

SENATE

Tuesday, May 10, 2022

The Senate met at 10.00 a.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

**CANNABIS CONTROL BILL, 2020**

Bill 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 connected matters, brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. R. Armour SC*]

Question put and agreed to.

SEXUAL OFFENCES (AMDT.) (NO. 2) BILL, 2021

Bill to amend the Sexual Offences Act, Chap. 11:28 and for other related matters, brought from the House of Representatives [*The Attorney General*]; read the first time.

PAPERS LAID

1. Thirty-Fourth Annual Report of the Integrity Commission of Trinidad and Tobago for the year ended December 31, 2021. [*The Vice-President (Sen. Dr. Muhammad Yunus Ibrahim)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2021. [*The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne)*]

3. Annual Report and Consolidated Financial Statement of Accounts of the Central Bank of Trinidad and Tobago for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. A. Browne*]
4. Report of the Cabinet Appointed Expert Committee to Investigate the Causes of the Island Wide Power Outage on Wednesday February 16, 2022. [*Sen. The Hon. Dr. A. Browne*]
5. Report of the Cabinet Appointed Team to Conduct an Independent Investigation into the Abuse of Children at Children's Homes, Rehabilitation Centres and other Institutions which provide Residential Care for Children. [*Sen. The Hon. Dr. A. Browne*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Human Rights, Equality and Diversity

Human Rights of Socially Displaced Persons

Sen. Hazel Thompson-Ahye: Madam President, I have the honour to present the following report as listed on the Order Paper:

Second Report of the Joint Select Committee on Human Rights, Equality and Diversity, Second Session (2021/2022), Twelfth Parliament, on the human rights of socially displaced persons in Trinidad and Tobago with specific focus on their treatment and relocation from Port of Spain public spaces.

Representation of the People (Amdt.) (No. 2) Bill, 2020

Sen. Wade Mark: Thank you, Madam President. Madam President, I have the honour to present the following reports as listed on the Supplemental Order Paper:

Interim Report of the Joint Select Committee on the Representation of the People (Amdt.) (No. 2) Bill, 2020 in the Second Session (2021/2022) of the Twelfth Parliament.

Public Accounts (Enterprises) Committee

National Schools Dietary Services Limited

Fifth Report of the Public Accounts (Enterprises) Committee on an examination of the Audited Financial Statements of the National Schools Dietary Services Limited (NSDSL) for the financial years 2016 to 2019 and follow-up on the implementation of the recommendations in the Report of the Auditor General on a Special Audit of the School Nutrition Programme managed by NSDSL, Second Session, Twelfth Parliament.

ORAL ANSWERS TO QUESTIONS

Madam President: Leader of Government Business.

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Madam President, there are four questions for oral answer on the Order Paper and the Government is prepared to answer each and all of them.

National Insurance Board Report

(Submission of)

75. Sen. Wade Mark asked the hon. Minister of Finance:

In light of the submission of the June 2021 National Insurance Board Report to the Minister, can the Minister indicate when will the report be tabled in Parliament?

Madam President: Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Finance (Hon. Brian Manning): Madam President, good morning. Madam President, this is an extremely strange question

because the 2021 Annual Report of the National Insurance Board was laid in the House of Representatives on February 11, 2022, and in the Senate on February 15, 2022.

Madam President: Sen. Mark.

Sen. Mark: Could I ask the hon. Minister, what was the reason for the two months and seven days' delay for the laying of this very important report which was due, according to law, on November the 30th, 2021? Can the hon. Minister—

Madam President: No, Sen. Mark, there is no need to repeat the question. I will not allow it based on the question that was posed and the answer that was given.

Sen. Mark: Madam President, can I ask the Minister who stated this report was tabled on February the 7th in the House, can the Minister tell this honourable Senate when did the Government receive the 2021 NIB report?

Madam President: Sen. Mark, for the same reasons, I will not allow that question.

Sen. Mark: Madam President, can I ask through you, why the report which was due to be tabled by November the 30th, 2021, why was it laid two months later? Can the Minister indicate to us, Madam President—

Madam President: Sen. Mark—

Sen. Mark:—whether there was a—*[Inaudible]*

Madam President: No, Sen. Mark, that question is also not allowed. I would ask you to have a look at the question that you initially posed to the Minister. So that question is not allowed based on the question that was posed and the answer that was given.

Sen. Mark: Can I proceed, Madam President?

Madam President: Yes. Next question.

**Open-air Pyre Cremations
(Government's Decision to Lift Ban)**

76. Sen. Wade Mark asked the hon. Minister of Health:

Can the Minister explain the Government's decision to lift the almost two-year ban on open-air pyre cremations?

Madam President: Minister of Health.

Hon. Senators: [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you. Good morning. Good morning to you, Madam President, and good morning to all Members of this honourable Chamber. The matter is presently before the High Court of Trinidad and Tobago and in view of the sub judice rule, I am unable to comment any further on this issue.

Sen. Mark: Madam President, I would like your ruling on a matter that is before a judge as opposed to a jury that is posed to a Minister as it relates to the sub judice rule, please?

Madam President: Sen. Mark, you can ask your supplemental questions. I have listened to the response of the Minister, there is no need for me to give a ruling based on the practice that has been adopted in this Chamber with respect to these responses and what we have been doing in the past. So you are free to ask some questions if you wish.

Sen. Mark: Can I ask the hon. Minister, in light of his response whether he can share with this honourable Senate, without breaching or interfering with the matter that is currently before a judge in the High Court, whether he can share with us any reasons for the decision of the Government to lift this ban, two years subsequent to its imposition?

Madam President: Sen. Mark, I will not allow that question.

Sen. Mark: Madam President, can I ask, you said you are not taking questions because this is a—

Madam President: I—

Sen. Mark: I understand, Madam President, in terms of the sub judice rule. I am very familiar like yourself with the sub judice rule. I am just asking you whether this question, without violating that rule, cannot be addressed by the Minister?

Madam President: Sen. Mark, do you have further supplemental questions or do you want to move on to the next question?

Sen. Mark: Madam President, let me go on to Question No. 77.

Madam President: You are moving on to next question? Yes?

Sen. Mark: Can I?

Madam President: Just one second. Let us just—

Lifeguards' Terms and Conditions

(Government to Address Concerns)

77. **Sen. Wade Mark** asked the hon. Minister of National Security:

Given the concerns expressed by lifeguards with respect to the decision to alter their terms and conditions of employment without negotiations or consultation, to facilitate the extension of hours to beach goers, can the Minister indicate when the Government will meet with lifeguards and their union representatives to urgently address their concerns?

Madam President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): A very good morning. Good morning and thanks to you, Madam President, and good morning to the Members of this honourable Senate. Madam President, this question is stale, out of date and otiose.

Hon. Senator: Like you.

Hon. F. Hinds: The Minister of National Security met with lifeguards and their

representatives on January the 22nd, 2022, and lifeguards have reverted to their normal hours of work; that is to say, 10.00 a.m. to 6.00 p.m. on the 31st of January, 2022. Thank you, Madam President.

Sen. Mark: Madam President, can the hon. Minister indicate prior to this meeting in January of 2022, why did the Government unilaterally alter and/or breach the terms and conditions of employment of these lifeguards without any negotiations or consultation with their representative recognized majority union?

Madam President: Sen. Mark, I will not allow that question.

Sen. Mark: Can the hon. Minister indicate to this House based on his response, what were the terms and conditions of settlement? Or may I recast, can the Minister indicate what was agreed upon between the parties, that is, the lifeguards and their union and the hon. Minister, when they met to address this very important issue?

Madam President: Sen. Mark, I will not allow that question.

Sen. Mark: Can I ask the Minister whether some of the issues confronting the lifeguards in this country, including lack of equipment, infrastructure and other critical facilities were the subject of discussions when they met on January 2022, Madam President?

Madam President: Minister.

Hon. F. Hinds: Madam President, I know my friend on the other side perhaps has a penchant for wanting to get involved in confidential and private discussions. I would not support him on that occasion and therefore I cannot proffer an answer.

Madam President: Sen. Mark.

Sen. Mark: I do not have Pegasus software or hardware. Madam President, may I ask my beleaguered honourable friend if he can share with this honourable Senate, any material information which he as hon. Minister does not consider or do not

consider, Madam President, as confidential, secret and/or private that he can share with this honourable Senate based on discussions held between the parties?

Madam President: Sen. Mark, I will not allow that question. Next question.

Sen. Mark: Do I have a supplemental again?

Madam President: No. I think you asked your four.

Sen. Mark: I have exhausted mine?

Madam President: Yes. Yes.

Sen. Mark: So sorry.

Madam President: Sen. Seepersad.

Utilization of Commercial Divers (Details of)

138. Sen. Charrise Seepersad asked the hon. of Minister of Trade and Industry: Given reports that a number of companies utilize commercial divers, can the Minister advise of the following:

- (i) has an audit of the diving standards and practices of such companies been launched;
- (ii) if the answer to (i) is in the affirmative, what is the expected completion date of the audit; and
- (iii) will the audit report be laid in Parliament?

Madam President: Minister of Trade and Industry.

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Madam President. Madam President, the Ministry of Trade and Industry has no direct responsibility for regulating occupational safety and health in Trinidad and Tobago and as such has not launched any audit of diving standards and practices of companies which utilize commercial divers. It should be

noted that the Occupational Safety and Health Agency, which reports to the Ministry of Labour, is responsible for treating with workplace health, safety and the welfare of workers. However, it should also be noted that one of the terms of reference of the commission of enquiry into the incident that led to the death of four LMCS Limited divers who were contracted by Paria Fuel Trading Company Limited to perform underwater maintenance on a sea pipeline is to examine generally the policy, the procedures, practices and conduct relating to the employees and organized labour for these types of maintenance exercises for Paria and other companies.

Further, commissioners acting within the Commissions of Enquiry Act, Chap. 19:01, have the powers of the High Court to summon witnesses, to call for the production of books, plans and documents and to examine witness and parties concerned on oath. In the circumstances, it is felt that the commissioners should be allowed to complete their work without interference. Parts (ii) and (iii) therefore of the question are therefore not applicable. Thank you.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can I ask through you whether the Government is prepared to provide the Senate with any information relevant to the standards and practices that companies involved in this particular business ought to at least establish via an appropriate audit involving the Bureau of Standards as a body that is responsible for these standards and practices? Can the Minister indicate whether the Government is prepared to share with us such information?

Madam President: Sen. Mark, I will not allow that question.

Sen. Mark: Madam President, may I ask you again whether the hon. Minister, and the Government by extension, is using the commission of enquiry, which is yet to begin, to seek not to address questions that have been legitimately put and

approved by your office as an independent arm of any commission of enquiry?

Madam President: Senator—

Sen. Mark: Can the Minister indicate whether it is an attempt to cover—

Madam President: No. Sen. Mark, I will not allow that question. And I would ask Members, please, we need to lower our voices because there is some disturbance here that I am hearing. Okay? Any other questions? Sen. Mark.

Sen. Mark: Is it my voice?

Madam President: Sen. Mark, you have other questions to ask?

Sen. Mark: No. I just want to know.

Madam President: Have I ever said to you that your voice is a disturbance, Sen. Mark?

Sen. Mark: Because you know these days I am very moderate. [*Laughter*]

Madam President: Leader of Government Business.

JOINT SELECT COMMITTEE

Representation of the People (Amdt.) (No. 2) Bill, 2020

(Extension of Time)

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Madam President, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Representation of the People (Amdt.) (No. 2) Bill, 2020, in the Second Session (2021/2022), Twelfth Parliament, I beg to move that the committee be granted an extension to September 02, 2022, to complete its work and submit a final report.

Question put and agreed to.

Madam President: Leader of Government Business.

RESTORATION OF SPEAKING TIME

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery

Restoration of Speaking Time
Sen. The Hon. Dr. A. Browne (cont'd)

2022.05.10

Browne): Thank you, Madam President. Madam President, having regard to the Motion passed in the Senate on Tuesday, September 14, 2021, in relation to speaking time during the period of the COVID-19 pandemic and following discussions with the Leader and Coordinator of the Benches opposite, I beg to move that Standing Order 43(1) no longer stand suspended and the time limit for speeches in debates be restored.

Question put and agreed to.

Madam President: Attorney General.

Hon. Members: [*Desk thumping*]

CANNABIS CONTROL BILL, 2020

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam President. I beg to move:

That a Bill 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 connected matters, be now read a second time.

Madam President, I consider this both an honour and a privilege to be permitted to address Members of this august Senate with respect to the Cannabis Control Bill, 2020. And may I, before I embark on the substantive matters before us, say a few prefatory words. I wish first of all, Madam President, to acknowledge the work of the Chairman of the Joint Select Committee, my predecessor in office, the hon. Faris Al-Rawi, Member of Parliament.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And in particular his winding-up debate in the House of Representatives on the 29th of April, 2022, on this Bill. I wish also to highlight, Madam President, that contributing to the considerable work which we are engaged on today and which has taken the time of the other House are the

reports of the Joint Select Committee appointed to consider and report on the Cannabis Control Bill, 2020, which report acknowledges the agreement of both sides in the House of Representatives, and I look forward to that continued commitment to purpose from the other side this morning.

I would wish to highlight with respect to the Bill before us this morning, Madam President, certain aspects of that Bill which I emphasized must bear remembering and underlined, the first being the recognition in that Bill of what my predecessor in office referred to as the local content. The Bill recognizes that there is a significant involvement and endeavour of the members of this community of Trinidad and Tobago, the national community, and it therefore gives recognition as we move to regularize the handing of cannabis to the local content that must be acknowledged throughout and to reap the benefits of the decriminalization as now move to the regulated use, which I will return to in the substantive comments on the Bill.

Madam President, I also wish to acknowledge the work, not only of my predecessor in office but the hon. Minister of National Security, the hon. Minister Hinds, who has walked the talk throughout Trinidad and Tobago, participating with and engaging the people of Trinidad and Tobago in lively debate and public consultation on the work of the joint select committee and its report with respect to this Bill. The expertise of personnel I also wish to draw on and to recognize in the contributions which have been made to the content of this Bill, and I particularly wish to acknowledge the work of those experts, in particular Mr. Marcus Ramkissoon to whose report I will return in due course, and I thank him here for the record.

Madam President, the Bill which is before us today is a development on the earlier passage of the amendment to the Dangerous Drugs (Amdt.) Act, 2019,

which decriminalized certain aspects of the use of the drug which is commonly known as marijuana but now properly and comprehensively defined in the Bill before us as “cannabis”. That decriminalization has decriminalized certain quantities of cannabis and cannabis resin, has prohibited the use of the substance in public spaces, near educational institutions and places of work, among others. Two years after the enactment of the Act numerous positive societal and legal effects of the decriminalization of cannabis, possession, use and personal cultivation in Trinidad and Tobago have been identified.

I have already acknowledged that there have been serious consultations by those who have worked on this Bill with the stakeholders in the community, which led to the passage of the Bill in the Lower House.

10.30 a.m.

What we are seeking to do today, Madam President, is to move beyond, and positively to move beyond decriminalization and 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 connected matters, and we are specifically concerned to regulate the use and handling so that we can reap the benefits—societal, legal and economic—of the proper use, cultivation and sale, and medicinal and religious use of the cannabis and its related products.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: The Bill creates an authority which establishes a board, whose members are appointed by the President, and whose functions include the granting, amending, suspending, revoking or cancelling of licences, inspecting, monitoring, and assessing the handling of cannabis, taking enforcement measures in the event of non-compliance, and establishing and maintaining a register of licences and other connected functions.

It considers medicinal cannabis, allowing a medical practitioner to prescribe its use with specific dose limitation and a pharmacist to dispense same. Medicinal marijuana can help patients suffering from various illnesses, such as cancer and epilepsy being some of the harshest diseases.

Due to the new medical advances, cannabis has been proven to be something of a medical miracle for epilepsy patients across the world. Having done that research—and I want to return when I speak a little further on to the issue of research—why should we then continue to criminalize people who are able to effectively and safely use cannabis to alleviate the symptoms of long-term health conditions?

By analogy, Madam President, cannabis was decriminalized in 2015 in Jamaica, and for a small country Jamaica has made significant strides in building an industry in a short amount of time. Jamaica in 2018 opened its first medical cannabis at Kaya Farms, and there are now medicinal dispensaries throughout the island.

I would like to take Members, with your leave, through the clauses of the Bill before us and, in that regard, I will invite Members to follow me as I go through the Bill Essentials, which I believe all Members have before them.

Clause 4 of the Bill establishes a body corporate known as the Trinidad and Tobago Cannabis Licensing Authority which will be responsible for the regulatory control of the handling of cannabis under this Bill, vested with such powers as are necessary or expedient for the performance of its functions.

Clause 5 of the Bill establishes the functions of the Authority, and in particular I wish to emphasize, among others, because no one should be left out, but I consider it in my respectful opinion important to emphasize clause 5(1)(j) and 5(3)(b). Why do I emphasize that? Clause 5(1)(j) says that the function of the

Authority is to:

“provide for the distribution of educational materials and the conduct of training programmes in relation to the development and use of cannabis and the development of the cannabis industry;”

Clause 5(3)(b) tells us that:

“In the performance of its functions, the Authority shall—

(b) facilitate scientific research in respect of cannabis and, where applicable, apply the results of such research in the development of the cannabis industry;”

I consider these particular sections of clause 5 of the Bill under consideration to be important, Madam Speaker—Madam President, I beg your pardon, because it is important to recognize that in any developing society—and I use the word “developing” synonymously with “evolving”, and I use “evolving” deliberately because I abhor the use of terms “lesser developed” and “more developed”. We are all one humankind, and we progress through our deliberate efforts to improve our lot for ourselves and our fellow citizens. I consider the research capacity which is contemplated by this Bill to be bestowed on the Authority, to be important for the simple reason that we recognize as we pass this Bill—I hope—that there is work to be done by the Authority that involves research that will continue to seek out and identify the positive attributes of this particular cannabis, and to be able to deploy it as we continue to apply the provisions of the Bill for the better use of cannabis in educational institutions, in medicinal institutions and also in economic activity.

I would just for a moment hark back to—and we are all as students of history, we are all cognizant of the days of prohibition in the United States of America. There was a point at which alcohol was prohibited, but by dint of human

endeavour and our efforts to improve our lot, we have seen that we moved beyond prohibition, as we are now moving beyond decriminalization with respect to cannabis, and what we are seeking to do is to regulate its use to deepen our research of the potential benefits which we can gain from its use, and thereby to develop our society for the benefit of all of us.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: So that is my emphasis, without decrying or diminishing the value of any of the other functions of the Authority.

Clause 6 of the Bill provides for the appointment of a nine-member board of directors of the Authority, and we are reminded that that board shall be appointed by the President from among persons who are skilled and resourced and experienced in very significant disciplines. They are listed there in the Bill Essentials, which are before Members of Parliament, Members of this august House, the Senate. I will not read them all but, again, I emphasize what I consider to be some of the areas that are of significance in terms of the skill set that is being brought to the Authority, as the members of the board are to be appointed. So we have persons versed in finance and accounting. We have persons versed in medicine, persons versed in scientific research, law enforcement, education and, of course, drug rehabilitation. It speaks to the seriousness with which this Government undertakes to commit the Authority to a task that will be fully skilled, very capable and therefore able to respond to the needs of the society, and to the demands that are being brought upon the Authority as it progresses.

Clause 6, of course, provides for the remuneration of the members of the board, and that remuneration shall be reviewed by the Salaries Review Commission.

Revocation of appointment is dealt with in clause 8, and the instances where

a member of the board shall have his or her appointment revoked, those instances are set out in clause 8; I need not be labour them. They are not dissimilar to many of the other bases on which other boards and, indeed, even members of the Judiciary, will find themselves disqualified and/or have their appointments revoked, in the case of their inability to continue to discharge the trust which this Senate, which this Parliament, is vesting in them.

