket to be filed in the office of the District Court within fourteen days after the ticket is served.

(2) A ticket filed in respect of a ticketable offence must be accompanied by a statement.

#### **Options after service of ticket**

**168.** Within fourteen days after being served with a ticket, a person may —

- (a) plead guilty and pay the total amount specified in the ticket in accordance with section 165;
- (b) request a hearing in accordance with section 170.

**Plea of guilty and payment**

**169.**—(1) A person who is served with a ticket may plead guilty by delivering the ticket, along with the total amount specified in the ticket, to the office of the District Court within the time period specified in the ticket.

(2) Payment of the total amount within the time specified in the ticket constitutes a plea of guilty and endorsement of payment on the ticket constitutes a conviction and the imposition of that amount.

**Request for hearing**

**170.**—(1) A person who is served with a ticket may request a hearing by signing the request for hearing on the ticket and delivering it to the office of the District Court specified in the ticket.

(2) As soon as practicable after a person requests a hearing under subsection (1), the clerk of the court shall fix the time and place of the hearing and have the defendant and the prosecution notified of the time and place.

**Absence of response from defendant**

**171.** Where a person alleged to have committed an offence has been served with a ticket and has not exercised any of the options referred to under in section 165, the court date shall be the date specified in the ticket which is no less than fourteen days after the date the ticket was served on the person and the notice of the court date on the ticket served constitutes notice to the defendant and prosecution.

**Proceedings commenced by ticket**

**172.** Schedule 1 has effect in respect of a proceedings commenced by means of a ticket.

**Ticket as evidence**

**173.** A ticket filed in the office of a District Court is evidence of the facts alleged in the ticket without proof of the signature or official

character of the person appearing to have completed the ticket.

### **Notice**

**174.**—(1) Except as otherwise provided, a notice or document required or authorized to be given or delivered may be given or delivered personally by ordinary mail or by other prescribed means.

(2) Evidence that a notice or document required or authorized to be given or delivered to a person was sent by ordinary mail or any other prescribed means to the person at his or her address appearing on a ticket, certificate of service or other document in the court file, is evidence that the notice or document was given or delivered to the person.

### **Sentence**

**175.** A person who is convicted for a ticketable offence in proceedings under section 172 is liable to a fine greater than the fixed penalty provided for that ticketable offence under section 164 but not exceeding the maximum fine provided for that offence under this Act.

### **Disqualification from obtaining a licence on failure to pay fine**

**176.**—(1) A person is disqualified from obtaining a licence under this Act if he or she fails to pay a fine imposed on conviction for a ticketable offence, and thirty days has passed since the termination of all proceedings including any appeal.

(2) A disqualification under subsection (1) continues until the fine is paid.

(3) The Regulated Substances Authority shall inform the person of the disqualification by sending a written notice by registered mail to the address contained in the record of the Regulated Substances Authority.

(4) The clerk of court shall inform the Regulated Substances Authority in writing of —

(a) the failure of a person to pay a fine;

(b) when payment is made and the disqualification lifted.



**Arrest without warrant for ticketable offences**

**177.** Without prejudice to the power of arrest of a police officer under the Criminal Code, Cap. 3.01, a police officer in uniform or with proper identification may arrest, without a warrant, a person whom the police officer believes to have committed a ticketable offence.

**Detention of cannabis or industrial hemp**

**178.** A police officer in uniform or with proper identification may detain or cause to be detained cannabis or industrial hemp —

- (a) at the time of arresting a person under section 177;
- (b) where the police officer believes that an offence is likely to, is being or may be committed under this Act.

**Storage of detained cannabis**

**179.—(1)** The Minister shall, after consultation with the Commissioner and by Order published in the *Gazette*, designate premises on which cannabis or industrial hemp detained under section 178 may be stored.

(2) Cannabis detained under section 162 must be stored at the premises designated under subsection (1).

**Interfering with detained cannabis**

**180.—(1)** A person who, without the authority of the Commissioner of Police, interferes in any way with cannabis that is detained under section 178 or stored under section 179 commits an offence.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.

**Testing detained cannabis**

**181.** Where cannabis is detained under section 178, an authorized officer may cause a sample to be collected and undergo prescribed testing.

**Testing a person for cannabis use**

**182.** A person may be required to undertake a prescribed test where —

- (a) in the case of an arrest for cannabis use under section 177;
- (b) in the case of an employer or prospective employer, the terms of employment requires the employee or prospective employee to operate heavy equipment.

**Test result as evidence**

**183.** A test result from testing cannabis or a person using cannabis is evidence of the information obtained from the test.

**PART X  
MISCELLANEOUS**

**Amendment of Schedules**

**184.**—(1) The Minister may, on approval of Cabinet and by Order published in the *Gazette*, amend Schedule 1.

(2) The Minister responsible for health may, on the advice of the Council, amend Schedule 2.

(3) The Minister may, by Order published in the *Gazette*, amend Schedule 1 and Schedule 4.

