



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

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Minister of Legal Affairs

HOR Bill No: 23 of 2019

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progress can be found on the Bill's
home page through the Parliament's
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BILL ESSENTIALS

BILL ESSENTIALS NO. 26, 2019–2020

10 DECEMBER, 2019

The Cannabis Control Bill, 2019

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BACKGROUND

1. **The Cannabis Control Bill, 2019**¹ (hereinafter referred to as “**the Bill**”) was introduced in the House of Representatives by the Honourable Attorney General and Minister of Legal Affairs on November 22, 2019 and seeks to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and for related matters.
2. This Bill establish control and accountability mechanisms for the use of cannabis by persons for religious and medicinal activities. The legislation also establishes the Trinidad and Tobago Cannabis Authority with responsibility for the regulatory control of the handling of cannabis.
3. The legislation, once passed, will come into effect on such date fixed by the President for proclamation.

KEY FEATURES OF THE BILL








Interpretation

4. **Clause 3** of the Bill proposes to introduce the definitions of certain terms used in the Bill, *inter alia*:-
 -  “*authority*” - the Trinidad and Tobago Cannabis Licensing Authority established under Section 4 of the Bill;
 -  “*cannabis*” - all parts of any plant of the genus cannabis including any resin obtained from the plant;
 -  “*cannabis material*” – cannabis, cannabis resin and any other raw material derived from the cannabis plant;
 -  “*cannabis resin*” - the separated resin, whether crude or purified, obtained from any plant of the genus cannabis;
 -  “*cannabidiol/CBD*” - a substance found in the cannabis plant which reacts with specific receptors in the human brain and body to give a therapeutic effect;
 -  “*dangerous drug*” - a narcotic drug listed in the First Schedule of the Dangerous Drugs Act² or a thing that contains such a drug or a psychotropic substance listed in the






¹ <http://www.ttparliament.org/publications.php?mid=28&id=869>

² **Chap 11:25:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.25.pdf

Second Schedule of the Dangerous Drugs Act or a thing that contains such a substance;

-  “*environmental commission*” - the Commission established under section 81 of the Environmental Management Act³;
-  “*medical practitioner*” – legal recognition of any person as a medical practitioner or member of the medical profession registered under the Medical Board Act⁴;
-  “*medicinal cannabis*” – cannabis that is handled under a licence issued under the Bill;
-  “*patient*” – a person who suffers from a medical condition which may be treated with medicinal cannabis prescribed or recommended under this Bill;
-  “*pharmacist*” – a person registered as such under the Pharmacy Board Act⁵;
-  “*pharmacy*” – a place registered as a pharmacy under the Pharmacy Board Act; and
-  “*tetrahydrocannabinol/THC*” - the main active ingredient in cannabis and one of the many naturally occurring chemical compounds found in cannabis.

Establishment of the Authority and its Functions

5. **Clause 4** of the Bill establishes a body corporate known as the ***Trinidad and Tobago Cannabis Licensing Authority*** which would be responsible for the regulatory control of the handling of cannabis under this Bill and which shall be vested with such powers as necessary or expedient for the performance of its functions.
6. **Clause 5** of the Bill establishes the functions of the authority, *inter alia*:-
 -  to grant, amend, suspend, revoke or cancel licences and establish the terms and conditions of licences;
 -  to inspect, monitor and assess the handling of cannabis pursuant to the licences granted, to ensure compliance with this Bill and with the terms and conditions of the licences;
 -  to take enforcement measures in the event of noncompliance or breach of any of the provisions of this Bill or any of the terms or conditions of the licence;
 -  to establish and maintain a register of licensees; and
 -  to ensure proper disposal requirements are prescribed for the safe disposal of cannabis which is handled under this Bill.

³ Chap 35:05: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf








⁴ Chap 29:50: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/29.50.pdf

⁵ Chap 29:52: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/29.52.pdf

Establishment of the Board

7. **Clause 6** of the Bill provides for the appointment of a nine (9) Member Board of Directors of the Authority. The Board shall be appointed by the President from among persons with qualifications and experience in the following disciplines⁶:
- i. law
 - ii. management
 - iii. finance or accounting
 - iv. medicine
 - v. scientific research
 - vi. agriculture
 - vii. law enforcement
 - viii. education
 - ix. drug rehabilitation
8. **Clause 6** also provides for the remuneration of the Members of the Board, which shall be reviewed by the Salaries Review Commission.