Immunity of members—we have to recognize, Madam President, that as we embark upon our myriad responsibilities in the Authority, given to us by different statutes, we are human, we will make mistakes. But once those mistakes are made in good faith, and in earnest purpose and the desire for the betterment of our fellow citizens, we have to permit a certain degree of latitude to our fellow citizens who take on the heavy responsibility of the functions of the board, to make those mistakes without having to be hauled before courts, or indeed the police, for misfeasance or acts that do not amount to misfeasance. So we allow by clause 10 of the Bill a degree of personal immunity to members of the board, and I think that that is to be commended, and I commend that to Members of this House. Decorum and decisions of the board, of course, will have to be—

Sen. Mark: [*Interruption*]

Madam President: Attorney General.

Sen. Mark: Madam President, just for a point of clarification, hon. Attorney General, through the hon. Speaker—President rather. In clause 10 the term “gross negligence” as opposed to “negligence”, I was wondering if you could clarify why we inserted this concept of “gross”, because I am looking at previous legislation as it relates to immunity, and there is no suggestion of “gross”. So I just want to get some clarification as it to the thinking of the Government as it relates to this new concept that has been inserted here, through the hon. President.

Sen. The Hon. R. Armour SC: Thank you, Sen. Mark, and it is never for me to say that I would suggest that you speak too softly. So if I did not hear you fully, I attribute it to the mask, which shrouds your normal delivery. So if I did not hear you fully, please forgive me.

If I understand you correctly, you are concerned with the introduction of the qualifying word “gross” to qualify the word “negligence”, and you are concerned to appreciate why is that qualification introduced to the word “negligence”, correct?

Sen. Mark: Yes.

Sen. The Hon. R. Armour SC: Thank you. Well, it goes to what I was saying earlier, Sen. Mark. We have to allow human error to be committed, unless it is of a quality and comes with an intent that takes it beyond the realm of ordinary human error. I can be driving a car down the road tomorrow, and my young child might be in the passenger seat or even behind me in the seat behind me, and I hear a sound which alarms me, and I turn back instinctively as a parent to respond to that sound, and I hit the car in front of me. That is negligence, but that is not gross negligence. So we have to permit a degree of latitude to the driver of this vehicle, the Authority, the members of the board, to recognize that some error will be permitted without them being held personally accountable. Otherwise what we will find, Senator, is that we will be unable to recruit talented, committed patriots to serve on this authority. Have I addressed your concerns sufficiently, Senator?

Sen. Mark: I will simply say, through the hon. President, that at the committee stage, hon. Attorney General, we will pursue that matter a little more. Okay? Thank you very much for your clarification.

Sen. The Hon. R. Armour SC: Madam President, with your leave may I continue?

Madam President: Yes.

Sen. The Hon. R. Armour SC: Thank you.

So I was at clause 10, and I was speaking to the immunity, and I think that I have addressed that sufficiently. I had moved to clause 12, “Quorum and decisions of the Board”.

We have clause 13 which allows the board to appoint committees because, of course, the members of the board cannot do all the work, so they will appoint committees to do further work in the interest of moving the Authority’s business along.

Disclosure of interest—of course, we recognize that those persons who are charged with regulating the handling, cultivation, use—“handling” is a complete term that includes cultivation, use, transporting, et cetera. Those persons must not have an interest in the very industry that they are regulating. Therefore, if there is any suggestion known to them that they have an interest, they are not allowed to participate in the affairs of the board. They must disclose that interest, and you will see in further sessions, Members of this honourable and august Senate, that there are bases on which they can be disqualified for having an interest in the very industry that they are regulating.

Of course, clause 15—there must be, in my respectful submission and the drafters of this clause in their wisdom, have introduced the provision for— There must be provision for a chief executive officer, which will allow a person of sufficient experience in finance, management or accounting, to be responsible for the daily management of the Authority, subject, of course, to the directions of the board. And that person, the CEO, also is prohibited from having an interest in the very industry which he is regulating and is the Chief Executive Officer of.

Clause 16 similarly provides for the board of the Authority to be assisted

and supported by the staff of the Authority. We see also that:

“The Authority can engage an expert, adviser or consultant on contract to assist in the conduct of its regulatory responsibilities.”

Those persons will also be subject to the disclosure requirements of the Act, and failing the appropriate disclosure are liable to be committed on summary conviction.

Clause 17, I move next, the Bill empowers the board to delegate certain of its functions, and that of the CEO or designated officer by written instrument as necessary. The written instrument being necessary to ensure clarity in the fact of designation and delegation of authority.

Confidentiality, we recognize in the holistic view of the Bill before us that there are a number of different facets to the functioning of the Authority. That is to say, it has medicinal purposes, it has religious purposes and other purposes. There will be medical doctors involved, there will be patients involved and, therefore, within reason, the affairs of the business of the board must be treated in a confidential manner, subject of course to law.

Clause 20 of the Bill establishes the Trinidad and Tobago Cannabis Licensing Authority Fund, which shall comprise moneys from appropriations by Parliament, fees, et cetera. I would recommend for the attention of Members, the fact that when you look at the remit that is allowed to the Authority to charge fees, I complement that fact for the very reason that we have to ensure that this Authority will be self-sustaining. It will be earning fees from the different work that it does, and it will not have to turn to the Consolidated Fund, which is one of the sources of its revenue, for its continual and constant survival.

“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.”

I think that that is self-explicit, speaks for itself. The application of the Fund is provided for at clause 21, and tells us the instances in which moneys contained in the Fund may be applied in defraying the Authority’s expenses.

The Authority must keep proper accounts, and we see that clause 24 of the Bill tells us the manner of the accounting that must be done. The audit of the accounts is established by clause 25. These are public accounts as stipulated under section 116 of the Constitution, and once the accounts of the Authority have been audited, the Auditor General must submit his report in accordance with section 115 of the Constitution, and simultaneously forward a copy of the report to the Minister.

There is, of course, the power to borrow, and I have already touched on that. Clause 26, power to invest, and that speaks to the fact that the Authority is recognized as a body that must be self-sustaining. So clause 27 gives power to the Authority to invest moneys in security not immediately required to be expended to meet any obligations.

Clause 28 exempts the Authority and its assets from taxation of every kind and description. That is self-explicit, and set out in clause 28 of the Bill, and we do that, we recommend that, particularly at this inception period where we are embarking on a new endeavour, a new industry that must be given the support that it can get from the society for the benefits that it will bring to the society at the societal level, at the medicinal level and the economic level.

The Authority is required by clause 29 to submit annually to Parliament a report of its activities during that calendar year, within three months after the end of each calendar year. So we here, when we pass this Bill, as I anticipate optimistically we shall, have the confidence of knowing that we are entrusted with

an oversight of the functioning of the Authority, which must come back to us annually and produce a report for our review, our criticism, our support or otherwise.

Licences are varied and several, clause 30: a Cultivator Licence, a Research and Development Licence, a Laboratory Licence, a Processor Licence, a Retail Distributor Licence, an Import Licence, an Export Licence, a Transport Licence, and I have no doubt we will hear more in due course from other Members of this House who will speak to the medicinal import of this Authority, and the quality of health that will be improved by the appropriate licensing regime that will be provided for. Similarly, we will hear more on the Import and Export Licences, and the revenue attraction that will be permitted.

Madam President, I believe one of our Members wishes to ask a question.

Madam President: Sen. Mark.

Sen. Mark: Let me just—[*Sen. Marks moves to the podium*]

Madam President: So Sen. Mark I remind you that this—

Sen. Mark: Yes, yes, it is a clarification, but I do not want to come across muffled, that is all. Hon. Attorney General, through the hon. President, I just wanted you to clarify in terms of the Cultivator Licence. There is wholesale in terms of his product or plant. I was just wondering if we want a level playing field, why the cultivator cannot engage in retailing? So right now, according to 29(a), he is only confined to wholesaling. So I am asking your good self, if the Government would consider amending this part to allow retailing to take place in this particular area?

Sen. The Hon. R. Armour SC: Thank you, Sen. Mark. I wonder whether you would be kind enough, Sen. Mark, to permit me to, within the allotted time that is allocated to me to make this opening statement, as I pilot the Bill, I wonder whether, given the experience that you have sitting in that other place, whether you

would permit me to complete my pilot?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: The question is a valid question, but if you would, I would like to complete the pilot and we can address those matters at the appropriate point. Thank you very much.

So, Madam President, with your leave I had moved to the power to borrow, I had touched on that, the power to invest. I had touched on that exemption from taxes, annual report, and I had engaged the licences at the point at which, in another place I would say my learned friend, Mr. Mark, Sen. Mark rose to interrogate me.

If I may move on, I was about to touch on the fact that we also have to recognize that cannabis, in other societies as well as our own, has an almost sacred and revered status, and we recognize that cannabis should be allowed under licence to be used for religious purposes, and we make provision for that in the cultivation, in the licences that are to be issued under the Bill that we are considering.

Eligibility for a licence is provided for at clause 31. You must be:

“a citizen of Trinidad and Tobago;”

“a permanent resident of Trinidad and Tobago;”

Or:

“a citizen of a CARICOM Member State, other than Trinidad and Tobago;”

Ample provision is made there, and I commend that to Members. Of course there is provision for the controller of the religious organizations, and application for licences being properly regulated. That is spelt out in quite a lot of detail, and I am sure we will engage in conversations on that.

Clause 32 provides for the Authority to request further information relative to the application from an applicant for a licence, and once the licence is granted,

the Authority is permitted—not permitted, is empowered to publish in the *Gazette*, at least twice during the period of two weeks, in two daily newspapers in circulation, relevant information for the attention of members of the citizenry of Trinidad and Tobago with respect to licences that are applied for, granted, and you will see further on in the Bill, licences that are either suspended or revoked.

So that the intention of this legislation in its nascent stage where we are introducing this for the first time for the development of a serious industry, is that throughout the process must be transparent, and the public must be allowed to follow the development of the industry as it regulates itself, and is regulated by the Authority.

Madam President, we move on. We look at clauses 34 through to 48 that deal with details of the licences. We look at clauses 49 through to 53 which deal with terms and conditions of licences. That is all spelt out in detail. When we get to Part V of the Bill, we deal with medical cannabis, and this is something which I hope in due course the Minister of Health will assist us with, so that we can better understand the assurances that we will be receiving from those who are empowered to regulate the medical health of this country. Clauses 43, 44 through to 47, deal with medical cannabis.

Then we go to Part VI, cannabis for religious purposes. I have touched on that, and we have seen that clauses 48 through to 51 deal with cannabis for religious purposes, recognizing the very—I say without meaning anything other the use of the word, the sacred use to which cannabis has used and put to good use, throughout not just Trinidad and Tobago, but throughout the Caribbean, and we respect that and we give cognizance to that.

We have a register system, Madam President, clauses 52 to 59. So that the establishment and maintenance of registers by the Authority, in respect of each

type of licence is to be maintained by the Chief Executive Officer and the Authority. Again, that speaks to the system of transparency that this Bills envisages, so that throughout members of the public will be aware of what is being done under the auspices of this Bill, and what is being regulated under the watchful eye of the Authority, the Chief Executive Officer, the supervisory authority—and that is an important point. In its financial activity, we will see, when we look at the Bill in its individual clauses, that the supervisory authority of the Financial Intelligence Unit of Trinidad and Tobago has a supervisory function to ensure that the use to which this Bill is put, in terms of its use and the money that it earns is not used for illicit or illegal purposes, a very important provision in my respectful view in the Bill.

We see, Madam President, Part VIII of the Bill deals with inspections. Throughout the life of the regulated industry, there will be inspectors who will be enabled to inspect the use to which the cannabis is being put, including the power to enter premises. Inspectors will have the power:

“to enter premises specified in a licence other than a dwelling house,...without a warrant...”

That is to ensure that no abuse is made of the regulation that this Bill is asking in this House to approve.

Clause 63 provides for the powers of inspectors. These powers include, as we have set out here: power to enter premises, to verify compliance with the Act, to take photographs:

“to seize anything which may be of evidential value for the prosecution of an offence...and

(h) direct the temporary suspension of any activity which”—the inspector, he or she—”reasonably believes to be in contravention of this

Act...”

Clause 64 of the Bill prescribes for the issuing of a warrant by a magistrate:

“where there are reasonable grounds for believing that an offence under this Act has been or is about to be committed in any dwelling house,...”

Then there are the miscellaneous provisions of the Bill, Madam President, 66 through to 69, and I emphasize, without delimiting or limiting the importance of clauses 66 through to 69, I emphasize clause 69, which tells us that the Authority will have the power to provide for and to make regulations. That will be an important part of the functioning of the Authority to provide for regulations, because the Bill gives the enabling framework within which the regulation is to take effect, but it will be the responsibility of the board, as it speaks to the discharge of its functions, to be able to regulate and to prescribe for regulation by well-drafted regulations done in consultation with all relevant stakeholders.

Madam President, with respect, as we move beyond the clauses of the Bill, I will say a little bit about the benefits to the society which this Bill intends to introduce, and what we have by way of benefits. We have to take note immediately that given the decriminalization that has been introduced by the amendment to the Dangerous Drugs Act, there has been a decrease in dependency on the illicit market as individuals are now allowed to cultivate their personal supply needs.

11.00 a.m.

There is also less risk-taking behaviour by consumers, and the statistics have shown a decrease of foot traffic in the areas known for illicit cannabis sales where other aspects of criminality often exist. So what we are witnessing already in the non-regulated reality that has been introduced by the mere fact of decriminalization is that we are separating the everyday use of cannabis from the areas that involve criminal activity and therefore we are saving members of our society, valuable

members of our society from the negative stigmatization that has been traditionally associated with cannabis, and criminalization, and encouraging ourselves to have a more positive outlook on cannabis use in the community, less fear by consumers of engaging positively in academic or work pursuits, more interest in the plant as medicine and increased willingness to learn about the substance, and I have already emphasized the important task of research that is going to be encouraged under this Bill.

Very significantly, Madam President, there will be, and already the records are showing less separation of families as the prevalence of cannabis use in Trinidad and Tobago is substantial, and prior to the amendments of the law which has already been introduced in 2019, parents found in possession of cannabis could have been separated from their children by the State, leading to more dysfunctional and broken family structures. The amended law therefore allows more families to stay together, and the Bill that we have under consideration now, is looking to provide for a more holistic environment in which we can separate ourselves from this scourge that has afflicted families, having persons, fathers and mothers put into our prisons and exposed to the more hardened elements of a prison population, separated from their children for having, to use the colloquial expression, one or two spliffs in their possession. That is something we want to move beyond as we embrace the value inherent in every human being, mother and child in the society.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: There is an ever increasing emerging market and demand for agricultural supplies, and therefore supporting new and existing agricultural business, promoting the emergence of new specialists and specialized cannabis cultivation and consumption supply stores, distributors and even local manufacturers of specialized products, thereby positively affecting economic

diversification. And this is where the local content which has been spoken to very eloquently by my predecessor in the Lower House, the local content that is recognized will be given to the investment by members of this community to grow and build an industry out of a plant that can bring significant economic benefits, properly regulated, to all of the people of this country, and I commend it.

We have as one of the other benefits, cultivation for personal use, increased interest in horticulture and agriculture, savings on regular cannabis expenditure by consumers, development of local cannabis genetics, access to better and safer quality cannabis. We also have the positive legal effects of the legislation, Madam President. Already we have the drastic decrease in cannabis arrests as the vast majority of arrests prior to the amendments becoming enacted were for cannabis possession of less than 100 grams. That has been on the decrease, and the statistics which the Joint Select Committees have been able to obtain from the Judiciary speak to almost a 70 per cent decrease in the convictions that are reaching the courts.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: We speak as well, Madam President, to having to spending a lot less taxpayer dollars towards processing and incarcerating individuals for cannabis possession of less than 100 grams and exposing persons who are not criminals to the hardened elements within the criminal environment of our prisons with the known obvious and almost ineluctable results that incarceration in our prisons brings about.

The laws have reflected consideration for most of the discussions, and I commend the members of the Joint Select Committee under the chairmanship of my predecessor, hon. Al-Rawi, for the discussions and points arising from public stakeholder and expert consultations with the legalized possession limit, cultivation

for personal use limit, legalized use in private spaces and expunging of the offences from the criminal records of past offenders. Fixed penalty notices for certain offences will bring revenue to the national purse as opposed to creating expenditure by arrest, prosecution and incarceration. There are also benefits to the criminal justice system, the drastic decrease in traffic, and by traffic I mean human traffic of cases at the Magistrates' Courts, decreasing backlog and allowing the courts to concentrate on more substantive matters engaging the control of criminal activity in the society.

Madam Speaker: Attorney General, you have five more minutes.

Sen. The Hon. R. Armour SC: Thank you very much, Madam President. I may have to ask Mr. Mark for a little bit more of his time. Thank you. [*Laughter*]

Madam President, that brings me to the conclusion almost of my submission today to make the point that what we are looking to embrace in our society is a truism. That is to say, law does not operate in a vacuum, statute law, less so. A statute is intended to guide and regulate the conduct, and affirm and regulate the conduct of those to whom it is addressed, its content taken in recognition of the cultural, economic, political and social conditions of the society within which it is intended to operate. And I dare say, Madam President, that with the creativity, the entrepreneurial skill, and the vast talent that is available in the society, our national community of Trinidad and Tobago, we can look forward to a thriving, rich, enduring industry. Madam President, I beg to move.

Question proposed.

Madam Speaker: Sen. Lutchmedial.

Hon. Senators: [*Desk thumping*]

Sen. Jayanti Lutchmedial: Thank you, Madam President. Thank you for the opportunity to contribute today on this Bill that is before us here for consideration.

Madam President, when I entered the Senate and committees were appointed, I was appointed to sit on this committee, and it truly was a good experience, an eye-opening experience, because it allowed me to process and to listen and to consider a diverse range of views on the issue of cannabis. And one of the things that as I have gotten older that I realized that you must do at times, is to put aside, however, whatever views and notions you may have, preconceived notions about a certain topic and really consider it. And I had that opportunity through this committee to do that, because, of course, sometimes when we hear about cannabis there are certain negative connotations that come with the use of cannabis and we tend to associate issues as a criminal activity. But, with the decriminalization of marijuana, which I have seen first-hand some of the positive effects that the hon. Attorney General spoke about.

Forgive me, I intended to start off by congratulating the Attorney General. I think it is the first time he has presented in this House, so forgive me for not starting off and saying congratulations, learned Senior, on your presentation.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: We missed him while he was away. I had the opportunity to really listen, and I have seen first-hand some of the positive effects that the Attorney General spoke about in terms of our judicial system being not so burdened by the number of cases. For myself, I had some concerns raised both at the committee stage—so this is an easy debate for me, because I am essentially just going to raise some of the same concerns that I had, and I will touch on them, because I know that my colleagues will drill down a lil bit deeper into some of those concerns. And I think here we have our style in this House is to look at things from a policy perspective and the social aspects and have a discussion.

Madam President, the use of cannabis has been around for centuries. As far

back as, I think they talked about 2000 BC, in Central Asia and China and in India. There are records which speak to various types of uses being put to this plant material for different reasons, medicinal and religious, and those are the two major ones. But, of course, the recreational use of cannabis has become more and more popular in our society. This, however, has led to some also negative social impacts such as addiction. And I think that addiction and the protection of those who are vulnerable in our society, must be of critical importance to us when we consider the policy underlying this Bill. And my approach while I was sitting in the committee as well as my approach in preparing for today's debate, is that we must always look at pros and cons and how we can maximize the pros out of this proposal here before us in the form of a Bill, and minimize the cons. And so, some of the things that I want to propose would deal with that.