(4) An Order made under subsection (2) and (3) may contain ancillary, transitional or supplemental provisions for the purpose of giving effect to the amendment.

**Guidelines**

**185.** Without prejudice to section 92 of the Regulated Substances Act, the Minister may, after consultation with the Regulated Substances Authority, issue guidelines in relation to —

- (a) the cultivation of cannabis and industrial hemp;
- (b) the transportation of cannabis, industrial hemp, cannabis products or industrial hemp products;

- (c) the processing of cannabis and industrial hemp;
- (d) the importation of cannabis products and industrial hemp product;
- (e) the exportation of cannabis products and industrial hemp products;
- (f) conducting research on cannabis or industrial hemp;
- (g) any other matter relating to cannabis, industrial hemp, cannabis products and industrial hemp products.

### **Regulations**

**186.**—(1) Without prejudice to section 93 of the Regulated Substances Act, No. 26 of 2023, the Minister may make Regulations to give effect to this Act.

(2) Notwithstanding subsection (1) —

- (a) the Minister, after consultation with the Council, may make Regulations to prescribe —
  - (i) a —
    - (A) Medicinal Cannabis Certificate;
    - (B) Medicinal Cannabis Prescription;
    - (C) Class Two Medicinal Cannabis Card,
  - (ii) the requirements for —
    - (A) cannabis or industrial hemp activity;
    - (B) the registration process under section 67(2)(b);
    - (C) cultivating up to four cannabis plants;
    - (D) Class One Medicinal Cannabis;
    - (F) Class Two Medicinal Cannabis;
    - (G) selling Class One Medicinal Cannabis;
    - (H) selling and dispensing Class Two Medicinal Cannabis;

- (b) the Minister may, after consultation with the Board of the Regulated Substances Authority, make Regulations to prescribe the requirements for obtaining a licence to conduct cannabis or industrial hemp activity;
- (c) a Record Keeping Attestation Form;
- (d) a Certificate of Recognition;
- (e) a Certificate of Amnesty;
- (f) a Certificate of Registration;
- (g) Cultivator's Licence;
- (h) Processor's Licence;
- (i) Exporter's Licence;
- (j) Importer's Licence;
- (k) Transporter's Licence;
- (l) Research Licence;
- (m) Public Space Consumption Licence;
- (n) security clearance regarding a central trading entity or other person;

**Repeal**

**187.** The following are repealed with effect from the date this Act comes into force —

- (a) section 9 of the Drugs (Prevention of Misuse) Act, Cap. 3.02;
- (b) the Drugs (Prevention of Misuse) (Cannabis Cultivation) Regulations, Statutory Instrument, No. 208 of 2021.

**SCHEDULE 1**

(Section 2)

**CLASS A OFFENCE, CLASS B OFFENCE,  
CLASS C OFFENCE AND CLASS D OFFENCE**

<b>Class of Offence</b>	<b>Penalty</b>
Class A Offence	<p>A person who commits a Class A offence —</p> <p>(a) in the case of a first offence, is liable to a fine not exceeding five hundred dollars and forfeiture of the controlled substance;</p> <p>(b) in the case of second offence, is liable to a fine not exceeding one thousand dollars and forfeiture of the controlled substance;</p> <p>(c) in the case of a third and subsequent offence, commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars, forfeiture of the controlled substance and imprisonment for a term not exceeding six months.</p>
Class B Offence	<p>A person who commits a Class B offence —</p> <p>(a) in the case of an individual, is liable on summary conviction to a fine not exceeding fifty thousand dollars or imprisonment for a term not exceeding two years;</p> <p>(b) in the case of a company, on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding three years.</p>
Class C Offence	<p>A person who commits a Class C offence is liable on summary conviction to a fine not exceeding two hundred thousand dollars or imprisonment for a term not exceeding five years.</p>

Class D Offence	<p>A person who commits a Class D offence is liable —</p> <p>(a) on summary conviction to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding five years;</p> <p>(b) conviction on indictment to a fine not exceeding three hundred thousand dollars or imprisonment for a term not exceeding ten years.</p>
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**SCHEDULE 2**

(Section 2)

**QUALIFYING MEDICAL CONDITION**

1. Acute and chronic pain
2. Alzheimer's disease and dementia
3. Amyotrophic lateral sclerosis
4. Anti-neoplastic properties
5. Arthritis and musculoskeletal disorder
6. Asthma
7. Atherosclerosis
8. Autism
9. Cancer, cachexia or a condition that manifests by physical wasting, nausea, or malnutrition associated with chronic disease
10. Chemotherapy induced nausea and vomiting
11. Chron's disease, ulcerative colitis or similar gastrointestinal disorder
12. Dystonia
13. Chronic of debilitating pain
14. Epilepsy or a similar condition that causes debilitating seizures
15. Gastrointestinal System Disorder (irritable bowel syndrome,
16. Glaucoma
17. Inflammatory bowel disease, hepatitis, pancreatitis, metabolic syndrome, obesity