Revocation of Appointment

9. **Clause 8** of the Bill provides for revocation of the appointment of a Member of the Board if he/she:-
-  is declared bankrupt under the laws of Trinidad and Tobago or any other country;
 -  becomes of unsound mind;
 -  is incapable or unable to perform his duties as a member;
 -  is absent from three consecutive meetings without leave of the Board;
 -  is or becomes engaged or employed in the handling of cannabis or acquires an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority;
 -  is convicted of an indictable offence or an offence involving dishonesty or is sentenced to imprisonment for a term of six (6) months or more; or
 -  misbehaves in office, brings his office into disrepute, or any other reasonable cause.

⁶ The legislation does not specify whether each discipline must be represented in the membership of the Board.

Immunity of Members

10. Pursuant to **Clause 10** Members shall not be held personally liable for anything done or omitted in the discharge or purported discharge of their official functions and duties of the Authority, unless it is shown that such act or omission was reckless or in bad faith.
11. In addition, any sums of money, damages or cost recovered against the Authority for anything done, omitted or permitted to be done in good faith, in the course of the operations of the Authority, would be paid from monies appropriated by Parliament.

Quorum and Decisions of the Board

12. **Clause 12** of the Bill establishes the quorum of the Board as five (5) members and any decisions made by the Board shall be by a majority of the votes of all members present and voting.

Appointment of Committees

13. **Clause 13** of the Bill provides for the Board to appoint committees to examine and report on any matter whatsoever arising out of, or connected with, its functions and powers.

Disclosure of Interest

14. **Clause 14** of the Bill establishes the requirement for every member to submit a Declaration to the Minister in approved form, stating whether or not he is engaged or employed in the handling of cannabis or has an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority, within one (1) month after his appointment. A Member who fails to disclose his/her interests would be liable on summary conviction to a fine of one hundred and fifty thousand dollars (\$150,000.00) and imprisonment for two (2) years.

Chief Executive Officer

15. **Clause 15** of the Bill provides for the Authority to employ a person with qualifications and experience in finance, management or accounting to be the Chief Executive Officer (CEO) of the Authority for three (3) years. The CEO would be responsible for the daily management of the Authority, subject to the directions of the Board. The CEO is prohibited from being or becoming engaged or employed in the handling of cannabis or having an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

Staff of the Authority and Experts

16. **Clause 16** of the Bill provides for the Authority to employ such persons as considered necessary for the efficient performance of its functions on such terms and conditions as agreed upon. The Authority can also engage an expert, adviser or consultant on contract to assist in conducting its regulatory responsibilities and to provide advice or other service in such a manner that avoids any conflict of interest or improper influence on the Authority's regulatory decision-making.
17. Moreover, any employee who:
- fails to submit to the a declaration in approved form to the CEO, stating any actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority; or
 - in the performance of his duties, takes part in any deliberations or decision which is likely to affect that interest
- commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars (\$150,000.00) and imprisonment for two (2) years.

Delegation of Functions

18. **Clause 17** of the Bill empowers the Board to delegate any of its functions of the Authority, the CEO or designated officer, by written instrument as necessary.





Confidentiality

19. **Clause 18** of the Bill establishes that members of the Board, employees of the Authority and designated persons must treat documents, information or other related matters as secret and confidential and are required to make and subscribe to an oath of secrecy to that effect before a Justice of the Peace.
20. Any member, employee of the Authority or designated person who discloses documents, information or any other related matter in contravention of this section commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars (\$500,000.00) and imprisonment for a term of two (2) years.

Establishment of the Fund

21. **Clause 20** of the Bill establishes the Trinidad and Tobago Cannabis Licensing Authority Fund which shall comprise monies from:-







 appropriations by Parliament from the Consolidated Fund;

-  fees and other charges collected by the Authority;
-  sums of money borrowed by the Authority to meet any of its obligations or for discharging its functions;
-  sums of money received by, or owed to, the Authority for the performance of its functions or the exercise of its powers; and
-  such other sums which may become payable to, or vested in, the Authority

22. The authority is strictly prohibited from borrowing any sums, or accepting or receiving any money by way of a grant or donation, from any person or entity regulated by the Authority.