Addiction is still a very serious issue, and as far back as my university days I saw for myself how some very brilliant minds could be affected by the abuse of drugs; not use but abuse of drugs. And that is not an issue that resides solely with the use of cannabis, or marijuana as we call it, but with anything. It can pertain to alcohol, it can pertain to cigarettes and the health effects of it and so on. Even other types of social activity like gambling. But as a society we have moved forward and we have accepted that things bring positives, like economic benefits, and that is the primary benefit that we see from regulating something like the cannabis industry. And, we have found or we have taken a decision as a society to move forward and regulate it so that we can minimize the effects like addiction and abuse and all of the negative consequences that flow from it. The disappointing thing is that much of what we need to understand about how this industry would be regulated is not contained in this Bill. It will come later on in regulations, and I do feel that for us to have a meaningful debate on something as new as this, and I say

ground-breaking because it really is—I would never have thought 10 or 15 years ago, or maybe more, maybe 20 years ago, that we would ever be having a conversation about legalizing the use or regulating the cannabis industry, so it is very new to us.

And without seeing the regulations in front of us, it really is impossible for us, I think, to have a truly meaningful debate and to make sure that what we are passing here is something that is truly beneficial to society. And I want to urge the Government that when we are dealing with things like this, it happened with the procurement as well. We waited a very long time to see the procurement regulations which we had a lot of concerns about. And I really do hope that this does not follow suit, and that this is not what happens with this. Because, to get an industry off the ground and operational it is not just about passing this piece of legislation. And anybody in the public, hearing that we are having a debate today, thinks that once this Bill is passed, tomorrow they could have access to the use of cannabis. And there is a long, long road ahead that would involve these regulations that have to be very carefully crafted, because the bulk of it—this is a skeleton. What is before us today is essentially just a skeleton. And the committee did not have the opportunity as well to really discuss the regulations.

Many of our concerns raised at the committee stage, we were told that those things are to be fleshed out in the regulations. Now, of course, one of the responses that we get all the time is that the board has to be appointed under this piece of legislation and that they would work on the regulations. But, in a case like that, something as simple as the fees for licensing, understanding how the fees would be structured for the different types of licences here is of significant impact for us to say whether or not we agree that there are benefits to society by passing this piece of legislation. Because the fees will determine accessibility of persons to

participate in this industry. And without having that knowledge I think we are severely constrained in our comments here today. So I want to make a couple of comments, as I mentioned the social area, I want to deal with a couple of the other areas that I said my colleagues will drill down to as well.

With respect to the medicinal value, Madam President, I think it is accepted now that we have—that there are benefits. I know several people who attest, not living in Trinidad and Tobago, of course, outside of this country, in the United States and so on, who attest to the properties, the medicinal properties of cannabis and its use for pain management, and also the management of asthma, serious asthma. So, I have spoken to people about that. I have spoken to them, and I have heard them speak about the benefits. And, outside of Trinidad and Tobago we have a lot of research and development taking place right now, and I will get to that point later on about the need for research and development and the funding of it. But, if cannabis is going to be used for pain management and for other types of medical afflictions, then we also have to look at the point of rehabilitation because like any pharmaceutical there is the risk of addiction. And so one of the first things that I would like to propose is, in terms of an amendment, and I would ask the hon. Attorney General to consider it, is that the application of the fund, as discussed in clause 21 of the Bill, specifically state that some of the fees collected under the licensing regime of this authority be applied for rehabilitation. Rehabilitation, if I am not mistaken, is actually one of the things listed when we speak about the Seized Assets Fund where you can seize the proceeds of drug trafficking and so on, and I believe that it belongs here as well, because rehabilitation services for persons suffering from drug addiction is severely under-resourced in this country.

I have had the unfortunate experience through my professional practice of dealing with many persons who were sent to what was supposed to be the

rehabilitation facility at Piparo, and it is not a facility—it is in dire need of resourcing. So, if we are going to regulate this industry and we are going to be collecting fees from persons who want to participate in this industry, I do feel that the need for a big investment in rehabilitation facilities is warranted and it will, again, help us with that balancing of the pros and cons when we deal with the development of this new industry. So, that is the first amendment that I would want to propose.

With respect to the general dispensing of the drug—of the cannabis or cannabis products by medical practitioners, and I believe this was raised. We have a number of doctors in the other place and I think that they raised this, the need for training and monitoring. Would the medical persons who are licensed to dispense cannabis be required for ongoing medical—be required to obtain ongoing medical training? Because you see, if you are—we do not have a system in Trinidad and Tobago, it is not common for people to have one doctor for everything or for their entire life. Many of us visit various medical practitioners for different things. It is a matter of convenience and so on, how we seek medical assistance. We still have a large portion of our population that rely on the primary health care system. I do not know if it is envisioned that this type of medical treatment would be available through our primary health care system, and by that I mean health centres. But every time you go to a health centre you see a different doctor.

Now, this is where I believe, and when I was reading this I thought about something that the Partnership administration had tried to introduce, just before demitting office, of the health card, and having a digitalized health card system. I know that the Minister of Digital Transformation has spoken about it and we are waiting on it. We thought that it would have come about to help with the vaccination programme, but I think that is like the work-from-home policy; the

pandemic is over and we have not seen it. But, you know, if we had pursued the option of that digital health card, we could have seamlessly transitioned into having digital records available to private as well as public health care providers who could understand a person's entire medical history and be able to prescribe cannabis in a very safe and effective manner. But, we go through five-year cycles of programmes in this country and it is very unfortunate. Something could be as valuable as this, would be scrapped simply because we have a change of administration. And I think it is something that we need to change as a country as we move forward.

Now, the other thing is that ongoing medical training by the practitioners who would be dispensing this, is necessary to be able to detect the point of addiction. Because, like painkillers and other things there could be addiction, and by persons who are using it for medical reasons, so at some point in time, and perhaps it would be in the regulations, but it is not just the dispensary arm, not just the licensing regime and all of that and people who are handling it that have to be regulated, but the people who are now going to be dispensing it; pharmacists, doctors and so on who are writing the prescription. I think that there would be need to regulate them as well to ensure that what they are doing is proper. Because they are taking on a serious responsibility. And, of course medical practitioners have, you know, standards and so on that they would be regulated by—the medical board would be required to regulate them. But that is the fleshing out of this whole thing that we have to think forward about, that every single person who participates in this would need some sort of training so that they could detect the abuse, they could detect dependency. I think Barbados, because they have already established their licensing authority and they are moving forward with their industry, I think that they have established a programme at the university across there, where they

could train persons, pharmacists, pharmacy technicians and so on. Because every person involved needs to be aware of how this drug could be affected.

Madam President, with respect to the dispensing of cannabis as well for medicinal purposes, the presence of cannabis products in a house where there are minors is also very—is something that we have to talk about. It is not as commonly heard about here, but in the United States, for example, people who are on prescription painkillers, have a serious problem when it gets into the hands of minors and other persons who want use it for recreational purposes and enjoyment. And that is something that I flagged here as an issue moving forward, not that you can legislate for every single thing in a bill, but as part of the social problem that may arise out of legalizing this industry and regulating it.

So, regulating the industry is not about regulating a licensing regime alone. Again, what about law enforcement? What about people who are monitoring those who are being issued prescriptions to use this product? Who is checking on them in their home when they have access to this product and making sure that vulnerable persons around them, children and so on are not getting access to it? We do not have that type of infrastructure in our country to monitor these things, so it is another problem that could arise when we embark upon this endeavour. Again, I am not saying that I am against it, but I do have to say that before you embark on something like this and you roll it out, we must consider these options.

I wanted to touch briefly on the issue of the licences. I do have some concerns about the authority itself, but I think Sen. Mark would touch more on that. With respect to the licences, as I said before, the way the licences are designed, the cost to someone who wants to really grow a business, would be, I think, beyond the reach of many of our, what we call the small farmers. Now, let us be realistic, the people who have the experience in cultivating marijuana in this

country are not people who are easily going to have access to capital. They are not people who are going to sit behind their Mac book and type up a businessman plan and go to the bank to get financing. They are not people who own large and vast amounts of property. And if it is that when these regulations do come forward, whenever that may be, we see that the requirements for a licence are so stringent that they become far outside the reach of the people who are currently cultivating right now. What we are going to have is a Bill before us that achieves only one thing and that is the promotion of big business at the expense of our small farmers.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: And that, Madam President, has always been my most serious concern about this. And it is a concern that I do not think is unique to me or to anyone in this country, or to the country as a whole, because I have seen where that same concern has been raised. The Attorney General made reference to the development of the industry in Jamaica, and Jamaica which has been primarily, at least in our region, I think around the world, associated with the cannabis industry. I started to look at some of the issues that they have faced because, of course they are a little bit ahead of us in terms of the development of this industry. And it was raised by one of their Members of Parliament in their Parliament as well, saying that the farmers, the traditional farmers have complained that the fees are too high, and that it is beyond their reach. So, at a sitting of their Parliament—I want to quote from an article from news, Caribbean featured, the article is dated March the 4th, 2021, and it quotes the speech made in the Parliament by Member of Parliament, I think it is the Opposition in Jamaica, Lisa Hanna, and she was speaking about the fact that the small farmers are being pushed out. The requirements for the licences were so small.

Madam President, if we want—our farmers in Trinidad and Tobago, the

farmers in Biche, in Moruga and so on, having practised in the criminal arena, particularly in south Trinidad, I have become quite au courant with some of the more established small farmers, but I could tell you, there are so many issues that they face now, and these are the people who for the last 50 years have been running and dodging from the police, albeit, yes, because they are involved in something that is illegal. But if they have been the ones who have been advocating for this, then it is up to us to ensure that there is a space created for them. And I am very concerned, and I would like to hear, for example, how the Government firstly intends to deal with the licensing and to ensure that it is not beyond the reach of these small farmers. I would like to hear about some of the requirements further down the road that would be imposed upon persons who want licences. I would like to hear about the assistance that will be given in terms of access to capital and land for these persons. And I would like to hear most importantly what the Government is going to do to address the issue of land tenure in this country that affects not only the ganja farmers who are now going to be able to perhaps, and we hope, access licences to be able to participate in this industry, but all farmers who are affected by the issue of land tenure.

But the bottom line is, the vast majority, if not all of the persons currently involved in cultivating of ganja in Trinidad and Tobago are doing so illegally, not just because it is illegal but illegally occupying lands, and state lands to a large extent. So, having a Bill like this has repercussions for other areas that require a serious policy development approach by the Government, and without those issues being tackled frontally then this will not make any sense. This by itself will only facilitate the persons who can have access to easy capital, who are already established in their businesses, and who can diversify now and embark upon this. This without a proper policy of land management and a land-use policy from the

Government will only deal with those persons who already have access to exports and distribution channels and so on. It will not help grow and develop the small businesses in this country, and that is one of the biggest concerns that I have. I do not want to see that what we are doing here today and the work of our committee and the work that we do here as a Parliament essentially ends up being a locking out of the small farmers.

So, one of the things that I found interesting in that article that I spoke about, was the proposal that the Government establish a “national ganja lab”, that they call it, where they could manufacture and process the ganja products. Because by doing so, and the Government taking an active role in the processing and the manufacturing, that is the costly aspect of it. There are costly aspects in cultivation as well. You have to look at things like retention ponds and access roads to agricultural lands and all of that, but that is infrastructure. That is an investment that you can make, and then you can—down the road. But if you really want our ganja farmers to have access to the processing phase and as a country for us to have a good product that we can put out there in terms of cannabis products, I think some level of Government investment is necessary. And in Jamaica, I have seen for myself that the suggestion has been made because that manufacturing and processing will allow for the small farmers to then sell their product to a government or a government-funded facility that can assist with the processing and marketing and distribution and so on. Because let us be real, it is just simply not within the capacity of some of our small farmers right now to jump straight into this business and all of a sudden overnight turn into entrepreneurs without some hand-holding and assistance from the Government.

So, Madam President, with respect to the licensing, and I mentioned the fees, I took a look at what was available around the Caribbean, and I found that

Barbados had published their fees. As well, they have their licensing authority, it is called the BMCLA because they focus on the medical aspects, so it is called the Barbados Medical Cannabis Licensing Authority. And they have similar licences to us, a cultivator's licence, a processing licence and so on. Those range when you do the cultivation, of about US \$1,000. When you get to the processing licence and the export licences, those range close to perhaps US \$3,000. If a person in this country wants to get into this industry and they wish to cultivate and really become entrepreneurs in a business they will require at least four licences, if they were to really grow their business.

And as a cultivator licence, a processor licence, the—sorry, sometimes I cannot understand my own handwriting—the processor licence, the retail distributor licence, and if you really want to grow your business, of course what we are trying to promote mostly here is for persons to get into export, they will require the export licence, and they may also if you are dealing with—have your own distribution channels and so on, you may require a transport licence. When you add up all of those licensing fees—now, of course, perhaps people will start off with one thing and grow, and grow, and grow, but it still could be very cost prohibitive. So I just used Barbados as an example of the fees. I am using Jamaica as what has been highlighted in that article as a concern raised about the small farmers. And why I believe that the investment by the Government in some sort of facility that will facilitate manufacturing and distribution and export and all of that of this product, is for this reason.

11.30 a.m.

Internationally, selling cannabis or cannabis products derived from the cannabis plant is not like selling two spliff on the corner. You have to be standardized; you have to have compliance with all sorts of regulations; you have

to have quality product; you have to basically understand horticultural science if you want to produce a product that is going to be competitive, not just locally but internationally. Because what will happen again is that without the resources being given to our smaller farmers who can actually, who would do this, that they will continue to try to grow and so on, on their small plots of land that they may be illegally occupying and so on, is that the big businesses will be able to make those investments. They will be able to invest in labs where you can control the lighting and so on. I understand that the amount of light that is placed on the cannabis plants affects the level of—is it called THC?—that is in the product which is what gets you high basically.

So the quality of the product that you are—[*Laughter*—producing—I see the hon. Minister of Foreign and Caricom Affairs is laughing at me. I do not know how else to explain it, but that is what does get you high, right? But that is something that you have to control, the lighting and so on, to be able to get the product. So if you really want to be able to compete internationally or even regionally where you have other countries in the region who are out of the gate long before us and are already doing this, then we need that type of investment, because our small farmers cannot do it. And as I said before, you know, will people be willing to even make that sort of investment in the private sector in the established businesses? And when we consider that, you have to consider this licensing regime as well.

There is a term being put on these licences and when you are asking people to make investments and so on, it is very troubling where that security is not there in the form of a licence. So if you want to encourage people to invest, and when I went to Barbados' website for their authority, I mean they are basically advertising and encouraging investments and so on. And I really do hope that when our

authority is set up, and I heard the hon. Attorney General speak about the role of the authority in research and development and that is good, research and development, but I want to urgent them take it further. They must market our industry. They must help to market the industry, because we have to compete.

Everybody, when you think of marijuana thinks Jamaica. When I went to university it was the first time I was told that sometimes the best ganja in the Caribbean does not come from Jamaica, that I heard that St. Vincent is actually better. St. Vincent also has an authority and they have legalized it as well. And what they have done, which I thought was very interesting and I hope that when our authority could perhaps take it into consideration, is that they wave licensing fees for a period of two years when it came to what they call the traditional cultivator. And that is the type of foresight that I wish we would have in this country where we would make things easier for people and we would not—you know, equality of treatment is not the same rule for everybody you know. Equality of treatment is making rules that caters to everybody and their circumstances and their situations. And I see it happening in St. Vincent and I hope that we could have the same thing happening here and I hope that the authority that is established and I wish that the role of the authority could have been fleshed out more in this Bill in terms of the role that they must play in promoting this industry.

I think that one of the most colourful debates we had at the committee stage and debates are not really fleshed out in the minutes of the committee, but with respect to the religious licences. And the reason for that is because this notion of a sacramental dispensary I think is causing a lot of concern. Now, again, in the context we now have regulation of non-profit organizations in this country and religious bodies have to be registered and regulated as non-profit organizations I believe. And that was the discussion that we were having with respect to becoming

eligible for religious—to have access to the sacramental dispensary licences and so on.

Many other countries in the region have stayed away from this because of I think how controversial it is and how difficult it is to regulate. I asked at the committee stage, what is stopping anyone from starting their own religion and saying that the principles that underlie their religious belief is the use of ganja. It is still highly debated amongst established religious groups now as to whether or not the use of this drug is part of the religion or should be and otherwise. And I had some conversations with persons who I know subscribe to certain religions and I asked them about their thoughts on this and, you know, applying for licences and so on. I mean, humorously one person told me that that will never work. He say, because just applying for licence and agreeing to be regulated and he is saying that is Babylon thing, we do not subscribe to that. So I said, okay, well, I understand your aversion to regulation but we still have to impose laws and all of that.

And you know I asked, and I asked the question, because I also went out there to find out on the ground what people thought about this regime. And with the religious aspect of it most people feel that it is almost impossible to regulate people's religious belief. How do you regulate a religious belief and who makes the decision that the use of cannabis is part and parcel and really something that belongs or is known to belong to a particular religion and not another religion, not a new religion. You have new religions coming up all the time. I see people talking about all these Hollywood-style religions and all of that and you know we like to follow things. So they can actually come down here. How are you going to regulate that use of these religious organizations for handling and so on?

The other thing is that even though we are calling these dispensaries that religious organizations are allowed to apply to have, there is a prohibition on

profits, because again we treat religious organizations as a non-profit organizations here. But, Madam President, I see, the first thing that jumped out of me when I looked at that and my biggest concern is the abuse of the non-profit organizations and more so religious non-profit organizations for tax evasion. Because if I register and I start a religion today and by next month I register as a non-profit organization and by next year I have been running my church of “Jayanti” for a year and I come to them and say, that one of the serious philosophical underpinnings of my religion is the use of cannabis and I apply for this religious licence. I would then be able to conduct all of my business through an NPO, a registered NPO, religious organization with cannabis, and who is going to really check on me to see that I am not making profits?

I think that—we have this discussion all of the time among some of my friends where they do not know if politics or religion is more profitable. Because religious bodies are being abused for profit under the guise of religion. And it has a lot to do with the lack of supervision for taxes. So when you start this process of giving licences to religious persons, we say, you are not allowed to sell for profit and all of that. I do not know if we are creating an avenue here for indiscriminate use, for unsupervised to some extent use and so on. There is an option to have events that the Minister could give permission for. These things I have very serious concerns about, particularly, because I think 90 per cent of the religions and religious practices that we see around this country, children are involved. Everybody here probably started off on, some of us keep it up, going to our religious, whatever religious body we belong to with our parents. So, are we going to say to a particular religious body, whether they are legitimate or not and whether they are new or they are old, if they wish to use this that children cannot be there on the premises, we cannot have, you know, you cannot invite children to

participate and all of that. Serious problems can arise when we are doing that.

The other thing that I find a little bit challenging with this religious licence is the amount that they are allowed to dispense to each person. It is the same amount that you are allowed to have if you are out there, normally, the 30 grams, the amount that the person supposed to eyeball. So they can give it out. So, what really is the purpose of giving the dispensary licence to a religious organization? I mean, is it really communion, you could buy the bread and the grape juice outside, but you want to come to the body and collect it from the priest. I mean, I do not understand the logic then. Why if it is that the only amount you can get at the religious dispensary is the same that you can have in your possession outside due to the decriminalization, why then do we need to licence the religious bodies? And I am just asking that plain up and simple given the concern of the abuse of NPOs, taxation, difficulty with regulating. Religion is a touchy subject.