18. Glaucoma
19. HIV, Acquired Immune Deficiency Syndrome or an autoimmune disorder
20. Huntington's Disease
21. Hypertension
22. Inflammation
23. Multiple sclerosis or a similar condition that causes persistent and debilitating muscle spasms
24. Palliative Care
25. Parkinson's Disease
26. Post-traumatic Stress Disorder
27. Spinocerebellar Ataxias
28. Stress and Psychiatric Disorder
29. Tourette's Syndrome
30. Wasting Syndrome; Cancer, Anorexia Nervosa

**SCHEDULE 3**

(Section 16)

**OATH OF SECRECY**

I, \_\_\_\_\_, do solemnly swear that I will faithfully, truly and to the best of my judgement, skill and ability, execute and perform the duties required of me as a member of the \*Cannabis Advisory Council/committee and unless ordered so to do by a court will not disclose, communicate or convey or allow to be disclosed, communicated or conveyed directly or indirectly to any person, any private or confidential information obtained by virtue of the performance of my duties with the Council/committee.

I further promise and swear that I will not allow any person to inspect or have access to any documentation or record over which I have control, care or custody and I will conscientiously endeavour to prevent any person from inspecting, or having access to any such information or documentation.

Oath taken at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_.



**SCHEDULE 4**

(Section 57)

**PART A  
TYPES OF LICENCE TO CONDUCT CANNABIS OR  
INDUSTRIAL HEMP ACTIVITY**

The types of licences are —

1. Cultivator's Licence
2. Processor's Licence
3. Transport Licence
4. Importer's Licence
5. Exporter's Licence
6. Research Licence
7. Public Space Consumption Licence.

**PART B  
CLASSES OF LICENCES FOR  
COMMERCIAL CANNABIS OR INDUSTRIAL HEMP ACTIVITY**

1. The classes for a Cultivator's Licence are —
  - (a) Traditional Cultivator's Licence —
    - (i) Traditional Medicinal Cannabis Cultivator's Licence,
    - (ii) Traditional Industrial Hemp Cultivator's Licence;
  - (b) Medicinal Cannabis Cultivator's Licence —
    - (i) Medical Tier One (Extra Small Scale Medical Cultivation Licence,
    - (ii) Medical Tier Two (Small Scale Medical Cultivation Licence,
    - (iii) Medical Tier Three (Medium Scale Medical Cultivation Licence,
    - (iv) Medical Tier Four (Large Scale Medical Cultivation Licence,

- (v) Medical Tier Five (Extra Large Scale Medical Cultivation) Licence;
- (c) Industrial Hemp Cultivator's Licence are —
  - (b) Industrial Tier One (Extra Small Scale Industrial Cultivation) Licence;
  - (c) Industrial Tier Two (Small Scale Industrial Cultivation) Licence;
  - (d) Industrial Tier Three (Medium Scale Industrial Cultivation) Licence;
  - (e) Industrial Tier Four (Large Scale Industrial Cultivation) Licence;
  - (f) Industrial Tier Five (Extra Large Scale Industrial Cultivation) Licence.
- 2. The classes for a Processor's Licence are —
  - (a) Cannabis Processor's Licence;
  - (b) Hemp-derived Product Processor's Licence;
  - (c) Industrial Hemp Processor's Licence;
- 3. The classes for a Transport Licence are —
  - (a) Cannabis Transport Licence;
  - (b) Industrial Hemp Transport Licence.
- 4. The classes for a Importer's Licence are —
  - (a) Cannabis Importer's Licence;
  - (b) Industrial Hemp Importer's Licence.
- 5. The classes for a Exporter's Licence are —
  - (a) Cannabis Exporter's Licence;
  - (b) Industrial Hemp Exporter's Licence.

**SCHEDULE 5**

(Section 164)

**TICKETABLE OFFENCES**

<b>Offence</b>	<b>Section</b>	<b>Fixed penalty</b>
<b>1.</b> Giving, transferring or permitting the use of cannabis by a young person.	section 130	\$500.00
<b>2.</b> Cultivating more than four cannabis plants but less than twelve cannabis plants.	section 135	\$500.00
<b>3.</b> Possession of a quantity of cannabis of more than thirty grammes but less than sixty grammes of cannabis.	section 139(a)	\$250.00
<b>4.</b> Possession of a quantity of cannabis of more than sixty grammes but less than one pound of cannabis	section 139(b)	\$500.00
<b>5.</b> Possession of more than one pound of cannabis or a prescribed trafficable amount of cannabis plants	section 139(c)	\$750.00
<b>6.</b> Operating, navigating, or being in physical control of a motor vehicle, aircraft, heavy equipment, off-road recreational vehicle or motor boat while under the influence.	section 141(1)(b)	\$500.00

No.]

*Cannabis and Industrial Hemp Act*

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7. Smoking and vaping cannabis or phytocannabinoids in a public place or public omnibus.	section 143	\$500.00
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Passed in the House of Assembly this    day    of    , 2025.

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*Speaker of the House of Assembly.*

Passed in the Senate this day    of    , 2025.

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*President of the Senate.*