Application of Fund

23. **Clause 21** of the Bill establishes the instances in which the monies contained in the Fund may be applied in defraying expenses including:-

-  the acquisition of property by the Authority in the course of performing its functions or exercising its powers;
-  the remuneration and allowances of Members;
-  the remuneration, allowances and gratuities payable to the CEO and to employees of, and persons engaged on contract by, the Authority;
-  capital and operating expenses, including maintenance and insurance of the property of the Authority;
-  research, training and other related matters; and
-  any other authorised expenditure by the Authority, in the performance of its functions.

Accounts

24. **Clause 24** of the Bill establishes the requirement for Authority to keep proper books of accounts and records of all sums received and expended by the Authority and to record the matters in respect of which such sums were received and expended.

25. The Authority is also required to prepare a report on the Authority's activities and financial statements, within three (3) months after the end of each financial year, for that year. A copy of such report and financial statements must be forwarded to the Minister to be laid in Parliament immediately thereafter.

Audit of accounts

26. **Clause 25** of the Bill establishes that the accounts of the Authority are public accounts as stipulated under **Section 116 of the Constitution**. Once the accounts of the Authority have been audited, the Auditor General must submit his report in accordance with **Section 116 of the Constitution** and shall simultaneously forward a copy of the said report to the Minister.

Power to Borrow

27. **Clause 26** of the Bill provides for the Authority to borrow monies required for meeting any of its obligations under this Bill, from persons or entities which are not regulated by the Authority, with the Minister's approval.

Power to Invest

28. **Clause 27** of the Bill provides for the Authority to invest monies in securities which is not immediately required to be expended to meet any obligations or discharge any function of the Authority, with the Minister's approval.



Exemption from Taxes, etc.







29. **Clause 28** of the Bill exempts the Authority and its assets, property, income, operations and transactions from all taxation of every kind and description, including customs duties, corporation tax, value added tax, property tax, stamp duty, business levy and green fund levy.

Annual Report






30. **Clause 29** of the Bill establishes the requirement for the authority to submit annually to Parliament a report on the Authority's activities during that calendar year, within three (3) months after the end of each calendar year.

Types of Licences

31. **Clause 30** of the Bill provides for the Authority to issue any of the following licences for medicinal, therapeutic or scientific purposes:-
-  a Cultivator Licence - issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis;
 -  a Research and Development Licence - issued to allow for the conduct of scientific research for the purpose of improving or further developing cannabis;




-  a Laboratory Licence - issued to allow for the conduct of testing and analytical services for the purpose of improving or further developing medicinal cannabis;
-  a Processor Licence - issued to allow for activities relating to the processing of cannabis material and the production of medicinal cannabis, including but not limited to, edibles and other derivatives;
-  a Retail Distributor Licence - issued to allow for the operation of a dispensary for the dispensing of medicinal cannabis to patients;
-  an Import Licence - issued to allow for the importation of cannabis from any country where it is legal so to do;
-  an Export Licence - issued to allow for the exportation of cannabis to any country in keeping with the laws of any such country; or
-  a Transport Licence - issued to allow for the transport of cannabis.

32. The Authority can also issue any of the following licences for religious purposes:-

-  a Cultivator (Religious) Licence - issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis;
-  a Dispensary (Religious) Licence - issued to allow for the storage and dispensing of cannabis;
-  an Import (Religious) Licence - issued to allow for the importation of cannabis from any country where it is legal so to do;
-  an Export (Religious) Licence - issued to allow for the exportation of cannabis to any country in keeping with the laws of any such country; or
-  a Transport (Religious) Licence - issued to allow for the transport of cannabis.

Eligibility for a Licence



33. **Clause 31** of the Bill establishes that a company, firm, co-operative society or a person eighteen (18) years of age or older is eligible to apply for a License under this Bill provided that:-

-  he is a citizen of Trinidad and Tobago;
-  he is a permanent resident of Trinidad and Tobago; or
-  he is a citizen of a CARICOM Member State, other than Trinidad and Tobago.