So when you have a religious body now with a licence and you want to try to regulate and supervise them and supervise what they believe to be their practice, I do not know if that makes any sense because the persons who subscribe to the religion could use the same amount of marijuana outside. So, that in itself I think is worth some consideration and, again, I said I was part of the discussion and I know that this whole aspect of the sacramental use and a licence to a particular body to be able to dispense it for sacramental use. Because what we do not want, and my concern is that the people who are at the head of these—not the people who using it you know, is not the congregation you blame, it is the management all the time. Right? I do not want them to have the ability to abuse the religious organization and ultimately profit from it using the NPO and the organizations. And I think that the term “dispensary” is a bit misleading when we come to the religious aspect of it.

So, Madam President, very quickly, I just want to touch on a few other things which would be, for example, the inspection regime. This inspection regime is very similar to what we saw when we did the Gambling (Gaming and Betting) Control Act. And the same concerns that I raised there I raise them again here. At clause 60, the sunset clause 58, but at clause 60(3):

“An inspector...conducting an inspection may be accompanied by a police officer.”

Madam President: Sen. Lutchmedial, you have five more minutes.

Sen. J. Lutchmedial: Thank you, Madam President. I was just about to ask. And when you are accompanied by a police officer and you have the wide range of powers that these inspectors have under clause 62, and specifically I am raising the issue of asking questions, questioning persons on the premises and seizing anything which may be of evidential value for prosecution.

Madam President, the fact that you must agree as a condition of your licence to allow these inspectors to enter your premises I believe to be a violation of your constitutional rights and I flagged it in the gambling Bill, I flag it again here today for the attention of the Attorney General who will, I hope not, tell me about Suratt, because that is all we have heard about in the last couple of years that we have been here, but I strongly believe that your right to the enjoyment of property, your right to protection of the law and your right under section 5(2)(d) for protection against self-incrimination and so on, could be trampled upon by these provisions. Perhaps not by the provisions as they are here, that remains to be tested, but it could be that those rights could be infringed in the conduct of these inspections and I do believe that putting it as a condition of your licence that you agree that these inspectors can come into your premises once you are opened.

Now, it does not say and the wording is very, the wording is a bit unclear to

me, but it talks about whether they are opened for business or anybody being present. I cannot find it right now, I do not want to waste time with that. But I think the wording needs to be refined. If I am on my business place on a Sunday and I am not opened and I am not dispensing cannabis and so on, can the inspector show up and come into my premises with a police officer and question me and seize documents? I find that to be a serious issue for consideration when you think about the rights and freedoms of people, whether you are involved in a business activity that we deemed to be dangerous or of concern or not, it is—thing. And the fact of the matter is the Bill makes provision for a warrant to be obtained if you believe there is a breach of the law.

Now of course an inspection regime is one way that you can detect if there is a breach of the law, but the fact that you can enter someone premises with a police officer, and that is a condition of your licence and then if you obstruct them in doing so you can be found guilty of an offence. You are saying to the people who want to participate in this industry, the people who have spent the last 50 years of their life running from the police and cultivating marijuana, the people who now have an opportunity to earn a legitimate living from something that they have been doing but for which the world now recognizes as having value, you must tell them that they must sacrifice their constitutional rights in order to obtain a licence and that I find to be very worrying, troubling and perhaps offensive in a country that has respect for the rule of law and in a democratic state.

And so with those few words, I ask the Attorney General to give greater consideration to that inspection section of this Bill. I have raised the concerns about the medical dispensation and monitoring. I hope that in raising some of the concerns of the economic issues and access and I know my other persons on my Bench will raise those issues, but I hope that I have couch this debate where I think

it needs to be in terms of consideration of the greater and wider considerations than simply establishing an authority that could give out licences to people and collect fees for it, Madam President. And with those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Seepersad.

Hon. Senators: [*Desk thumping*]

Sen. Charrise Seepersad: Thank you, Madam President, for the opportunity to contribute to the debate on the Cannabis Control Bill, 2020. Madam President, before I start please allow me to congratulate the hon. Attorney General on his maiden contribution in this Chamber.

Hon. Senators: [*Desk thumping*]

Sen. C. Seepersad: A little background on cannabis in Trinidad and Tobago. The Ganja Ordinance of 1915, resulting from colonial interest desire to increase their wealth, decreed that all cannabis sold be stored in bounded warehouses and distributed only to sellers who paid a licence fee. In 1925, cannabis was classified as a dangerous drug and became illegal. Those of us mature enough will remember 40 years ago reggae star Peter Tosh released his song “Legalize It”, protesting the criminalization of cannabis. The possibility that such a revolutionary step could be contemplated seemed well outside the realm of possibility, but times have changed.

In public places the present fad is vaping exotic oils in specialty designer lounges. Some of us may recall stories of groups of elder gentlemen gathered around a chillum or a hookah freeing their minds, but that was 100 years ago. Now in some countries specialty parlours are legally available exclusively for recreational cannabis use. For example, on May 7th of this year the first cannabis consumption lounge opened at Coconut Grove Beach Club in St. Vincent. It is worth noting that some of the most brilliant works were produced by visual artists,

poets, writers and other creative people like: Leonardo da Vinci, Lord Tennyson, Virginia Woolf, Vincent van Gogh and Bob Marley who it is rumored indulged in mind enhancing substances. Whether there is a direct correlation with their creativity and drugs is uncertain.

Cannabis originated in the Kush Mountains in the Indian subcontinent and has been used in Ayurvedic medicine for more than 5,000 years. It has more than 500 chemical compounds which are still under research and study. It is also referenced in the sacred text of the Vedas and some of its uses include medicinal, recreational and religious purposes. Already neighbouring islands such as Antigua and Barbuda, Jamaica, Dominica, St. Vincent and St. Kitts and Nevis have modernized their cannabis laws and created a cannabis agricultural sector. Canada has become the second country with a legal national cannabis market place having legalized it federally in 2018 making it the largest in the world. Canadian public cannabis companies such as Canopy Growth, Tilray and Arora Cannabis have valuations more than 10 times the American multistate counterparts despite operating in a country with a population the size of California.

The Bill today has come full circle from almost 100 years of control of the handling of cannabis for certain purposes to the establishment of the Trinidad and Tobago Cannabis Licensing Authority. The Trinidad and Tobago Cannabis Licensing Authority, clauses 4 to 18 will determine the rules for qualification and granting of licences for cultivation, research and development, laboratories, processing, retail distribution, import and export and transport. It is conceivable that a single establishment may wish to engage in all these activities by creating branches or subsets of the organization. I have not seen any provision for this eventuality or limitation of the activities of such an enterprise, but, how can the authority ensure best practices so that optimum benefits accrue to the new industry

and the country as a whole.

Madam President, for a cannabis market to exist a structured approach to cannabis production and supply is critical. Cannabis farming as exists in other countries should create a new industry in Trinidad and Tobago to meet global demand for medicinal and recreational cannabis products. The legal cannabis industry potentially holds economic benefits such as jobs, new businesses, expanded markets and export sales. And it is safe to assume this Bill is late in the game given that larger countries with better infrastructure, finance, technology and capability have already developed mature products and markets.

Forbes estimates that the global cannabis market will grow from US \$28.3 billion in 2021 to US \$197 billion in 2028 at a compound annual growth rate of 32.04 per cent between 2021 and 2028. The cannabis industry's economic impact in the United States is projected to be US \$1 billion by December 2022 and US \$158 billion by 2026. So for every US dollar spent by cannabis consumers and patients, US \$1.8 is injected into the economy. Currently the legal cannabis industry employs approximately 520,000 persons in the United States, this is projected to grow to 800,000 by 2026.

Latin America and the Caribbean has a potential cannabis market of over 35 million adult use customers and 5 million patients, with an estimated market value of US 20 million in 2020 and is projected to grow to over 500 million by 2024. This is according to Prohibition Partners. The region has low labour and construction cost and an overall cost to production estimated to be 80 per cent lower than North America.

Further, the spending reach of those persons and enterprises interfacing with the cannabis industry, these are like: accountants, restaurants, car dealerships, et cetera, cannot be discounted. It is estimated that for each acre of cultivated

cannabis 10 jobs are created. So, if in Trinidad we were to cultivate 20,000 acres in active cannabis development we could create potentially 200,000 jobs. This can be of tremendous benefit in Trinidad and Tobago's post COVID-19 economic recovery and create a valuable non-energy sector. However, the best yields and quality are derived in controlled agricultural environments as shown by the farms in Colorado. Research into and development of superior strains are ongoing in such farms. The Trinidad and Tobago Cannabis Licensing Authority therefore has a lot of catching up to do. Commercially viable products generally have a long lead time to come to market even with the input of both local and international expertise.

It is no secret that legal and illegal vibrant local market for recreational cannabis use already exist. However, the benefits of this market to the country at this time are negligible or non-existent. This because payment of taxes such as VAT, et cetera, are not coming to the economy. A benefit of the decriminalization of cannabis by the passing of the amendment of the Dangerous Drugs Act in December 2019 has seen a 78 per cent decline in drug related cases in the Magistrates' Court. This has helped unclog the country's legal justice system. So, this Bill legalizes the commercial production and sale of cannabis for medicinal, therapeutic and religious use. Once the Bill is passed cannabis will be treated like any other controlled substance which are legal and regulated.

In clauses 4 to 18 the Cannabis Licensing Authority is established. This authority is responsible for regulating and controlling commercial cannabis licensing and production. The operations of the cannabis authority is to be funded by the government. It is essential that the government allocate all the necessary resources so that the authority can function efficiently and effectively. However, the initial funding requirements for the first years of operations may not be readily available in these lean economic times. The board of directors, clause 6, who were

appointed by the President of the Trinidad and Tobago must be independent, well qualified, upstanding citizens.

Medical cannabis, clauses 41 to 45. Medicinal and non-medicinal cannabis. The definition of “medicinal cannabis” is included in clause 3 of the Bill. However, there is no definition for non-medicinal cannabis. I believe there needs to be a distinction between prescription and non-prescription over the counter cannabis medication. Prescription cannabis are: oils, capsule, tinctures and other non-intoxicating products. Non-prescription cannabis includes: flowers, raw extract, cannabis infused food and drink and topical such as lotion, balms and sprays.

Cannabis prescription, clauses 42 to 45. There must be regular and rigorous audits on the pharmacies to ensure that they are only dispensing medicinal cannabis products to persons with a doctor’s prescription and under the specific conditions detailed in the Bill. Currently, pharmacies regularly dispense prescription medications such as: antibiotics and cholesterol drugs without the require doctor’s prescription. This is a widespread practice. These pharmacies do so without any sanctions from the authorities.

Madam President, I believe that we need to implement a seed-to-sale tracking system. This system will allow legislators, law enforcement and the cannabis company to tract cannabis products from its planted seed through cultivation, harvest, testing and other processing to product delivery to the patient or consumer. Each plant is assigned RFID which is a, Radio Frequency Identification Number and is then weighted in different stages, harvested, drying and its dispensary, et cetera. These numbers are then sent to inventory tracking system where they are stored and available to enforcement officers and legislators. The main goal of this system is to prevent cannabis sales to minors and counter the

black market.

Health benefits of cannabis include relief from pain, muscle spasm and anorexia, anxiety, insomnia, et cetera, and benefits can be seen in the immune function, neuroplasticity, emotional and mood regulation, vascular health and digestive functions. However, Madam President, as with any drug the potential for misuse and harmful and unwanted side effects is ever present. These include: impaired driving, increase risk of stroke, brain changes, and mental illnesses involving psychosis. Edible cannabis products such as cookies, chocolates, candy, et cetera, have dangerous side effects for children. There needs to be further strengthening of the legislation to protect children in this regard.

Of critical importance in the actualization of the measures contained in the Bill is a comprehensive information dissemination campaign. It is vital that both the public and law enforcement are well informed to avoid missteps as the law takes effect. This cannot be a one-off exercise and continuous efforts must be made to reinforce the important aspect of the Bill.

Madam President, cannabis is an addictive drug and can be abused by users. The legislation before us does not provide sufficient scope and details on medical treatment for addiction. It is in my view that this is a necessary Bill which requires more work and considerable effort to become fully operational and achieve its intended potential. Madam President, I thank you.

Hon. Senators: [*Desk thumping*]

12.00 noon

The Minister in the Office of the Attorney General and Legal Affairs (Sen. The Hon. Renuka Sagrarsingh-Sooklal): Madam President, I thank you most sincerely for the opportunity to contribute to this Bill. Before I begin, Madam President, I want to join with my colleagues of this Senate and congratulate our

newly minted Attorney General on his first contribution in this most esteemed and honourable Chamber.

Madam President, I am excited by the prospects this modern, forward-thinking legislation will bring to the society and economy of our twin island of Trinidad and Tobago. You know, Madam President, I recall being in Tunapuna in 2020 on a political platform, on the political hustings and saying to Trinidad and Tobago then to the ganja user “Jah bless” and this, Madam President, was when we amended the Dangerous Drugs Act. Now, two years later, with pride, I can say to Trinidad and Tobago “You doh haffi dread to be Rasta” because “This is not a dreadlocks thing”. This is a “Divine conception of the heart”. It takes me back to Morgan Heritage, Madam President, and I will tell you why. Because what we are doing today is not ah Rastafarian thing alone. This particular Bill that appears before this honourable Senate is now a diversification thing, it is an economic thing, it is a medicinal thing, it is an export thing.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: It is something that stands to contribute significantly to the society and the economy of Trinidad and Tobago. That being said, Madam President, it will be absurd of me not to salute the hon. Prime Minister of Trinidad and Tobago for being a forward-thinking political leader.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Sir, I bow before you today in this honourable Senate because it is through your leadership, we are here as a Senate to debate this forward-thinking piece of legislation.

Now, Madam President, in my contribution, I would like to focus on Part VIII of the Bill as it relates to inspectors and of course in doing that, I will address some of the concerns that the hon. Sen. Lutchmedial raised relative to the issue of

constitutionality. Madam President, if time permits, I would want to also look at what I perceive as the potential of a black market cannabis trade that may be developed and of course how this Bill will be able to treat with same. And again, if time permits in my contribution, I would also look at administrative fines, clause 64 of the Bill particularly.

But before I jump into the crux of my contribution, Madam President, there are a couple of things that I would have to address as it relates to the contribution made by the hon. Senator, Sen. Lutchmedial and this is for the purpose of the record. Now, Madam President, Sen. Lutchmedial in her contribution raised the issue of dispensing of cannabis for medicinal purposes and the presence of cannabis products where there are minors. Most respectfully, Madam President, and to those present in this honourable Chamber, what the hon. Senator has failed to consider is that this falls squarely under the remit of parental responsibility. Even sections 35 and 36 of the Children Act speaks of exposing a child to a dangerous drug which carries, as we all are aware, a penalty of \$5,000 and imprisonment of nine months. So certainly, this is my attempt to debunk that concern or that submission made by the hon. Senator.

Sen. Lutchmedial also stated that the requirements for a licence are so stringent that they are far beyond the reach of a small farmer. But even the small man, as we are aware, when we look at this Bill clearly, is afforded a fair chance of applying and securing a licence. Madam President, I submit to this country, equity is given to all applicants as there is no onerous threshold to be met to satisfy eligibility.

Now, clause 30 in this particular Bill is referred, the person must be able to show that he is above the age of majority or a permanent resident of this country, a Caricom citizen or a company, firm, partnership, co-operative and for the religious

aspects and NGO. So it is absurd to be saying and placing on the public record that the small farmer or the small man will be locked out from making a said application and of course, for the purpose of the record, it was necessary for me to state that.

In addition, Madam President, the hon. Senator also stated that religious bodies need to be regulated as NPOs. Madam President, I would like to remind the hon. Senator that the current Non-Profit Organisations Act, 2019, mandates that NPOs must be registered. The mandatory registration was transposed to the proposed law. Now, this is seen where the controller of the religious organisation may on behalf of the religious organization apply for a licence under the proposed section 29(3) where the said religious organisation is registered under the NPO Act. And if we look at, okay, let us say (b), the documents for the organisation in registering, that the cannabis is for religious purposes.

So in the actual registration process of a religious organisation, the current application to register anybody as an NPO, you would have to expressly be able to make that declaration stating same. So there are checks and balances in place in other operational pieces of law. Certainly at the Office of the Attorney General and the Ministry of Legal Affairs, when those applications are made to register NPO, I know particularly and I could place on the record, our Registrar General and her team are particular and keen in combing through these applications and, Madam President, for the benefit of the viewing and listening public, this is one way in which we can ensure and there are measures that have already been put into place to ensure that no vaille que vaille person or entity are just “vaps” decide that they want to register an organization for religious purposes.

Now, Madam President, there were some other points made by the hon. Senator. The hon. Senator, hon. Sen. Lutchmedial, she spoke of an investment

being made in rehabilitation and the hon. Senator also identified her dissatisfaction that the regulations are not here before us today. In essence, the hon. Senator called this Bill a shell. Most respectfully, what we have today is a 68-clause Bill. How can we say that this Bill is a shell? So therefore, I totally denounce that statement made by the hon. Senator.

Now, the hon. Senator also in her contribution made the point that she believed that an investment ought to be made in rehabilitation. And now “doh get me wrong”, Madam President, I too believe that rehabilitation is critical but I personally believe that this ought not to be legislated at this time. My reason for this is because we will need to give the industry a time to establish and flourish before it is prescribed in legislation, that this said industry is now called upon to make some sort of investment in rehabilitation.

Now, Madam President, I also want to remind the hon. Senator and take this honourable Chamber to clause 6(2) of the Bill that appears before us. In clause 6(2), it says *inter alia* that:

“(1) The Authority shall be managed by a Board...”

Now that board shall comprise and if we look at that 6(2), it says that:

“The Board shall comprise”—of—“persons appointed by the President...”

And so on and it lists the persons, the kind of skill set that would be sitting on this board. We are looking at someone with five years’ experience in:

- “(a) law;
- (b) management;
- (c) finance...
- (d) medicine;
- (f) scientific research;
- (e) agriculture;

- (g) law enforcement;
- (h) education; or
- (j) drug rehabilitation.”

So in response to the hon. Senator’s concern that we have not prescribed in the Bill that appears before us some sort of provision for rehabilitation, I respectfully submit that this is where the board who is going to be charged with the responsibility of directing the authority, creating policies and so on, based on the composition of that board, the skill set of that board, we would have the opportunity of that person who is versed in drug or rehabilitation to be able to create policies that will treat with that issue. And therefore, respectfully, Madam President, it is my personal view that at this stage, we should not legislate in the Bill that appears before us that, you know, there ought to be a rehabilitative investment.

Now, the hon. Senator did raise medical concerns and manufacturing and export concerns. Madam President, respectfully, I will bat in my crease and I will leave those technical areas to be addressed by my more experienced and learned colleagues whom I know will follow and deal with those issues in their contributions.

Now, so I would have already dealt with the hon. Senator’s concern about the religious organisation. One thing I want to place on the record, if and when this Authority is established, we must remember and this is especially for the benefit of our viewing and listening public, this Authority does not—existing law does not disappear because we now have an Authority being placed. The Dangerous Drugs Act is still in existence and other criminal law as it relates to the abuse of drugs and any criminal activity is still very much alive and well. So therefore, we cannot expect that the current Bill that appears before us is certainly not going to deal with

criminal activity in its entirety. We have to remember that there are other good written laws in our books that will be used if and should any person who holds a licence pursuant to this Bill commit a criminal offence.

So, Madam President, those were just a few things that I wanted to address for the purpose of the record that the hon. Sen. Lutchmedial would have raised and I particularly, in my contribution, God willing, I will be looking at Part VIII which is the inspectors and the roles of the inspectors and my hope is that during that contribution and during that explanation, more than likely I will be able to also deal with issues of constitutionality that were raised and the concerns that Sen. Lutchmedial raised on the point of constitutionality with respect to the rights and privileges that would be given by the inspectors pursuant to the Bill that appears before us in this current incarnation.

Now, Madam President, I must say before I begin the crux of my contribution, I had the benefit as well to sit on the Joint Select Committee in the First Session of the Twelfth Parliament. That particular committee, Madam President, it met 18 times during the period of November 18, 2020, to June 04, 2021. And of course, I believe Sen. Lutchmedial made mention of it, it was indeed for me as a newly minted politician then and parliamentarian, it was indeed an eye opener and a great experience and to that end, I must for the public record, publicly again recognize the Chair of that committee who was the then Attorney General and now Minister Faris Al-Rawi for his work in that committee.

Madam President, I stand without fear of contradiction, there is no Member who sat on that JSC can say that they were not given an opportunity by the Chair of that committee to express their opinion and their views even if it was a dissenting opinion and a dissenting view and that is critical for the public to understand because every single Member who sat on that JSC was given an

opportunity at those sittings to be able to ventilate their concerns. And then of course, Madam President, “we know how the thing go”. If it is there were concerns that were so severe that were not dealt with, each Member opposite and Independent could have, at that stage, issued a minority report which when this Bill was debated in the other place, we know there was no minority report, but I would leave that there.

But, Madam President, again, for the record, I want to sincerely thank the Chairman of that Committee, Minister Al-Rawi for his contribution that he would have made at the JSC committee and of course, in the creation and the work that went into the creation of this particular Bill.

Now, Madam President, as I indicated, in the substance of my contribution, I would like to look at Part VIII which deals with inspectors and I also previously indicated that the attempt in doing this is to dispel the fears that this inspection programme would trample over the rights or the rule of law as it exists.

Now, Madam President, in looking at Part VIII, the inspection programme, the first place we have to start is by looking at clause 34(4) of the Bill that appears before us. Now, clause 34(4) of this proposed Bill, what this proposed section is doing is simply establishing that a cannabis licensee is giving consent in advance to the entry of inspectors or any premises specified in the licence. Now, this is simply ensuring that inspectors are given the powers to carry out their roles and functions to ensure there is full compliance with the cannabis law. However, it is important to note that the powers, even of these inspectors, it is not an unlimited power and it is set out in this Bill in clause 63.

So from the get-go, when we look at inspectors, we have to remember that there is a contractual arrangement that is going to be created pursuant to clause 34(4) between the cannabis licensee and the Authority who is the one responsible

or charged with the responsibility of granting the licence. As with every contract that exists, parties to a contract, upon given that notice, we all know it is up to the party to that contract to decide whether they want to follow through with this contract or not and therefore, any person applying for a licence is fully aware that they are granting consent in advance pursuant to clause 34(4) to the inspectors.

Now, Madam President, the question, of course, now is whether or not this is good law by giving this advanced consent and I have to say for the record respectfully, it is my submission that it is good law. For example, not too long ago, we were here as a Senate looking at the Special Economic Zones Act, 2022, what you would notice is that there was a similar provision so there is an alignment of law position in this current Bill and the regime of inspectors that was created in the Special Economic Zones Act, 2022. Particularly, for the benefit of my colleagues, if we look at section 53(5) of the said SEZ Act, what we would notice is that there is a similar regime or a similar programme of inspection and responsibilities and roles of inspectors that are created.

So firstly, in answering whether or not the creation of this inspection programme is good law, I have to say of course it is. Because, one, firstly, we have an alignment of law position. As legislators, we are ensuring that all of the pieces, you know, as the previous Attorney General used to say and even the tagline at the Office of the Attorney General speaks about bringing the pieces together, this law does not depart from what is already in existence, because again, it is in alignment with similar systems that would have already been created as we would have seen in section 53(5) of the SEZ.

Now, Madam President, moving from that—so I answered the first question, is this good law? And I gave one reason why, if you may permit me now to look at the roles and the powers of the inspectors. In looking at the roles and powers of the

inspectors, it will take us to clause 62 of the Bill that appears before us. In a nutshell, the roles of the inspectors, it states only inspectors established under clause 59(1) of the Bill will be able to conduct inspections. Inspectors will embody a high level of competence as prescribed in the legislation, that they will be trained and have the requisite qualifications established by the Authority and this is dealt with in clause 59(2) of the Bill that appears before us.

Now, this begs the question, Madam President, by allowing inspectors to enter a person's property and seize belongings, et cetera, are we breaching any constitutional rights? And, Madam President, respectfully, I want to state for the record that this Government is certainly cognizant of section 4 of the Constitution and as responsible legislators, we certainly would not advance any piece of law that certainly departs from the rights and privileges afforded to our citizens via section 4 of the Constitution.

I know Sen. Lutchmedial spoke about “she hope that she does not hear about Suratt” but Suratt to this point still remains the law as it relates to looking at instances or looking at when we are passing laws that will affect people's rights and freedoms, this can only be justified by looking at the legitimate aim of the law. So Suratt, until the court say otherwise, it remains the law. So, Madam President, in looking at inspectors and looking at that regime of inspectors that were created, it is fair we as legislators and on this side, we would have certainly considered the section 4 provision of the Constitution, we would have considered case law, even as it relates to Suratt, looking at the legitimate aim of why inspectors in this particular programme, why certain rights and privileges—not privileges but certain responsibilities are placed on their shoulders.

And the legitimate expectation of creating such a regime is of course, we are looking at inspectors being the ones who are solely charged with the responsibility

of ensuring that the licence which is granted is in no way breached. The inspectors are the ones who in essence would be the ones responsible for doing the site visits, for being able to accrue evidence, that if indeed there is a breach or there is a criminal activity existing, then of course this is what would provide evidence which we can then tap into other pieces of legislation, criminal law, and charge the parties accordingly depending on what the offence is committed.

So, Madam President, certainly, in taking into consideration the Suratt provisions, taking into consideration section 4 of the Constitution, we have considered all of that but based on what we are attempting to create today, we would have failed as legislators if we did not ensure that inspectors had certain rights to be able to enter into premises, into property, in which cannabis is being manufactured or dispensed because certainly, then we would not be regulating the industry. We will be granting licence to every Tom, Dick and Harry and just allowing them to do whatever they want. “Yuh understand”?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: So Madam President, respectfully, I again, Suratt, and I will say that again, we would have considered some of those provisions looking at the legitimate aim of why we would have created this particular regime of inspectors and I want to, you know, at least for the benefit of the listening public, understand this is really the purpose. It is not that we are a Government who is oblivious to the rights of our citizens, it is not that we want to trample on a man's rights, but it is simply because it is mechanisms that we have put into place in order to ensure that we are able to truly regulate this industry.

Now, Madam President, on the point of the proportionality side, we have checks and balances. These checks and balances with regard to clause 34(4), particularly the licensee, as we have seen or as we will see in that particular clause

has consented as a condition upon receipt of such licence to all the powers of the inspectors, which I already alluded to, by respecting the law of contract, we must understand that a contractual relationship would have been created, and I know I alluded to that already, between the licensee and the cannabis authority.

Now, Madam President, within this law, I respectfully submit there is also due process within the Bill. For instance, if we look at clause 63(1)(h) in particular, this states:

“An inspector appointed under this Act shall, for the purpose of the enforcement of this Act, have the power to...

(h) direct the temporary suspension of any activity which he reasonably believes to be in contravention of this Act or in breach of terms and conditions of a licence.”

But it goes on to say a licensee can pursue the avenue of clause 62(3)(c) by an appeal under 67 in the current Bill or judicial review and clause 62(6), the licensee will:

“...have the right to submit explanations or objectives within seven days of the issuance of the report.”

Now, why am I dealing with due process that exists within the parameters of the Bill? Of course, that is for the benefit of the public to understand that certainly this would have also been a consideration of us and by ensuring due process exists, it is a way to be able to deal with if, for instance, someone believes that they are treated wrongfully by an inspector, if it is that they believe that their rights in anyway are being trampled upon, there are clauses and there are systems within the parameters of this Bill that affords the ordinary citizen due process.

So if there is due process in this Bill as I would have placed on the record, if I made an attempt to identify the legitimate aim of why we have created the

inspector regime that exists in this Bill, if we have considered section 4 and the case law as it relates to constitutionality, therefore it is safe to say that we have crossed our t's, we have dotted our i's and therefore we have ensured that we have not run awry of the rule of law or the constitutional rights of our citizens in the creation of this particular piece of legislation. Now, Madam President, what I want to now—so that is my attempt to deal with some of those constitutional issues. I am most certain that our learned Attorney General, my new Senior in his winding up would also add and of course develop more clinically the discussion as it relates to this constitutional issue.

Now, Madam President, if you would permit me, I would now like to go on to clause 60(3) of that Bill that appears before us. In this particular section, Madam President, what it says is that an inspector who is conducting an inspection may be accompanied by a police officer. Now, understanding that inspectors are given the powers to carry out their roles and functions to ensure there is full compliance with the Bill as stated earlier, it is important to note that these powers are similar yet hold various differences, significant differences when compared to those of police officers under the Bill in clause 60(3) and clause 63 of this Bill.

Now, Madam President, clause 60(3) states that an inspector who is conducting an inspection may be accompanied by a police officer. So this may beg the question. We have inspectors, we have created this regime of inspectors, why was it necessary to now further go on to state that there are instances in which an inspector will have to be accompanied—well, sorry, the use or the need of a police officer is necessary. Now, to put this into context, Madam President, it must be noted that police officers accompanying the inspector to enter and search premises is solely at the discretion of the inspector as we know based on the wording of the Bill. This is because the inspector is not mandated to go with the police officer.

Therefore, when the police officer is asked to accompany the inspector, the officer at that point is playing a supplementary role in the search and seizure process.

Now, however, police officers are critical to the carrying out of certain aspects of, you know, site visits and so on are pursuant to this Bill. Why?

12.30 p.m.

Madam President, if we look at particularly clause 62, even without the police, as I said before, an inspector can enter a premise. However, what an inspector cannot do, if we look at the Bill, what an inspector cannot do without being accompanied by a police officer is that he cannot enter premises unless it is within the working hours or such other times as the premises are often open to the public or otherwise in the use by the licensee. What an inspector cannot do is detain persons. What an inspector cannot do is use force. So it was critical in the creation of this Bill. And again, in an effort to secure the constitutional rights of our citizens, in order ensure that inspectors do not jump out their skin and do what they ought not to do, there is a provision in this Bill, Madam President, that speaks clearly to instances in which a police officer will be called upon to accompany the inspector.

So the inspectors, Madam President, for the benefit of the listening public, we need to again, I want to reiterate, even though they are given roles and responsibilities under this particular Bill, it is not as if there are unlimited powers. And what we have done, we have built—what this Bill does, Madam President, is that it also builds in processes to ensure that even an inspector, there is a check and balance on that inspector in the instance of police officers, Madam President, accompanying said officer.

As I said before, I would have identified the instances where police officers particularly would be called upon, is when the inspector, of course, wants to visit a

premise outside of working hours. If there is the need to use force, or if, Madam President, there is the need to detain persons. Of course, those would be the instances in which police officers would most certainly be called upon.

Now, in clause 63 of the Bill which appears before us, Madam President, we also see that there is a warrant, a search warrant provision that is provided. And this again, Madam President, is another mechanism of due process which exists in the Bill that appears before us. And again, another check and balance in ensuring that the rights of our citizens are certainly protected.

Now, Madam President, we have inserted even more due process, as I said before, by the inclusion of clause 64. And with the inclusion of this clause, Madam President, we have resorted to well-established processes and procedures, such as applications to the magistrate for a warrant. And for the lawyers inside here, we understand what is the process in order to obtain a warrant. We understand that the judicial officer is going to be called upon to hear the evidence, albeit a prima facie case and then, of course, determine whether or not a warrant is granted or not. So again, by inserting this warrant provision, it is my respectful opinion, Madam President, that this is another, yet another mechanism, Madam President, to ensure that the rights of our citizens, and the constitutional rights more so, afforded to our citizens under section 4 of the Constitution are not trampled upon.

Now, I mean, of course there are numerous cases relative to search warrants, and so on. We have *AG v Williams et al.*, 1977/51 West Indian Reports, 264PC. Of course, that is just one of the many cases that would have gone on to the threshold, of course, that has to be satisfied when that application, Madam President, is being made for a warrant. Just simply to say that this warrant provision again, in my respectful opinion, it ensures that the rights of our citizens, because of the process in which a warrant is obtained that the rights of our citizens are taken into

consideration.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Now, Madam President, how much time is full time? How much time do I have?

Madam President: You have seven more minutes.

Sen. The Hon. R. Sagramsingh-Sooklal: Thank you very much, Madam President. Now, Madam President, so that being said respectfully, I have tried in my own way, Madam President, to dispel the concern, any concerns that persons may have that, by the creation of these inspectors that we are trampling over constitutional rights of our citizens. And as I said before, I am sure my other colleagues will dig deeper into that point as this debate continues.

Now, Madam President, as I continue my contribution, I recall in preparation for this particular debate, I did some reading on a black market cannabis. And, of course, you know the reality is the more we try to regulate things and put systems in place, we have to be cognizant that it gives the smart man and smart woman out there ideas to still see how they can find ways in order to circumvent the system, right, or to cheat the system. I recall it was the hon. Prime Minister who used the term “smartmanism”. And we know very much in Trinidad and Tobago, like very much other parts of world, “smartmanism” is very, very much prevalent.

Now, bearing that in mind, I would have read, I recall in preparation for this. Now, of course, Madam President, this is not a concern unique to Trinidad and Tobago. It is concerns that would have faced other countries, especially countries, for example Canada in particular, in which we have the cannabis authority existing and, you know, in full force. Now, actually, it was a Canadian special committee on COVID-19 pandemic. It was called Hot Issues Notes, Public Safety Canada,

“Cannabis Black Market”, dated June 15, 2020. I just wanted to read that into the record. And what—

Madam President: Minister, you have five more minutes.

Sen. The Hon. R. Sagramsingh-Sooklal: Thank you very much, Madam President. What this particular report said, Madam President, and the Government here referred to as the Canadian Government:

“The Government is also taking steps to disrupt the cannabis black market and to ensure that organized crime doesn’t infiltrate the legal framework by working in partnership with other federal departments, provinces, territories, and as well as law enforcement.”

Now, we cannot, Madam President, ignore, as I said before, that even in the creation of this authority we would have persons, for example, who cannot get a legitimate licence and wants cannabis, a person who wants more cannabis than what he is qualified to get, a person who may not be able to afford the prescription and wants to get the cannabis cheaper by someone else. There would be instances where the man who is trafficking for those persons who want it for recreational purposes. These are some of the few reasons, Madam President, why we may have the creation of a black market cannabis trade creating.

Why am I bringing this up, Madam President? I am making reference to this because this in essence should cement in our hon. Senator’s mind why it was necessary for our inspectors to be given the kind of responsibilities as they have been given under the Bill that appears before us. We have to be cognizant that even in regulating cannabis, we may very well be creating an avenue for black market cannabis.

And as a consequence, in order to ensure that we curb—and mind you, for the record, this is not going to be a unique phenomenon in Trinidad and Tobago. It

is something that Canada has already faced and other countries have faced. But what it does is that it simply, in recognizing that the creation of this authority and stringent measures, that we may have the emergence of a black market cannabis trade, it should cement in all of our minds the necessity for us to give, as we would have done in this Bill, inspectors, the kinds of powers that we have given to them. This should cement in our minds why it is that police officers are critical at times, pursuant to clauses in this Bill, to accompany an inspector; why warrants provisions are critical in this Bill that appears before us, bearing in mind, Madam President, that we may very well have, we will, at some point or the other, have to deal with the creation of a black market cannabis trade.

So, Madam President, with those few words I want to recommend this Bill to the Senate. I do hope that the hon. Senators, those opposite, would be willing to give us the Government the support that we require in order to pass this landmark forward-thinking, Madam President, piece of legislation, which stands only, which stands only, Madam President, to redound to the benefit of the people, all people, Madam President, of Trinidad and Tobago. With these few words, Madam President, I thank you.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Madam President, for allowing me to partake in this debate today. Madam President, I must say that this legislation brought to me some distress, in the sense that a few years ago I was totally against the use of marijuana, because in my profession I have been seeing what marijuana does to young persons. I have been seeing psychotic illness. I have been seeing admissions to St. Ann's Hospital. So, therefore, it caused me a little distress.

I want to just give a bit of history. In 2014, the Caricom Regional Commission looked at the marijuana issue and in 2018, the Report on the Regional

Commission on Marijuana was published. It was a report done by the present principal of the university. And it was entitled “Waiting to Exhale”. It actually looked at safeguarding our future through social and legal policing. So when those reports came out it was, in a sense, giving me an idea that we were now about to be changing the landscape. Because in 2014, the Heads of the Caricom region met and decided that this is the time that they would look at the benefits of marijuana to the economy. And I must say I saw initially the Prime Minister came out in early 2019, where he said decriminalizing marijuana is not a priority. And when he made that statement it was published.

I must say my wife who wrote a column in the *Express*, she basically wrote a critique on that and actually tried to outline the benefits of the marijuana. She tried to say that there was the economic benefits. She mentioned about the amount of the money in Colorado. She mentioned that even other countries would have been benefiting. We had a lot of discussion in my home because of this.

You know, Prof. Rose-Marie Belle Antoine’s report that came in 2018 gave me the idea that I may have to now start to revise my thinking about it. You see, and it caused me a lot of what they call cognitive dissonance. Because I was trained against marijuana use. I had journals giving the so-called dangers of it, and I was seeing patients at St. Ann’s Hospital coming in with it. So therefore, my wife actually tried to change my mind when she showed me that there is a condition called endometriosis. It is a painful condition in women, where the lining of the womb is deposited in the abdomen different regions and just before the period this swells and gives you a lot of pain. And she had tried, in this condition, for a patient of hers, everything. From the opiates, NSAIDs, the whole spectrum. But this patient came one day and actually told her she has no pain again. And the patient actually mentioned she was using a CBD product.

She had another patient who came in, who actually had cancer of the breast spread to the bone, tremendous pain this patient had. Again, this patient used the CBD oil. Now, Madam President, those products were already in Trinidad, up to five years before. It was there. People were buying it. They actually purchased the products, the CBD oil, from a pharmacy in Diego Martin. So, therefore, when I looked at the Prime Minister's initial comment I was a bit pleased. But after that, there was a change of heart where he, now in the latter part of 2019, the Government said they were going to move ahead as the rest of the Caribbean. And I say as a leader I have to commend him for listening to the voice of the people, listening to what is happening. I have to commend him.

Hon. Senators: [*Desk thumping*]

Sen. Dr. V. Deyalsingh: And he did it for the pepper spray too. So again, we have had a leader who would listen and who would sometimes change his viewpoint.

So my problem, Madam President, is that I now had to say what was the benefits, and my wife was saying if there is a benefit to patients, we should not be held with our old views that we learned. I should not be in that mindset that I would not want to be flexible as how our Prime Minister was. So, therefore, I looked at literature. But you see, Madam President, literature was coming out that it was helpful, the CDB was helpful in anxiety, OCD, certain medical conditions. And I reached a stage now in my life thinking: Should I give somebody Xanax? Or should we go to a natural thing that can help anxiety?

I also looked at the fact that, you know, I recognize the dangers of addiction and whatnot. But, Madam, the alcohol has much greater dangers than the marijuana and the marijuana derivatives. So again, I also looked at the fact that we—when you looked at the fact that persons have been using the marijuana before, persons have been using it for medical purposes, the whole market was

opening up all over. In fact, as they say, we caught on late. And we caught on late and we found that the other countries, Jamaica, you found that St. Vincent, all those countries, Barbados had one up on us. Because they had started; Antigua/Barbuda. Jamaica also had a company called Jacana, which has been certified to export medical cannabis as a natural relief for chronic pain, through its alliance with pharmaceutical companies.

But, Madam, even quite as 1982 when I got into medicine in Jamaica, there were reports that it was being used for glaucoma. So it is just now, I had to open my mind to say hey, there are the benefits, let us see what we are going to accomplish, the good out of it. Because there is always some sort of good out of it.