34. Persons with an addiction to a dangerous drug as certified by a medical practitioner or a previous conviction of an indictable offence under the Dangerous Act or the Proceeds of

Crime Act shall not be eligible for a licence. Companies, firms or co-operative societies shall not be eligible for a licence unless at least thirty (30) per cent of the company, firm or co-operative society is owned by a person who is eighteen (18) years of age or older and is a citizen of Trinidad and Tobago; is a permanent resident of Trinidad and Tobago; or is a citizen of a CARICOM Member State, other than Trinidad and Tobago.




35. A controller of a religious organisation can apply for a licence behalf of the religious organisation where:-

-  the religious organisation is registered under the Non-Profit Organisations Act, 2019; and
-  the constituent documents of the religious organisation state that cannabis is required for religious purposes as a sacrament in adherence to a religious practice of the religious organisation.

36. The application for a licence must include:-

-  the name, address and contact information of the controller of the religious organisation;
-  the name, address and contact information of the persons appointed as leaders of the religious organisation;
-  the address of the place of worship of the religious organisation;
-  a survey plan of the land on which cannabis for use in accordance with this Act is to be cultivated; and
-  the proposed arrangements for the transportation of the cannabis from the land on which it is proposed to be cultivated, to the place of worship or to the sacramental dispensary.

37. The application for a licence must be made to the Authority in approved form accompanied by:-

-  a declaration in prescribed form that, if the licence is granted, the licensee would consent to the entry of inspectors on any premises specified in the licence, other than a dwelling house, during normal working hours or such other times as the premises are open to the public or otherwise in use by the licensee, for the purposes of the exercise of their powers;
-  the prescribed fee; and
-  such other documents as prescribed.






38. An applicant for a licence who knowingly provides false or misleading information to the Authority commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars (\$150,000.00) and to imprisonment for a term of two (2) years.

Further information re. licence



39. **Clause 32** of the Bill provides for the Authority to request such further information relative to the application from the applicant as deemed fit, on receipt of an application for a licence. Such information must be supplied by the date specified in the request.
40. Failure to provide such information requested by the specified date would require the applicant to apply to the authority in writing, for additional time to provide the requested information and the reasons for failing to comply, accompanied by the prescribed fee. Upon receipt of such application, the Authority may grant such additional time as deemed fit.
41. Failure to provide the requested information within the additional time granted may lead to the authority refusing to grant the licence.

Notice of application to be published




42. **Clause 33** of the Bill establishes that where the Authority receives an application for a licence, it must publish in the Gazette and at least twice during a period of two (2) weeks in two (2) newspapers in daily circulation in Trinidad and Tobago, a notice of such.
43. Such notice must state:-

-  the name of the applicant;
-  the type of licence for which the application is made;
-  the address of the facility or other premises for which the application is made or where any licensed activity is to be conducted;
-  any written objections to the granting of the licence accompanied by reasons;
-  such other information as prescribed.

Considerations for grant of a Licence

44. **Clause 34** of the Bill provides for the Authority to grant a licence once satisfied that the applicant:-
-  has met the requirements of this Act for the grant of the licence; and
 -  if granted the licence, would be able to fulfil the obligations of a licensee under this Bill and to comply with this Bill and the terms and conditions of the licence.

Notice of grant or refusal of Licence

45. **Clause 35** of the Bill establishes that where the Authority decides to grant or refuse to grant a licence, it must inform the applicant of its decision in writing.
46. Refusal of a licence must be accompanied by the reasons for such refusal. The Authority must then give the applicant at least fourteen (14) days to submit written representations.
47. The Authority has the power to grant a licence for the importation of cannabis, with the necessary approvals for the importation of a quantity being less than what was contained in the application made.
48. The Authority is also required to give notice to the Transport Commissioner and the Commissioner of Police where a Transport Licence or a Transport (Religious) Licence is granted to transport cannabis within Trinidad and Tobago. Such Notice must contain:-
 -  the name and contact details of the licensee;
 -  the type and quantity of cannabis to be transported; and
 -  the location from which and to which the cannabis is to be transported and the route to be used.