So therefore, I realize that there would be dangers, but I am happy that the Minister of Health has appointed a Director of Mental Health. Because a Senator mentioned that the fallout of the addiction, fall out. But we have Dr. Hazel Othello who is there and she worked at St. Ann's, so she knows the shortcoming and she would be one who would look at our free services that we have at Caura. There is a substance abuse prevention treatment center there, which—once we get that, you know, a little better staffed we would be prepared for any sort of fallout that I thought may have happened.

So then I looked at the fact that certain—I think Sen. Lutchmedial made mention of the fact that we need more training. More training is needed for doctors before they can prescribe the marijuana derivatives. But I must say the CBD seems to be harmless. It is not to say it has an addictive potential. And doctors already out there without any additional training, we are already prescribing things like Pethidine, Morphine, Valium, other substances, which are very much more addictive, which have shown to be problematic. In fact it has shown, because the opiates right now in the United States, there is what you call the opiate epidemic

and doctors are also blamed for giving prescriptions, dispensing these prescriptions to persons and are considered as probably the new drug pushers.

Here in Trinidad, I must make mention, I was the President of the medical board and we had like two cases coming in, where locally doctors would have been prescribing Pethidine to patients and knowing that the families would have gone to them and actually tried to get some sort of a restriction on these doctors and punishment. So you would always have certain doctors who misuse, but the medical board is there for that.

So in terms of having training, once we get the basic training in the University of the West Indies to say that there are side effects, what to expect with an overdose, this should suffice. We do not need any extra sort of training. Doctors are there. Those who step out of line, medical board is there once you complain.

However, what I must say is that we have to remember even in the United States, it is a Trinidad doctor who actually caused the demise of the god of pop, eh. And again, we have to look at prescribing practices of individual doctors. What I must say, Madam, is that when I look at the fact that the history of this whole thing, it was really the United Nations who put on these restrictions on us years ago since, I think it was 1920, because before 1885, you could have gotten marijuana all over. The Lion House used to sell it and you had ganja cultivation licence. So it started as a restriction and I think Independent Sen. Seepersad mentioned that the restrictions came in. So the United Nations restrict it, and after all these years, you know, it caused a lot of problems in persons, criminalized persons.

And finally, you find that on the 2nd of December, 2020, the United Nations realized now we would have now to revisit this, and they had given us that idea that they are no longer putting it in that schedule of dangerous addictive drugs.

And they were following the World Health Organization guidance, the 41st Expert Committee on Drug Dependence. So we are at change, we have now come back after full circle to say. So it is a fact that marijuana was used for recreational purposes. It was used as medicinal. It was used for trade and we have now come back, after all these years, to see how we are going back to this system.

So therefore, as I mentioned before, I do not think the traditional CBD being given as medicinal marijuana could cause much concern. I do, however, have some concern where you are having like the edibles. Because, Madam, we have to appreciate that according to the Bill, when I looked at the section where it made mention that the Authority should be the one to take measures to be the one to advise the Minister, to take enforcement measures, for noncompliance, et cetera, and also the Authority is there, according to Part II, clause 4. And I am looking at Part III where the Authority could formulate standards, scientific research. It made mention also of the fact that the Authority would also look into the edibles.

My problem is, right now in the United States there is a problem with the edibles. Even the edibles here, we have to appreciate, Madam, that in our country, I think it was in a school in Couva where a child bought edibles outside the school from a vendor, brought it into the class and the children got ill. And we have to be aware that if you are someone selling these drugs and suddenly you figure that everybody could have their three plants, people could have their plants, they could use it, you may think your market is drying up. So what do you do? You look for another market. Who is the other market out there? Children. So this is where we have to be very, very cautious what is going on. And I saw the fact that even in this piece of legislation it made mention of protection of children. So it was really in February 2020, the 16th, where five children ate brownies and they got ill outside their school. So we have to worry now that their new target from these drug

pushers would be children.

And why I mention the edibles, Madam, the Authority would have to do everything in its power to see the levels of active material in these edibles. Because according to Part IV clause (29)(d), when you are getting a processor licence, it speaks to medical cannabis, including but not limited to edibles. And the fact remains, Madam, Barbados has restricted the sale of edibles. So it has not opened up. I do not know if they will consider. And Jamaica in 2017, also had to ban the sale of infused edibles. So the Authority has to be aware of the dangers of edibles in the sense that you may not know the fact that it could be contaminated. It could also not have a standardized amount of active chemical.

And the fact is, I would have faith in the Authority keeping aware of the latest information that is coming out internationally. Because up to a week ago the Food and Drug Administration in the United States had to warn the population of something called Delta-8 THC. Delta-8 THC is really a psychoactive substance that certain persons are taking. It is concentrating it, and it is actually manufactured from a hemp-derived product, CBD. So it is marketed as a hemp product but it has a high level of this Delta- 8 THC which has been causing, according to the FDA, it is marketed in a way that puts the public health at risk and should be kept out of the reach of children and pets.

So even brownies and these sweets, they are now marketing it into packaging that looks like normal gummy sweets, actually packaging. And the packaging looks similar to sweets that children will buy but they just have “medicated product” in brackets next to it. So the FDA has been warning about this. Right now, I think the FDA is trying to see how it can address this problem because it is noting that it is a harmful effect to children. Children might be having an overdose and also the labelling of these products is also vitally important. And

the fact is persons are just going in the groceries and getting it, the gas stations. So these are things, we have to be aware, if it happened there it could happen here.

So therefore, the Authority which would have a set of persons, I think, within their composition, would be aware of the dangers of the contaminants, the dangers of out there. And what I may say also is we have to be assured that when they are given that processor licence, they may make those brownies into a package, childproof package, because you have something looking like little gummy bears. The children would go after it. So this is something I am thinking, I do not know if it is the regulations, the Authority will actually have to ensure that they would give that directive.

Madam, when I looked at the fact that the Authority was—there were nine members of the Authority, I was wondering about the fact that I have seen there that there is one of the persons could be a doctor, and I am thinking it might be better, in my opinion, to have that person not just as a doctor but a psychiatrist. You see, a psychiatrist could easily—I refer to clause 6 when you are looking at the board shall comprise of certain persons, law, management et cetera, medicine, I think it should be a psychiatrist, and the drug rehabilitation person—a psychiatrist will know about drug rehabilitation.

I am also thinking that if you have somebody there who has been an advocate or had been advocating for this piece of legislation, the Attorney General mentioned Mr. Marcus Ramkissoon, and those persons would have seen the need for it, the way how we could put it in a position where it reaches to the amount of the ordinary man who can get it and not the persons out there, big companies. So I am thinking probably we may want to consider putting one of these persons who have been advocating for it.

I also make mention to the fact that I was fortunate to have a correspondence

from Ms. Nazma Muller. She has been an advocate for this for years. And I asked her what is her view on this and she has been someone who, a leading advocate for legalization. She had discussions with former Attorney General and Junior Minister then, Fitzgerald Hinds. And she mentioned the fact that it has taken two years to reach this stage, and many thousands of citizens' lives were negatively affected and she is even saying that we are still waiting for the Mercy Committee to meet to begin the process of expunging the convictions.

However, what she mentioned is that the Cannabis Control Authority may take a while to set up. And I think she was a bit cautious about this. Part of her writings to me she said:

We are yet to see the regulations that Mr. Al-Rawi said were ready since the Bill was first submitted in 2019. But given the problematic contradiction of the DDA amendments, four plants but only 30 grams in possession, one anticipates serious hiccups with implementation.

So this is her view and she also, in her view, said that we should have gone on to look at hemp also, which we could probably do in the future. And her view too is to give ordinary citizens access to these licences. And again, this is something I think the Authority may have to look at it in future and give recommendations as this whole situation now evolves into what we are dealing with.

So I must make comment, Madam, also that I make mention to Part II, clause 4, where it makes mention of the provision of analytical services that the Cannabis Licensing Authority must have. And this, I think, is important to analyze what is out there. I think it is important to see the ingredients, the quantity. And in the past testing seems to be a major issue in any sort of adverse outcomes.

I also look at the fact that the Licensing Authority would also provide for the distribution of education materials. And we have to really re-educate persons on

the misinformation we had for all these years about the ills and the ill-effects of marijuana, and let them know of the potential, the good effects and the CBD. Let them also know the fact that it is safer than the alcohol.

1.00 p.m.

And, Madam, when I looked at the landscape out there, it is not just marijuana is good for CBD; ketamine, which was something being used to cause date rape and people use ketamine to get high, we are now looking at ketamine in terms of helping persons with depression, even the psychedelic mushrooms are now being put into medication. So the landscape in terms of psychiatry and what is available to aid our patients will be changing, so soon, we may have to come back and look at the Dangerous Drugs Act and look at those things like the ketamine and mushrooms which will be in medication soon.

I would like to say, Madam, that the fact of this piece of legislation here we had noted that the transparency is there, I looked at the transparency, looking at Members who would be there, looking at how we could monitor them, but you see the role of the inspector, Madam, it is a very important role and in the past, you know, persons abused their authority. So that section where it gives the power of the inspector to go in, I am a bit cautious with that because we have to have an idea—if you have a person as an inspector, how do you prevent something like an abuse of power? How could you prevent inspector from trying to get a little money on the side to turn a blind eye—and this is why in this legislation clause 60 also speaks about an inspection team. I would rather visits be done by a team rather than one person. I also would rather somehow we could get those inspectors to have, go in with a body cam so nobody can accuse them after because we have—all that allegations we may have coming up we will have to defend—I also would like to see some way that the hiring practices if, just as how the—you have the

Integrity Commission could ask for the finances of persons, I think inspectors may have to declare their accounts, we had a high ranking police officer recently with millions in his account and you know so, an inspector to prevent things I am thinking they should be put some under sort of financial scrutiny to see that they are not going to be turning a blind eye, they are not going to be abusing their power.

I also would like to say, Madam, “the factory” means that the inspection team—I was pleased that they would have to notify the Authority within a short space of time. And this I think will go well in terms of cutting down any sort of searches, just going, you know, into a place to cause mischief, to cause hardship to try and see if you could gain something from these persons.

So Madam, I also look at the fact that the—a person who contravenes, I am now looking at part four cannabis for religious purposes, where you are looking at for religious purposes, you say that:

“A person who contravenes subsection...commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of six months.”

While you found that—I think we should increase this. I think we should increase this to the \$100,000 and 10 years that was in the legislation previously, where you are looking at persons who breach it, and I am thinking that to prevent people from misusing this piece of legislation, you should at least have that sort of a buffer to prevent these people from trying to see they could pull a fast one, or get a religion and somehow invent a religion to get this thing.

So Madam, I looked at the fact that medical cannabis you have to get the permits. It seeks to protect children because Part V definitely looks at the fact that:

“A parent or guardian of a person with responsibility for child,...”—must have—“who fails to comply with subsection (2) and permits or causes the child to use medicinal cannabis commits an offence and is liable...”—to—
“one hundred thousand and imprisonment...of ten years.”

So, I think it should go to also the religious aspect also. And I am saying that the fact is, we have the fact that I was puzzled a bit where:

“...A medical practitioner shall maintain a record of every patient to whom he has prescribed or recommended the medicinal cannabis...”

Now, Mr. Vice-President, if I keep that document, a patient may still go by another doctor and get another prescription. So I am thinking it might be a better idea for the pharmacists to give to the Authority any prescription that has come about for medical marijuana so, they will have that list with the patient’s name, the patient’s ID, rather than because a patient could go from me, go to another doctor and get two different prescriptions.

I also make mentioned to the fact that the CBD that we have—the CBD derived products for the epilepsy that we know, the Epidiolex and also the Salivex, those medicine are in prescription form. As doctors we know how much we are giving dosage per milligram. And I will feel comfortable in prescribing this because I just look at the dosage information, I know how to give somebody that. But you see if I am going to recommend, sometimes I would know I may feel uncomfortable recommended a flower, an extract, not knowing the standardized medicine and if a patient has an adverse effects, would I be liable now to be giving the recommended—the recommended one I am saying prescription is not a problem, you have the full dosage, you have everything scientifically put there, the amounts and everything there.

So, I would also like to say that the prescribing information as I mentioned, we have to get that information into the Authority but I think the duty is more for the pharmacists. And the—there is a situation where if when we are looking at the caregiver, and this speaks to clause 44(4):

“A person who is designated as a caregiver under this Act...”

We have to ensure that caregiver is not addicted to dangerous drugs. So therefore, it might be difficult to test because everybody could have their three trees and use the marijuana come to me, I get my marijuana in a caregiver urine, I think he is using marijuana but I cannot say if he is addicted. So this may be a little onerous on a doctor to say if the caregiver under this act is addicted to the drugs. And also, if a patient changes, his caregiver shall notify the medical practitioner. Again, if you look at this, you know, sometimes we have cases where a caregiver may come with the patient the first time and keep subsequent visits, come back for a prescription and say the patient is home. And this is where duty of care is given by the doctor so we have to do home visits to ensure that they are not being full, taken for a ride by the caregivers.

I also would like to say that even though we are having all of this talk about having field setup having the farmers get involved, you know, I wonder access roads, you know, I wonder what about the normal farmers, not the ones who want to plant marijuana, they have been calling years for access roads and on better equipment. So we need to feed the nation I think, rather than jump down this marijuana bandwagon. Granted, people say it is a, you know, there are persons saying that there is a great profit to come from it. But you have to appreciate, Madam, they are now making the marijuana in labs. In fact, there is a drug that is—it is a drug that you could get it from the lab. So soon, would a drug company rather buy a whole set of buds, try to all this process, or would that company

simply manufacture the marijuana in a lab—the THC in a lab or, CBD in a lab and in a sense, we might be going into an industry where soon the lab may be able to be the big pharma company, would be able to be just mass producing this. And then everyone who has set up their farms may be left there just holding onto these farms. So we have to keep in mind even though people are saying there is a great money involved in financing countries, big pharma could easily make that version and they have already made versions, I think in Israel, where you can actually use a drug for chronic pain that is derived from the THC.

[MR. VICE-PRESIDENT *in the Chair*]

So, Mr. Vice-President, I would like to say that at this stage, I think Government has tried to put things in place to give us a piece of legislation that, you know, with some safeguards, it is not perfect as the AG said, there will be changes, there will be other things, you know, wanting to add to change. And in time I am hoping that you know, we can get this thing right that would actually give us a better care for our patients who need the CBD and for those persons religiously-minded would be able to get their flower that they could use for religious purposes and also this small man could be taking—partaking in the market if there is an industry to be had for that. Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Minister of Health.

Hon. Senators: [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Vice-President. Thank you for recognizing me. And may I also thank the Leader of Government Business and the Sen. Amery Browne, for extending a very courteous invitation for me to come from the Lower House to contribute to this debate. Thank you. Yes.

Hon. Senators: [*Desk thumping*]

Hon. T. Deyalsingh: Mr. Vice-President, the debate thus far, and I listened to all in my office before I came, and I must say, the debate so far has been rich. The debate so far has been constructive. And I want to congratulate my Prime Minister, the hon. Dr. Keith Rowley, for being at the vanguard of this issue. And yes, we have altered our positions over time. And I want to recognize and congratulate the Speaker before me, Sen. Dr. Varma Deyalsingh for also recognizing evolution in thought is important as science teaches us more and more. The other person who I think we owe a debt of gratitude for this evolution of thinking is one Dr. Sanjay Gupta, who is the medical correspondent for CNN. And I will refer to the particular patient he spoke about Charlotte Figi, later on in my contribution about evolution of thought, about cannabis and medical marijuana.

Before I get into my substantive debate, and I thank Sen. Dr. Deyalsingh for raising the issue of Delta-8 THC and to inform the country through you, Mr. Vice-President, that his concern about Delta-8 THC is real and what steps we have taken to protect the population. But first of all, I must explain what Delta-8 THC is.

Delta-8 THC is a similar compound to THC which is the psychoactive component of marijuana. Both compounds are what you call isomers. In chemistry terms, an isomer or isomers are compounds with the identical chemical formula, same kind of atoms, same number of atoms, the same number of molecules, however, their spatial arrangement is different. And it is that spatial arrangement of different isomers that gives them different properties. The issue of Delta-8 THC is already controlled in Trinidad and Tobago under the Dangerous Drugs Act. And I will now refer to the Act so that Sen. Dr. Deyalsingh who has raised a very important point to be comforted, and the rest of us can also—so under the Dangerous Drugs Act, tetrahydrocannabinols—the following isomers as I have just

explained, Delta-6 A(10-A), Delta-6 A(7) so all of these are the same compound, same atomic formula but different orientations and space, Delta-7, Delta-8, Delta-9, Delta-10 and Delta-9(11), and the stereo-chemical variants are all already captured under the Dangerous Drugs Act. So I hope that brings some clarity to the issue.

Mr. Vice-President, marijuana, ganja, pot, weed, and there is a famous band people of my vintage who grew up on called the Doobie Brothers. They were named after a doobie, which is another name for “spliff” so the Doobie Brothers it has found its way into pop culture. The Government of Trinidad and Tobago as directed by the hon. Prime Minister, had a government policy position and the first policy position we took was amendments to the Dangerous Drugs Act to decriminalize certain quantities of cannabis. That has been done and dusted and the amendments to the Dangerous Drugs Act have been made. But today we are here to debate the Joint Select Committee Report, or the Cannabis Control Bill, 2020, which was first read in this honourable Chamber on Wednesday, the 14th of October, and then Friday the 23rd of October, 2020, and then sent to a Joint Select Committee, first meeting held on Wednesday 18 November, 2020. I was honoured to be a member of it.

My focus as Minister of Health in this honourable Chamber is to speak to the country through you, Mr. Vice-President, about cannabis, the medical use and my responsibility to 1.4 million persons for bringing drugs and pharmaceuticals to the population that are safe and effective and fit for purpose. All of this is tied up to the Dangerous Drugs Act, Chap. 11:25. And then the short title of this Act is:

“An Act to provide for the control of narcotic drugs and psychotropic substances...”—et cetera.

So medical marijuana which is psychoactive will be captured here.

The issue of the inspectorate was raised by—I believe Sen. Seepersad quite wisely, and also Sen. Dr. Varma Deyalsingh. Any drug falling under the DDA will be falling under the Inspectorate of the Ministry of Health under the Dangerous Drugs Act, and the Dangerous Drugs Act, section 12 speaks to that and the appointment of inspectors under the Legal Notice 143/2001. So, the formula for inspection is there and hopefully that will be strengthened.

Mr. Vice-President, let us get straight to the point now, medical cannabis. I listened to all contributions before coming here and Sen. Seepersad referred to Peter Tosh and I also looked at Bob Marley's song, "I shot the sheriff"—"kill the seed before it grows". But what I found out, Sen. Seepersad through you, Mr. Vice-President, that that song, may have a double meaning it may be about marijuana, it may also be about something else. So I leave that to the radio DJs to have a field day on tomorrow as to what is the exact meaning of "kill the seed before it grows". But the issue is one in pop culture, and has now found its way into this honourable Chamber.

So medical cannabis—cannabis, as I already said, is a plant that has about 500 chemical compounds. And we are talking today here about two of these compounds called cannabinoids, THC, which is psychoactive because it binds with certain receptors in the brain, and is covered under Schedule II of the amended Dangerous Drugs Act, and CBD, which is non-psychoactive, because it binds with non-brain receptors. Sen. Deyalsingh, an important point and the population must be advised that medical marijuana or THC is not the be all and end all of medicine, this is not a silver bullet but it also must be considered in the context, there are other drugs already on the market that are more psychoactive. Because there is a narrative out there that in approving the sale of medical marijuana, we are

unleashing some force in the country that will get everybody high, and everybody addicted.

Ketamine, under my tenure as Minister of Health recognizing its dangers, we upgraded that under Schedule two of the Dangerous Drugs Act. LSD is already under Schedule two of the Dangerous Drugs Act, and also MDMA, commonly known as ecstasy, or Methyldioxy, Methylamine. So, the point is approving medical marijuana, it joins a list of other psychoactive substances, some of which as Sen. Deyalsingh, select ethylene and morphine, which are even more addictive, more than dangerous. So I just wanted to put that on record.

The National Institute on Drug Abuse defines “medical cannabis” as using the whole unprocessed marijuana plant, or its basic extracts to treat symptoms of illness and other conditions. And just for completeness, cannabis is also included under sections 1 and 4 of the Single Convention on Narcotic Drugs 1961 and also, the International Narcotics Control Board, 2018.

Point to note, for me mentioning all of this is that marijuana or medical marijuana is not to be treated lightly like all other psychoactive drugs. It has its pros and cons, it can be dangerous to the uninformed or the uninitiated or even those under 21 because research has shown it affects the brain in the under 21s in a different way to the over 21s.

The Joint Select Committee would have asked for submissions from the Pharmacy Board, University of the West Indies, Association of Psychiatrists of Trinidad and Tobago and the Paediatric Society because we are concerned about the effect of medical marijuana cannabis on children. So my role as Minister of Health is to have overarching responsibility for the safety as I said at 1.4 million persons being exposed to pharmaceuticals, its prescribing, its dispensing and the education of those charged with this onerous responsibility.

Sen. Lutchmedial, and I listened to her carefully, spoke to the issue about training for doctors and so on. It was echoed slightly by Sen. Seepersad, but also mentioned by Sen. Deyalsingh.

So I would like now to give some details, Mr. Vice-President, because it is important to know how we are preparing prescribers and dispensers for this. So I contacted the University of the West Indies and thanks to Prof. Terrence Seemungal, I will now give some details about what is happening on the graduate level.

At the School of Medicine, which includes the MBBS programme and the DDS programme, that is both doctors and dentists, it is a common course. Course MDSC 2402: Neurosciences and Behaviour. They are taught about neuro transmissions, neurotransmitters and addiction, with special reference the endocannabinoids—I will leave this with the *Hansard* so they will get it.

At the MBBS programme, years three and four, course code MDSC 3313: Applied Paraclinical Sciences III, pharmacology of cannabis; under course code MEDC 4303: common drug abuse, marijuana, cannabis. At the School of Pharmacy—BSC Pharmacy, course code PHAR 4103: Pharmacy Seminars, medical marijuana evidence for safety and efficacy taught in year four. At the School of Dentistry, smoking and risks for oral cancer for smoking of marijuana. At the School of Veterinary Science, course code VETM 3013: Veterinary Toxicology, Introduction to Veterinary Toxicology and Poisonous Plants taught in year three.

At the post graduate level—so that is the undergraduate level, Mr. Vice-President, at the post graduate level at the DM programme level, Doctor of Medicine, DM Emergency Medicine, because many persons will present at the emergency, at the A&Es. Course code DM EMME 7637/7647: acute cannabis

overdose, acute psychosis secondary to cannabis, which dovetails with what Sen. Deyalsingh was talking about—how do we train people to recognize these things, and general toxicology.

DM programme Anaesthesia and Intensive Care, course code DM ANIC 7671/7647: cannabis use and its abuse as it relates to anaesthesia for emergency and elective surgery and cannabis use in chronic pain. The DM programme for Obs and Gyns, course code DM OBGY 7630/7635: cannabis use and its abuse as it relates to the effect on the foetus which must be, Mr. Vice-President, a very important consideration for our pregnant population.

At the DM for internal medicine, what is taught: pharmacology of cannabis and cannabinoids—the therapeutic effects in neurology conditions such as epilepsy, Multiple Sclerosis and Huntington's chorea. The therapeutic effects on chemotherapy-induced nausea and chronic pain syndromes. The systemic side effects on pulmonary, neurological, cardiovascular, gastrointestinal, sexual and reproductive systemic use and lastly, the cannabis use disorder.

It may be important to note, Mr. Vice-President, that one of the DM resident research projects is cannabis use in patients with epilepsy that has presented at the weekly research meetings and I will come to that later on because Sen. Deyalsingh raised it and it is a very important point to raise.

What about training of existent pharmacists—the older heads like myself, who are not in the programme at this point in time. Well, through the Pharmaceutical Society of Trinidad and Tobago, they issue their position on the Cannabis Control Bill. And if you allow me just to quote, Mr. Vice-President:

The Pharmaceutical Society of Trinidad and Tobago is of the opinion that the potential therapeutic uses of marijuana have been sufficiently

documented to permit—and this is the crucial word—its cautious use for therapeutic purposes.

And I think that is the message, medical marijuana can be used but let us use it cautiously and as I said, this is not a silver bullet for every ailment under the sun.

They have a three-pronged approach to retrain pharmacists like myself. One, they will adopt a three-pronged approach to ensure the fraternity of pharmacists are prepared for their role as defined in the Bill. Priority will be the education of pharmacists on medical cannabis and related substances through their monthly purple table educational platform. The aim of these sessions will be to provide guidance for pharmacists on the law and the current state of the trade.

Pillar two, the society also plans to raise awareness of the Cannabis Control Bill, through a workshop with expert stakeholders. And lastly, they are in the process of developing its website and they will use a finished Web page to provide additional content for our members. So I want to congratulate the President of the Pharmaceutical Association, the President, Ms. Allyson Pouchet, for working with us and for being very proactive with this.

Mr. Vice-President, as has been spoken about in this House, the use of medical cannabis, some of the advantages for its use, have to do with pain management, nausea and vomiting, especially that due to chemotherapy, so it is vitally important for our cancer patients who are on chemotherapy, and only they know what they go through with nausea and vomiting. Only they know, we would not know unless you are there.

Glaucoma, however, we must also recognize that the use of psychoactive marijuana, like all other psychoactive drugs, can lead to addiction, distortion of perception of time, and we must marry the both.

1.30 p.m.

I now want to turn to an issue that was raised by Sen. Deyalsingh, which I had to speak about and which, as I said, I will come back to from Dr. Sanjay Gupta, who had a revolution of thought, like all of us. And I must admit, like Sen. Deyalsingh, I too, 20 years ago, if you had asked me about this, I would have had the same perception. Why are we doing this? But science has a way of teaching us, and that is what research is. More and more scientific evidence comes to the fore, and it goes back to the issue of Charlotte Figi.

Charlotte Figi was a little girl. And, again, unless you are a parent of a child having 300 seizures a week, you would not understand the frustration that drives you to look for non-traditional cures. Charlotte Figi was a little girl suffering from something called Dravet Syndrome, an epileptic disorder, having 300 grand mal seizures a week. No parent, no child should have to go through that and every single traditional western scientific drug failed to control her condition.

So in Trinidad and Tobago and, again, I say the point. This is not a silver bullet and I would say why. We estimate, by Dr. Bob, in 2018, speaking at the Seizure Awareness Foundation of Trinidad Symposium, I believe at Central Bank, estimated you have about 40,000 persons in Trinidad and Tobago living with some sort of seizure disorder, but medical marijuana is not for all 40,000 persons. That is the point we keep making over and over.

The population that we estimate in Trinidad and Tobago of children suffering from Dravet Syndrome, which normally kicks in after one year of age, is about five children, five—one hand, five. And another syndrome called Lennox-Gastaut Syndrome, which kicks in later at ages three to five, we estimate is about eight to 10 children. So, in total, you are talking about 20 children for the absolute most that may benefit from Epidiolex as Sen. Deyalsingh said, and this came about because of Charlotte Figi who reached age 13 and eventually, unfortunately died,

maybe not of epilepsy, but possibly of COVID. Main take away point, main take away point for the population in Trinidad looking at medical marijuana, there are benefits. The Government has taken a very proactive stance in bringing the issue of medical marijuana to the fore.

Hon. Senators: [*Desk thumping*]

Hon. T. Deyalsingh: And on the issue of medical marijuana for these children, it is a very small population we are looking at. And I want to congratulate the Seizure Association of Trinidad and Tobago who does—they do a lot of excellent work: Dr. Harris and her team. They do a lot of excellent work, you know, helping parents navigate through this disease, this electrical disorder of the brain that really, really, is heart-wrenching to see a child or adult having a seizure. Mr. Vice-President, may I ask how much time I have again, please?

Mr. Vice-President: You have 27 minutes.

Hon. T. Deyalsingh: Orr, I would not be taking that long.

So, Mr. Vice-President, I just want to put on record that the Government's position is one that has evolved over time. It has evolved with increasing scientific data coming out of the scientific community. And as I come to a close, just to reiterate that the issue of medical marijuana is one which is engaging all the stakeholders to train its practitioners whether they are doctors, pharmacists, vets, dentists, ongoing training with pharmacists with the Trinidad and Tobago Pharmaceutical Association, and it is my intention to engage the Trinidad and Tobago Medical Association to do some ongoing training for their doctors who may not have been exposed to training in this aspect of medicine in years gone by.

So, Mr. Vice-President, I want to thank you for this opportunity. I hope I have done justice to the issue. I hope I have continued in the same vein that all Senators: Sen. Lutchmedial, Sen. Trot-Seepersad, Sen. Varma Deyalsingh and the

hon. Attorney General who piloted it. And congratulations to Attorney General Reginald D. Armour SC for making his maiden contribution in this honourable Chamber, and with those few words, Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, I am very happy for the opportunity to join this debate to contribute to a Bill entitled the Cannabis Control Bill, 2020. Let me also thank my colleague, Sen. Jayanti Lutchmedial, on her sterling contribution to not only the Joint Select Committee, but to her contribution here in this Senate.

Now, Mr. Vice-President, the essence of this Bill is to establish the Trinidad and Tobago Cannabis Licensing Authority, which is a statutory body or we call a body corporate, with responsibility for regulating and controlling the handling of this plant-type substance or cannabis, some call it marijuana, some call it ganja. But, Mr. Vice-President, in addressing this matter, many of my colleagues have looked at the therapeutic, scientific, medicinal or medical benefits and even the spiritual and sacramental benefits of this particular plant-like substance or as we call it cannabis.

My contribution today, whilst I will focus on some aspects of the benefits. I also want to take this opportunity to address what I call governance issues. Governance issues are very critical if this industry is to strive and survive without any irregularities of a corrupt nature and without any kind of monopolization of that industry by either foreign big business or local big business. We have to ensure that there is proper accountability and transparency, and we have to establish the relevant, pertinent governance values and principles to ensure this. But I will show, when we look at some of the mechanisms and structures inserted in this piece of legislation, they undermine existing institutions and, in this context, we have a lot

of proposed changes to this piece of legislation to ensure that the Constitution of our nation is not either innocently or unwittingly or deliberately undermined, contaminated or subverted.

Mr. Vice-President, I want to tell you that there is no doubt that this is a very lucrative industry. We have estimated the value, thus far, to be between \$1 billion and \$2 billion in Trinidad and Tobago. On a global scale, the value of this industry is between US \$29 billion and US \$30 billion, and it is estimated that by 2026, Mr. Vice-President, we are talking about an industry that can be valued at around US \$100 billion. So we have to be extremely careful, Mr. Vice-President, in ensuring that in this lucrative industry that is about to get off the ground, bad laws are not introduced, bad measures are not placed in this legislation that will result in a few benefiting and the majority suffering and not prospering.

Mr. Vice-President, we need to recraft, refashion and reshape some sections of this Bill to ensure that there are appropriate checks and balances in this exercise. Mr. Vice-President, this Bill is going to see that agriculture or agricultural land will, again, be high in demand. It will give a boost to production, to diversification, to the generation of foreign exchange and to the generation of employment opportunities in our country.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: It will also, if properly shaped, managed, fashioned and crafted, allow a new class of entrepreneurs to emerge in Trinidad and Tobago. But we must avoid measures that are going to promote inequality and injustice in this Bill. We must ensure that the small man who has made sacrifices, thus far, benefits from this effort.

Mr. Vice-President, let me begin by sharing with you and this honourable House areas of concern. Mr. Vice-President, I go to the Bill. This Bill establishes

in Part II, something known as the Trinidad and Tobago Cannabis Licensing Authority. Many functions are outlined in clause 5 of this Bill and in clause 5(2)(iii), we are seeing where they have to establish standards for this industry, codes for this industry.

Mr. Vice-President, we are debating in the dark. The Attorney General office has over 300 pages of draft regulations in their possession since 2019. We are debating a Bill in 2022, coming from a JSC. And even though the Attorney General is on record in both Houses of Parliament, boasting that the regulations have been drafted and they are available, three years later, no regulations. None. So we are shooting in the dark. We do not know what is the cost. What are the fees for a licence? We do not know. We are being told, according to the law that is before us, the Bill, those things will be addressed by the Authority. Mr. Vice-President, we have heard this before and we have seen the outcome.

So, let us go to this board that is going to be established to give effect to the Authority. We are seeing in clause 6(2) the disciplines. I have no problem. It is about the disciplines. I want to ask the Attorney General to consider the disciplines of psychiatry in this particular framework that he has advanced.

I also would like to indicate, Mr. Vice-President, that there is need for civil society to be part of this arrangement. Some countries have included the Rastafarians. Some countries have included the clergy. Some countries have included the national rehabilitation councils, so that civil society will have a role to play in this particular industry. There is no such provision in the current legislation.

Mr. Vice-President, we are seeing where the Government is seeking to determine the perks, the stipend of the board members. But why not leave that to an independent body? Why does the Government want to get involved? Why does the PNM Cabinet want to get involved in determining remuneration for board

members? And you know what, Mr. Vice-President? Mr. Vice-President, they are saying the SRC, under the Constitution, the Government can prescribe, according to the Constitution, new officeholders, including bodies like what we have here. They have the power to do that, but they chose not do. So games have begun. So you know what is the game, Mr. Vice-President? They are going to propose packages and then they are going to send it to an independent commission called the SRC for their approval and possibly review. That is what they claimed they would like to do.

Mr. Vice-President, you know what is even more serious and more alarming, is the composition of this? Who is appointing, Mr. Vice-President, the board, the members of the board? Mr. Vice-President, it is the Cabinet. The Cabinet is appointing nine members. So we are talking about a lucrative industry that is emerging, and there is no check, there is no balance. Everything is in the hands of the PNM Cabinet.

Mr. Vice-President, we are proposing that there should be balance, there should be checks and balances. So what we are proposing for your consideration, through the appropriate amendment, four members be appointed on the advice of the Prime Minister; four members appointed on the advice of the Leader of the Opposition.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: And you know what the final person is, the ninth person? There will be consultation between the Prime Minister and the Leader of the Opposition through the President, and if there is no decision, the President, in her discretion, will be able to finalize that chairperson. Mr. Vice-President, we want equity, we want justice and we want fairness, because this Government is going to set up this Authority and it will be their friends, their families and their financiers who will

benefit from this exercise.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So we want to ensure that there is justice. So that this why, Mr. Vice-President, this thing might look very simple. This is a very lucrative industry, and we want to make sure that the taxpayers have the necessary checks and balances and it can only come through this balance that we are talking about. You cannot have the PNM dominating this entire board. That is what I am saying.

Mr. Vice-President, what is even worse in this piece of legislation is that the board, the Authority, will be employing everybody. All the employees will be employed by the board known as the Authority. So you have an authority appointed by the PNM, then the PNM board will advertise for all the employees, including the CEO, Mr. Vice-President. Where are the checks and balances? This is a statutory body that we are establishing. What is the role of the Statutory Authorities Service Commission? Is the Government using legislation to abolish and undermine that particular authority? Is that the purpose of this piece of legislation? So why you want to give the Authority, which is being run by a board the authority to hire the CEO, fire the CEO and hire and fire all employees? Because you want to employ your friends and your family in that particular industry. And, Mr. Vice-President, that is wrong. We are talking about a period of good governance, good values and good principles. We are talking about accountability and transparency, but you bring a piece of legislation to this Parliament to give you total authority as a party and as a Government to appoint everybody and to employ everybody. Mr. Vice-President, that cannot be fair. I am proposing fundamental amendments to ensure that there is protection and there is balance, and there are institutions in this country that are established in law to deal with these things, and the Government is seeking, in this piece of legislation, to

avoid these very important institutions.

Mr. Vice-President, you know what had me—“Look nah”, Mr. Vice-President, imagine, the Government brings legislation and they are talking about they are going to employ people to run what is going to be a multi-billion dollar industry and there is no provision for rights as it relates to pensions. They leave out that word completely. That does not exist for them. They are talking about gratuity, Mr. Vice-President. You know what the Government is about to do, Mr. Vice-President? Is to reintroduce slavery.

[Sen. Mitchell stands]

That is what contract labour is.

Mr. Vice-President: Sen. Mark? Sen. Mark?

Sen. W. Mark: Mr. Vice-President, I withdraw it.

Hon. Senators: *[Crosstalk]*

Mr. Vice-President: No, no, no, no. No, no, no. It is not a matter of withdrawing that. Member, you could have a seat. In your preamble to reaching to this stage, you are taking common practice and the regular practice of board appointments, as we have with all other laws and legislation brought to this House, and you are singing a tune to make it sound as if it is improper motives being put upon the Government of the day, when it is common practice to formulate these boards in the same manner it has been done all along via precedent. At that point, although you are going down a wrong line and making the public believe that because of it being a lucrative industry, the Government of the day is taking advantage of the situation, I have to caution you upon going down that line. I have allowed you a lot of leeway. And, furthermore, your last comment, albeit being about slavery, is absolutely uncalled for in this good House. I ask you to take your contribution down, take it down a notch or two, and kindly stick to the matters on hand please,

and let us have a fruitful debate, Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Mr. Vice-President—

Sen. Mitchell: No, no, no, Mr. Vice-President, please, on a point of order, 46(4), he has to retract that statement.

Sen. W. Mark: But I did.

Mr. Vice-President: He did.

Sen. W. Mark: I did retract the statement. What you think? It is on Hansard.

Mr. Vice-President: Yes, he withdrew it immediately and that has been upheld. Proceed. Proceed.

Hon. Senators: [*Crosstalk*]

Sen. W. Mark: Mr. Vice-President, may I proceed, please? Mr. Vice-President, all I am saying, I would put it in another way. Do not use legislation in this Parliament to introduce on a legal footing permanent contract for workers. I am saying there is something called security of tenure for our citizens, and we must bring security of tenure back. Do not come here, bring a law and you are employing everybody on contract. You know nurses today are on contract for three months and a year and they cannot get a loan and you are bringing a law here, Mr. Vice-President, to continue along that line. How can I support this? So, Mr. Vice-President, I am saying that we are going to make the necessary proposals to ensure that there are checks and balances in this measure that is before us.

Mr. Vice-President, may I also indicate that when I looked at Part III and I looked at 19, 20, 21, 22 and I looked at 23. Mr. Vice-President, go to 25, you go to 25—but before you go to 25, Vice-President, go to 24, clause 24. I have never seen this in my life. We are bringing legislation and we are entrenching in the legislation a private accounting firm that the Authority will now be able to hire to

do their financials, and these financials that they are going to do, Mr. Vice-President, will be sent to who? The Minister of Finance, and the Minister of Finance will then have it tabled in Parliament.

2.00 p.m.

What is the role of the Auditor General, Mr. Vice-President? They have the Auditor General auditing. If you look at this piece of legislation the Auditor General will audit the accounts that are submitted by the Authority who employs a private accounting firm to do the work of this Authority. You are talking about a multibillion-dollar industry. And, Mr. Vice-President, if you do not know, let me remind you and this honourable House, section 116 of our Constitution gives the Auditor General the power to audit all the accounts of Trinidad and Tobago. And as far as I know, when I look at section 54, sections 116 to 125 are entrenched in our Constitution. You would need a two-thirds majority to change that. You cannot bring legislation to the Parliament—

Sen. Mitchell: Mr. Vice—

Sen. W. Mark:—Mr. Vice-President—

Sen. Mitchell: Mr. Vice-President, on a point of order, please, 46(1), the section does not say that—46(1).