Terms and Conditions of Licence

49. **Clause 36** of the Bill provides for the terms and conditions of licences and specifies that a licence shall not be transferable. It would be a condition of every licence that the licensee consents to the entry of inspectors on any premises specified in the licence, other than a dwelling house, during normal working hours or when the premises are open to the public or otherwise in use by the licensee.
50. **Clause 37** of the Bill provides that a licence shall be valid for three (3) years, and that a Transport Licence or Transport (Religious) Licence shall be valid for the time specified in the licence. **Clause 38** of the Bill provides of the renewal of licences. In an instance where the Authority decides to renew or refuse to renew a licence, it shall, in writing, inform the applicant of its decision. A licensee would be given an opportunity to make written representations before the renewal of his licence is refused.
51. **Clause 39 to 41** of the Bill provides for the enforcement of the proposed Act and terms and conditions of licences, including the issuing of Notices of Non-Compliance, the requirement for licensees to take corrective action within a specified timeframe and the suspension or revocation of licences.

52. A Notice of Non-Compliance shall contain the areas in which the licensee is not in compliance and the corrective action required to be compliant. Where a licence is suspended or revoked the licensee shall immediately cease all activities under the licence.
53. **Clause 42** of the Bill provides for the process to be followed where a licensee wishes to surrender his licence. A surrendering of a licence includes disposing of any cannabis in his possession and ceasing all activities under the licence. A licence is surrendered once the surrender is approved by the Authority.

PART V – Medical Cannabis

54. This Part of the Bill seeks to make provision for the use of medicinal cannabis, by outlining who is authorized to use and to dispense medicinal cannabis. It also provides for the limitation of doses that may be dispensed by an authorized person at any given time and to whom doses of medicinal cannabis may be dispensed. This Part also makes provision for caregivers to patients of medicinal cannabis and the roles, functions and duties that they hold in relation to the general care of patients and the administration of medicinal cannabis.
55. **Clause 43** of the Bill prohibits the use of medicinal cannabis without being authorised to use it by a prescription or upon recommendation by a medical practitioner. A person who breaches this provision commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars (\$100,000.00) and to imprisonment for a term of ten (10) years.
56. This clause further provides that a child may use medicinal cannabis once a parent or guardian of, or a person with the responsibility for a child obtains a written certificate from a medical practitioner which certifies that the use of medicinal cannabis is necessary in the case of that child. In such a case, the parent or guardian must consent in writing to the use of cannabis by the child. A person who breaches this provision commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars (\$100,000.00) and to imprisonment for a term of ten (10) years.
57. **Clause 44** of the Bill limits the number of doses of medicinal cannabis that a pharmacy or dispensary would be able to supply at a time. It provides that where a person has been prescribed or recommended to use a repeated usage of medicinal cannabis, a pharmacy or dispensary shall not dispense to the patient more than a thirty (30) day supply of individual doses at a time.

58. **Clause 45** of the Bill requires a medical practitioner to keep records of every patient to whom he has prescribed or recommended medicinal cannabis and the name and contact information of his/her caregiver. This Clause further provides that the medical practitioner, at the direction of the Authority may be called upon to submit to the Authority such information from his records, other than the name or identity of any patient which he may have prescribed or recommended its use.
59. **Clause 46** of the Bill provides for the designation of caregivers for patients who are prescribed or recommended to use medicinal cannabis. The patient may designate a caregiver. Further, a parent or legal guardian of a patient who is a minor or a young person shall be deemed to be the caregiver of that person unless the parent or guardian designates another person or a person is designated to be the caregiver by an order of the Court. A caregiver must be over the age of eighteen (18) years.
60. **Clause 47** of the Bill permits pharmacists and their authorized personnel to dispense medicinal cannabis to a patient or his caregiver upon the presentation of a prescription or recommendation from a medical practitioner and a valid form of identification. Part VI of the Bill would make special provisions with respect to cannabis for religious purposes.

PART VI – Cannabis for Religious Purposes

61. **Clause 48** of the Bill would prohibit the commercial sale or supply of cannabis where the handling of the cannabis is licensed for religious purposes. A person who breaches this provision commits an offence and is liable on summary conviction to a fine of ten thousand dollars (\$10,000.00) and to imprisonment for a term of six (6) months.
62. **Clause 49** of the Bill prohibits the operation of a sacramental dispensary for profit, financial or monetary gain or compensation. A sacramental dispensary would be required to dispense cannabis only to persons registered as adherents to the religious organisation, to dispense no more than thirty (30) grams of cannabis to any single adherent and to establish and maintain prescribed records.
63. **Clause 50** of the Bill provides for the declaration of exempt events by an Order made by the Minister, if he is satisfied that the event is promoted by an adherent of a religious organisation in respect of which a licence has been issued and is held primarily for religious purposes. No person would be liable to be arrested, detained or prosecuted with respect to the use or other handling of cannabis at or for the purposes of an exempt event unless he is in breach of a condition specified in the Order.

64. **Clause 51** of the Bill prohibits a person from causing or permitting a child to use cannabis at a place of worship, a sacramental dispensary or an exempt event. A person who breaches this provision commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars (\$250,000.00) and to imprisonment for a term of five years.






PART VII – Registers

65. **Clauses 52 to 59** of the Bill provide for the establishment and maintenance of registers by the Authority in respect of each type of licence, the issuing of certificates by the Chief Executive Officer, the access of persons to registers at the office of the Authority and via the Authority's website and the prohibition of the unauthorised altering of a register. It should be noted that a person who alters a register without lawful authority commits an offence and is liable on summary conviction to a fine of fifty thousand dollars (\$50,000.00) and to imprisonment for a term of one year.

PART VIII – Inspections




66. **Clauses 60 to 65** provide for the establishment of an inspection programme by the Authority to monitor compliance with the proposed Act and terms and conditions of licences; the conduct of inspections by inspectors appointed by the Authority; the powers of inspectors (including the power to enter premises specified in a licence, other than a dwelling house, without a warrant); and the power of police officers to enter a dwelling house with a warrant where there are reasonable grounds for believing that an offence under the proposed Act has been committed.

67. **Clause 64** provides for the powers of Inspectors. These powers include, the power to:

-  enter any premises specified in a licence, other than a dwelling house, with or without a warrant;
-  verify compliance with this Act and the terms and conditions of any licence;
-  take photographs of anything;
-  seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law; and
-  direct the temporary suspension of any activity which he reasonably believes to be in contravention of this Act.

68. **Clause 65** of the Bill prescribes for the issuing of a warrant by a Magistrate where there are reasonable grounds for believing that an offence under the proposed Act has been or is

about to be committed in any dwelling house. A Magistrate may issue a warrant authorising a police officer to:

-  enter at any time the place named in the warrant with force if necessary, and inspect that place;
-  detain a person found in that place in respect of whom there is reasonable suspicion regarding the commission of an offence under the proposed Act; or
-  seize anything which may be of evidential value for the prosecution of an offence under the proposed Act or any other written law.

PART IX – Miscellaneous

69. **Clauses 66 to 69** of the Bill make certain miscellaneous provisions.
70. **Clause 66** of the Bill enables the Authority to impose civil penalties for the breach of terms and conditions of licences. The Authority is empowered to require the licensee to pay to the Authority a civil fine in the sum of five thousand dollars (\$500,000.00) for any single breach and in the case of a continuing breach, an additional civil fine of five hundred dollars (\$500,000.00) for every day the breach continues.
71. **Clause 67** of the Bill provides a general penalty for criminal offences under the proposed Act where a penalty is not provided. A person who contravenes such a provision is liable on summary conviction to a fine of one hundred thousand dollars (\$100,000.00) and in the case of a continuing offence to a further fine of one thousand dollars (\$100,000.00) for each day that the offence continues after conviction.
72. **Clause 68** of the Bill provides for appeals to the Environmental Commission from decisions of the Authority.
73. **Clause 69** of the Bill provides for the making of Regulations. The Regulations may provide that any breach shall amount to an offence punishable on summary conviction to a fine not exceeding one hundred thousand dollars (\$100,000.00) and imprisonment for a term not exceeding two (2) years.

COMPARATIVE LEGISLATION

Definition of “medicinal cannabis”

St. Vincent and the Grenadines	Barbados	Antigua and Barbuda
<i>The Medicinal Cannabis Industry Act, 2018</i>	<i>Medicinal Cannabis Authority Bill, 2019</i>	<i>Cannabis Act, 2018</i>
<p>“medicinal cannabis” means –</p> <p>a) cannabis cultivated for medicinal purposes;</p> <p>b) cannabis material manufactured for medicinal purposes; or</p> <p>c) a medicinal cannabis product manufactured or obtained for medicinal purposes, in accordance with a licence issued pursuant to this Act or Regulations made pursuant to this Act.</p> <p>The Medicinal Cannabis Industry Act also defines “medicinal cannabis product” as a substance, compound, preparation or mixture that is produced or manufactured from cannabis material for the treatment of a qualifying medical condition.</p>	<p>“medicinal cannabis” means –</p> <p>(a) cannabis that is grown and sold pursuant to this Act;</p> <p>(b) seeds, immature plants as well as all parts of the plant, along with resin extracted from any part of the plant;</p> <p>(c) every compound, manufacture, salt, derivative, mixture or preparation from cannabis; or</p> <p>(d) cannabis concentrate;</p> <p>that is cultivated, processed, manufactured, distributed or sold under a licence.</p>	<p>“Medicinal Cannabis” means cannabis that is grown and sold pursuant to this Act and includes seeds, immature plants, mature plants and includes all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including cannabis concentrate that is cultivated, manufactured, distributed, or sold by a licensed medicinal cannabis establishment, but does not include fiber produced from stalks, oil or cake made from the seeds of the plant, sterilized seeds of the plant which is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.</p>

Definition of “medicinal cannabis product”

St. Vincent and the Grenadines	Barbados	Antigua and Barbuda
<i>The Medicinal Cannabis Industry Act, 2018</i>	<i>Medicinal Cannabis Authority Bill, 2019</i>	<i>Cannabis Act, 2018</i>
<p>“medicinal cannabis product” means a substance, compound, preparation or mixture that is produced or manufactured from cannabis material for the treatment of a qualifying medical condition;</p>	N/A	<p>“Medicinal Cannabis-Infused Product” means a product infused with Medicinal Cannabis that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures and such products shall not be considered a food or drug for purposes of the Antigua and Barbuda Bureau of Standards, such medicinal edible products will undergo testing for safety at a licensed Medicinal Cannabis Testing Facility;</p>

Provisions for Caregivers

St. Vincent and the Grenadines	Barbados	Antigua and Barbuda
<i>The Medicinal Cannabis Industry Act, 2018</i>	<i>Medicinal Cannabis Authority Bill, 2019</i>	<i>Cannabis Act, 2018</i>
<p>(1) Subject to the provisions of this section, a patient may designate a person who has responsibility for the immediate care and safety of the patient, as caregiver, to assist him in obtaining and administering medicinal cannabis.</p> <p>(2) A patient who is a minor shall have a caregiver, who shall be either a parent or legal guardian of the minor.</p> <p>(3) A person who is under the age of twenty-one shall not be designated as a caregiver.</p> <p>(4) Subject to any Regulations made under this Act, a person shall not be a caregiver for more than two patients.</p> <p>(5) A caregiver shall not be a person who – (a) has been charged or convicted of an offence under – (i) the Drugs (Prevention of Misuse) Act; (ii) the Drug Trafficking Offences Act; (iii) the Proceeds of Crime and Money Laundering (Prevention) Act; (iv) any other relevant enactment prescribed by the Minister, by order; or (b) has a history of substance abuse.</p> <p>(6) Pursuant to subsection (1) and (2), where a patient designates a caregiver or is a minor, the medical doctor shall, in addition to the particulars outlined in section 38, include the following additional particulars on the medical certification- (a) the name, address and date of birth of the caregiver; (b) proof of identity of the caregiver; and (c) a recent police record of the caregiver.</p> <p>(7) In addition to the particulars outlined in subsection (6), the caregiver shall be required to sign the medical certification as proof of his consent to undertake the immediate care and safety of the patient and to assist the patient in obtaining and administering medicinal cannabis.</p>	<p>(1) Subject to subsections (2) and (3), a patient may designate a person as a caregiver and that person has the responsibility for the immediate care and safety of the patient; to assist him with obtaining or using medicinal cannabis; or to act in the best interest of that person.</p> <p>(2) A guardian appointed for a person by the Court under the Mental Health Act, Cap. 45 shall be deemed to be the caregiver of that person.</p> <p>(3) A parent or legal guardian of a patient who is a minor or young person shall be deemed to be the caregiver for that minor or young person unless that parent or legal guardian designates another person or a person is designated by an order of the Court.</p> <p>(4) A person who is designated as a caregiver under this Act shall obtain from a medical practitioner a certificate that states that the caregiver is not addicted to a controlled drug</p> <p>(5) A person who is under the age of 18 years shall not be designated as a caregiver.</p> <p>(6) A caregiver shall not be a person who has been convicted of an indictable offence under the Drug Abuse (Prevention and Control) Act, Cap. 131.</p> <p>(7) A patient who changes his caregiver shall notify his medical practitioner of the change, and give that medical practitioner such information as the medical practitioner may require in respect of the new caregiver.</p>	<p>(1) Subject to the provisions of this section, an authorized patient may designate a person who has responsibility for the immediate care and safety of the authorized patient, as a caregiver, to assist him in obtaining and administering medicinal cannabis.</p> <p>(2) An authorized patient who is a minor shall have a caregiver, who shall be either a parent or legal guardian of the minor.</p> <p>(3) Subject to any Regulations made under this Act, a person shall not be a caregiver for more than two patients.</p> <p>(4) A caregiver shall not be— (a) a person who has been charged or convicted of an offence under— (i) the Misuse of Drugs Act, Cap. 283; (ii) the Proceeds of Crime Act; (iii) the Money Laundering (Prevention) Act; or (iv) any other relevant enactment prescribed by the Minister, by order; or (b) a person who has a history of substance abuse; (c) a person under the age of eighteen; or (d) a medicinal cannabis business.</p> <p>(5) Pursuant to subsection (1) and (2), where a patient designates a caregiver or is a minor, the authorized medical professional shall issue a special caregiver authorisation and enter the caregiver’s information into the Antigua and Barbuda Cannabis Tracking system.</p> <p>(6) In addition to the particulars outlined in this section, the caregiver shall be required to give proof of consent to undertake the immediate care and safety of the patient and will be thereby authorized to assist the patient in obtaining and administering medicinal cannabis and will be authorized to obtain, possess and store medicinal cannabis on behalf of the authorized patient</p>

REFERENCES

KEY LEGISLATION



Cannabis Control Bill, 2019

<http://www.ttparliament.org/legislations/b2019h23.pdf>



Dangerous Drugs (Amendment) Bill, 2019

<http://www.ttparliament.org/legislations/b2019h24.pdf>

LEGISLATION FROM OTHER JURISDICTIONS



Jamaica Dangerous Drug (Amendment) Act 2015

[https://japarliament.gov.jm/attachments/341_The%20Dangerous%20Drug%20\(Amendment\)%20bill,%202015%20No.%205.pdf](https://japarliament.gov.jm/attachments/341_The%20Dangerous%20Drug%20(Amendment)%20bill,%202015%20No.%205.pdf)



Antigua and Barbuda Cannabis Act, 2018

<http://laws.gov.ag/wp-content/uploads/2019/03/The-Cannabis-Act-2018-No.-28-Final.pdf>



Barbados Sacramental Cannabis Bill 2019

https://www.barbadosparliament.com/uploads/bill_resolution/c4433732d6d7e8242403e549be66dcae.pdf



Barbados Medical Cannabis Industry Bill 2019

https://www.barbadosparliament.com/uploads/bill_resolution/649f0a83657d6e8a0ae7ec0e10894863.pdf



Saint Vincent and the Grenadines Medicinal Cannabis Industry Act 2018

<https://mca.vc/wp-content/uploads/2019/05/Medicinal-Cannabis-Industry-Act-2018.pdf>



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