Sen. W. Mark: No. Mr. Vice-President—[*Inaudible*]—to have a chance to speak. He cannot interrupt me on these kinds of points.

Mr. Vice-President: Sen. Mark, he can on a point of order.

Sen. W. Mark:—[*Inaudible*]—on a point of order, but what is the point of order?

Mr. Vice-President: He raised 46(1) on irrelevance on the matter.

Sen. W. Mark: It is a section of the legislation that is before us here. Look 24 is here; who is going to do the auditing? Who is—it is there, 24 and 25! [*Inaudible*]

Mr. Vice-President: It is, it is.

Hon. Senator: It is frivolous; very frivolous.

Sen. W. Mark: How could this be irrelevant when it is in the law? Let me just say, let us be serious.

Mr. Vice-President: Can we proceed?

Sen. W. Mark: Yes. Thank you, Mr. Vice-President. “Look nah man, I in this House for years!”

Sen. Mitchell: Would the Member give way?

Sen. W. Mark: I understand my rights.

Sen. Mitchell: Would the Member give way?

Sen. W. Mark: No!

Mr. Vice-President, let me make it very clear, I am here doing the people’s business and I am saying, Mr. Vice-President, what the Government has done, everybody is interested is cannabis. I believe we should go with it, with the necessary checks and balances, but do not come and do anything to undermine the governance of our country. And I am saying when you look under “Financial Provisions” the Government is slipping in things that will result in an undermining of the Auditor General’s role. Well, Mr. Vice-President, I am going to the national house—the HDC, and the same provision in the HDC, I am proposing that we remove all these provisions in this legislation and put it—I want to make an amendment consistent with the Housing Development Corporation, showing where our Auditor General is the boss when coming to the accounts and if anyone is to be employed, Mr. Vice-President, as an auditor or as an accounting firm, that must get the blessings and the green light from the Auditor General. That is in the Constitution and nobody can come and change that without a two-thirds majority. That is a constitutional provision. So, Mr. Vice-President, I am making it very clear, these provisions that are contained are ultra vires the Constitution of our

Republic and I am going to make the appropriate amendments.

Mr. Vice-President, I know what this Government did back then, you know. The Cabinet of this country took a policy decision to allow state enterprises to employ their own auditing firm. They never brought any amendment to the Constitution and they ousted the Auditor General. That was unlawful, illegal and unconstitutional. It was then illegal, it is still illegal and unconstitutional. If you want to change the role of our Auditor General, amend the Constitution, bring the two-thirds majority and have it passed but do not undermine the Auditor General. And, Mr. Vice-President, that is what is contained in clauses 24 and 25 of our legislation here today. And playing with words—you know what is nice about it? They are playing with words and if you do not understand this thing carefully, you will be misled, but you have to read it very carefully to understand where the Government is coming from.

I must support that because you bring cannabis law and you are undermining the Constitution? No. No. No. No. Mr. Vice-President, we will have none of it; we will support none of it. And whilst in principle we embrace this new domestic industry called the cannabis industry, with all its prospects and benefits, there must be good governance. There must be good principles. There must be good values. There must be transparency. There must be accountability and there must be no legislation coming before this House that is going to bring about irregularity, corruption and malfeasance. I will not stand idly by and be party to that, Mr. Vice-President.

Mr. Vice-President, there are some very important areas I also want to pay attention to. I raised the issue about gross negligence, and the hon. Attorney General gave some examples about driving, and you are looking back and you get into an accident, he is not responsible. Mr. Vice-President, I have never seen, Mr.

Vice-President—and you can guide me—and my colleague, Sen. Mitchell, can, when he is speaking—when he rises to speak, you bring to this Parliament’s attention any law that you have passed and we have agreed to where the word “gross negligence” is included. Mr. Vice-President, it is the first time the Government has introduced this concept. Let the court decide that. If somebody is driving, as the Attorney General said, and you look back because you are hearing some little child and you “bounce” somebody—all right, that is negligence. But if you are eating and you are on your cell phone and you are driving and you get into an accident, that is negligence? That is gross negligence? And you are saying that the person must get away? Mr. Vice-President, I am saying that these are changes that have been brought into this piece of legislation that we have never seen before and therefore we will have none of it. There will be an amendment to delete that in the legislation, Mr. Vice-President.

Mr. Vice-President, I also want to ask the Government—and we need clarification, I am not too sure. Maybe when Sen. Anthony Vieira speaks he might be able to clarify. I have been advised—and I have nothing against religion, but I understand that these pieces of legislation are governed by clearly defined treaties internationally, and those treaties, Mr. Vice-President, are supervised on behalf of the United Nations, office for drug enforcement organization by an organization called the International Narcotics Control Board. That is what I have learnt. And I have also learnt that they have made it very clear to our Government that if you put into this legislation anything relating to religion for use of cannabis, you could face a warning. I need clarification, I do not know, because I love the provision that deals with the religious part; whether it is the Rastafarians, whether it is the Catholic Church—

Sen. Dr. Browne: Sen. Mark—

Sen. W. Mark:—the Anglican Church; it does not matter.

Sen. Dr. Browne:—would you be willing to give way?

Sen. W. Mark: If you are going to give me some time.

Sen. Dr. Browne: Sure.

Sen. W. Mark: You would give me some extra time?

Sen. Dr. Browne: Would you be willing to give way as the Attorney General gave way to you?

Sen. W. Mark: No. No. No. Not at this time, but—not at this time. I think the Attorney General gave me some good advice. He said, “Allow me to complete my contribution”, and I want to tell my good friend, Amery Browne, Sen. the Hon. Amery Browne, allow me to complete mine. So, Mr. Vice-President, I am in support—

Mr. Vice-President: Sen. Mark, you have five minutes remaining.

Sen. W. Mark: Mr. Vice-President, I am in support of this provision that deals with sacramental benefits and there are provisions there. All I seek is some clarification. Are we going to be in breach of international law if this is included? Somebody needs to clear the air for us on it because we are hearing this talk and we need clarification.

Mr. Vice-President, the other thing I want to get clarified is the whole issue of the licences. If you go to the sections on licences, Mr. Vice-President, you would see where they have something called—I think it is a cultivator—let me just see if I get the writing, Mr. Vice-President. A “cultivator licence”, I think that is what I read somewhere; I want to ask, Mr. Vice-President, why did the Government introduce a provision that qualifies the licence of a cultivator? Why? We need to get some clarification on it, Mr. Vice-President. We would like to know, Mr. Vice-President, why it is the person who is involved in what is called

“cultivating”, why can that person not be able to sell to the retailer? Why? I need clarification from the hon. Minister, the hon. Attorney General.

Hon. Attorney General, in clause 29 it reads:

“a Cultivator Licence which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis...”

And then you introduce here:

“...or the selling of cannabis at wholesale to the holder of licence...”

And you outlined (b), (c), (d) and (g). I would like to ask the Attorney General, why are we not allowing the cultivator to sell to the retailer? Why can the cultivator, which is the “small man”—many of them would be small people unless the Government allows the big sharks to eat the small sardines. You know you have something called, Mr. Vice-President, the “wolves of the sea”, the “wolves of the sea” and many of them are lurking. We understand that there are some right now waiting, waiting and knocking for this piece of legislation to pass so that they could come in and monopolize the industry.

I am asking the Attorney General to explain to Trinidad and Tobago, why in (a) of 29(1), that individual called a cultivator who has a licence cannot be able to sell directly to the retailer? Because, Mr. Vice-President, if we are not careful and we do not study what we are doing carefully, we will end up with a—[*Inaudible*]

Mr. Vice-President: Sen. Mark, I thank you for your contribution. Your time is over.

Sen. W. Mark: Thank you very much, Mr. Vice-President. [*Crosstalk*]

Mr. Vice-President: Sen. Vieira, you may use the other booth if you may.

Hon. Senators: [*Desk thumping*] [*Crosstalk*]

Sen. Mark: Mr. Vice-President, you do not want me to violate the law.

Mr. Vice-President: Sen. Mark, kindly allow—

Sen. Mark: Thank you very much, Mr. Vice-President. Thank you very much.

Mr. Vice-President: Sen. Vieira, you may start.

Sen. Anthony Vieira: Thank you, Mr. Vice-President. Mr. Vice-President, like Sen. Mark I have mixed feelings about this Bill. For one thing—and bearing in mind that this is a plant which grows naturally and it is easily harvested, and bearing in mind that it has been used for centuries across many cultures without having to be prescribed by doctors and pharmacists. I do not think it is in dispute that there are benefits to cannabis. The hon. Minister of Health made that very clear, whether you are treating glaucoma, seizures, chronic anxiety and other therapeutic issues, uses. But I have to ask, do we need an authority at all? And why is this legislation taking precedence in our legislative agenda when there are so many other pressing and important matters crying out for attention?

Now, I acknowledge that there are cannabis authorities in Jamaica, in St. Vincent and Canada, but do we have to follow fashion? Is this a case of the grass being greener on the other side? My other concern about the proposed authority is whether it can really assist in establishing a vibrant cannabis industry or whether it will in fact prove to be a fetter, serving the interest of a favoured few rather than providing equal access and opportunity to all.

In their seminal work, *Why Nations Fail*, the authors highlight the difference between what they termed, inclusive and extractive institutions:

Inclusive institutions create incentives for people to invest in. They enable investment and growth through providing education and infrastructure. They work for the majority of people rather than just benefiting the rich and the well-connected. Extractive institutions, on the other hand, serve the interest of a few at the expense of the majority. Extractive institutions promote economic inequality and are the main reason for unfairness in many

developing countries.

So an important consideration for me, as I mull over the establishment of this proposed authority, is ascertaining whether I am in fact assisting in giving birth to an inclusive and not an extractive institution. I am yet to be convinced one way or the other.

Now, back in the day when I was younger—and I am the same vintage as Minister Deyalsingh—back in the day marijuana was a symbol of the counterculture. The marijuana icon is essentially anti-establishment, and so as someone from that peace and love generation, I really would not like to see marijuana purloined by the establishment and big business. Yet, when I imagine forward, that may not be an unlikely picture and I am concerned that the ultimate beneficiaries of this legislation may well turn out to be big pharma and well-placed corporations. Now, I have nothing against big pharma and well-placed, well-ambitious corporations, they certainly have a role to play in developing cannabis for medicinal purposes, and perhaps even in projects geared towards ecotourism and the green economy. But if the unintended consequence of this legislation is to make it legal for big business to sell marijuana, but illegal for everybody else, well that would be unfair and wrong and I do think we should guard against this.

I would not like the proposed authority to be the instrument of monopoly for a chosen few. Accordingly, I would like, as a matter of policy, that the board must give due consideration to corporate social responsibility, and I would just throw out a few examples. For example, will the Authority identify opportunities for small business in the cannabis value chain? Will the Authority assist Government and our environmental agencies in meeting our Sustainable Development Goals among other things by requiring licensees to develop and to maintain good

environmental practices in their operations? The new board and subsequent boards should establish and embed a culture of sustainable development in the operations of licensees, and in this regard the performance of licensees should be measured, reported and tracked against applicable targets and industry standards.

Will the Authority give due consideration to social responsibilities in the performance of its operations and interactions with stakeholders? In terms of intellectual property, will the Authority—like the Cocoa Development Company recently did, will they have power to apply for a certification mark in the event we come up with something really exceptional in our cannabis industry? Also, would the Authority take the initiative in exploring and supporting things like plant variety rights?

I would like the Authority to have power to remove and restore. So when the police or the military come upon illegal marijuana plantations in the forest, instead of just burning and destroying the crop, I would like the Authority to have power to seize and to use that product for lawful purposes. Let it be put to good use. The Authority should also be able to make arrangements for the damaged or destroyed forest areas to be restored.

Now, I come back to the point about the need for this Authority, because as Minister Deyalsingh has indicated, we already have a legal system in place dealing with dangerous and unlawful drugs and we already have an inspectorate in place at the Ministry of Health, but if it is the considered position of Government that we are going forward with this Authority, I do think it would be ironic; it would be a travesty even, if marijuana were to become the enclave of big business and commercial interest solely. If the Authority is going to be a dynamic support and not a fetter for this burgeoning industry, if the Authority will guide the development of a safe and orderly cannabis industry and the use of its by-products,

if the Authority will ensure safe and responsible practices, those are the assurances I seek before I give my support to this legislation. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Minister in the Ministry of Agriculture, Land and Fisheries.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Agriculture, Lands and Fisheries (Sen. The Hon. Nigel de Freitas): Thank you, Mr. Vice-President, for the opportunity to join this debate which is to state my opinions and my support of the Bill that is before us, that is, a Bill 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 connected matters.

Mr. Vice-President, all the contributions that have gone thus far today, I think that for those listening, publicly and in this Chamber, save and except for the Attorney General, maybe, you could see that there was a divergence specific to age. The older the contributor, the more reluctant they were to accept what is in this Bill; and the younger the contributor, you would see that there was more open-mindedness. And there is a reason for that obviously, change is hard; we tend to feel comfortable when we sit in our comfort zones and Sen. Vieira spoke to it a little bit in his contribution in that throughout his life there would have been a stigmatization related to this and therefore, it might be a little harder to let go when you see something like this come before the Parliament of Trinidad and Tobago.

I myself and the generation that I come from and the Minister in the Ministry of the Attorney General would also attest to this, that we have seen quite a bit of changes throughout our lifetime and in doing so, that has left us a little bit more open-minded and more receptive to things like this. I too, at a younger age would have been subjected to the stigmatization of this particular plant in relation

to laws, not just the Laws of Trinidad and Tobago but the laws of other countries as well. And so, coming now after what the former Attorney General did, which is decriminalize a little bit and now looking to in this Bill, which is the set-up of an industry, so to speak, around this particular plant, it does require some release of what you would have come through—about what?—10, 15 years ago.

We are not the first to do this. We definitely would not be the last as a country. We are actually coming relatively late compared to others in terms of even looking at this and I still think that we have not gone far enough because I think in Canada they had gone as far as to open it up quite wide in relation to retail, meaning that you can utilize the plant to retail directly to the public.

You would not find that in this Bill before us. What you would find in this Bill is we are still at the level after decriminalization which was done in the Eleventh Parliament, we are still focused on the middle levels which is what I would call it—sorry, which is medicinal cannabis, which is cannabis for research in laboratory settings and the use of cannabis for religious purposes. And that forms the framework upon which we create the licences again which is in this Bill that will help us create that industry and then the entire framework by which that is managed, which is the authority, the inspectors, the regulations which are to come and the stipulations which are laid out in this Bill in relation to the management of, the development of a cannabis industry. So, Mr. Vice-President, I want to start by responding to some of the concerns that some of the speakers before me would have mentioned.

2.30 p.m.

Sen. Lutchmedial in her contribution, like I said, being of the younger ilk, was not strongly opposed to some of the things that are in this Bill, but she raised more what I would call tempered concerns as it relates to some of the clauses in the

Bill, and that is probably too because she sat on the Joint Select Committee, so they would have had more robust discussions than some of us would have had, hearing this and reading this for the first time as it was laid in this Parliament. But one of the things that she raised, which is what I think most people would have thought of when they first heard about the setting up of a cannabis industry, which is addiction.

The Minister of Health in his contribution would have spoken to that, and the general response in relation to the possibility of addiction, as you set up such an industry, is that this particular item is not the only item in which addiction can take place. We have other items, both legal and some illegal obviously, that could cause addiction. I have heard a lot of people talking about alcohol, which we use and consume for recreational purposes, does not have any of the strictures that you would see in this Bill in relation to the development of an industry, but there is also an addictive component to that. But what Sen. Lutchmedial was referring to, and she tied this in to the medicinal cannabis aspect of this Bill and the ability to monitor the potential for addiction, what I would respond to Sen. Lutchmedial and say is that if it is one aspect of this Bill that I am not worried about addiction for is the medicinal cannabis aspect.

You heard the Minister of Health speak to training. You heard him speak to the pharmaceutical industry having enough data being brought forward to ensure that they relearn certain things in relation to the use of cannabis for medicinal purposes, which is all well and good. But he also did make a very valid point in relation to other drugs which are used in the medicinal field, which also have very strong addictive capabilities, morphine being one, ketamine being another one that he mentioned.

What he may not have gone as far as to say is that in the medicinal field

there are protocols that have been developed when treating with compounds. It does not matter if it is cannabis, if it is morphine, if it is ketamine, in relation to the potential for addictive traits to develop. One of the very simplistic ways to monitor that is by, one, demand by an individual. If it is that an individual needs to have cannabis in this particular instance prescribed to them, and it is that they are coming on a frequent, frequent, frequent basis to get more and more and more from their doctor, then that is one of the ways that I know for sure that a doctor puts up a red flag to say, okay, let us take a look at what is happening here. If this now a psychological addiction that is taking place? Meaning that the purpose that you were using the cannabis for is no longer just physical, because that aspect of it may have been downplayed a bit, and now you are into the psychological realm, where you are just using it for the feeling that you may get from it.

But the point that I am making is that those protocols are well established in the medical field in relation to pinpointing addiction, and that is why I have no fear under this medical cannabis aspect of this Bill, that addiction is going to run away from us if it is we develop an industry especially in that field.

That demand and usage some may argue that under the religious aspect—because there is really no threat of addiction when you are dealing with research and laboratory, that is specifically to develop new strains. That is to develop new compounds, and it is not a usage personally type of thing when you are dealing with that aspect in the Bill.

The other aspect, which is the religious use, that is another one that someone may argue that you could have addiction taking place there, but I am comforted by the fact that in this Bill you have the inspectorate that is developed in here, and one of the reasons that that is developed is that, again, the kind of monitoring that is to be taking place, the kind of recording that is to be taking place, the kind of

registration that is to be taking place, in terms of how much has been given to your flock, so to speak, and individuals, and the names and the locations of everybody. Those are the types of things that can be checked to ensure that in totality, for example, a religious organization that might be dispensing, let us just say for argument's sake, 100 grams a month. If the inspector comes in and realizes all of a sudden in the month of June you are dispensing 1,000grams, then you can delve deeper into finding out what is taking place.

If you are seeing it in terms of the usage going up and up and up, it is at that point in time that you have provisions in the Bill where the inspectorate can indicate something is going on here, I suspect that there may be some addiction taking place because, for example, your usage is going tenfold from one month to another. Then, certain activities can happen to ensure you reduce, whether it is the revocation of the licence when it comes up for renewal, or just revoking the licence absolutely, and explaining that what is going on here needs to be checked because addiction is taking place. So Sen. Lutchmedial, there are provisions in this Bill, both for the religious arm and both for the medicinal arm, that would help to treat with any addiction that would be taking place.

Mr. Vice-President, Sen. Lutchmedial also went on to speak about how it is that we are coming with a Bill and once again you are not seeing any regulations. Of all the Bills that I have done in this Senate over the years where regulations were needed, I have always understood that regulation was, for lack of a better phrase and probably adding to the phrase that Sen. Lutchmedial used, is the meat of it. It is where all of the strictures, where all of the guidance takes place in terms of what you want to be executed by way of the Bill. But even in doing those Bills, I understood that those things you needed to sit down, and you needed to take your time when setting up those regulations.

This particular Bill is one that I expect that the regulations would need to be done very specifically, and you would absolutely need to take your time doing it. Let me just give you an example of what I mean by that. So you have the medicinal cannabis pathway, in terms of the application of licences. We have spoken to some of the pros and the benefits of doing that, pain relief is one of them.

Now you have to understand that what you are treating with is an actual living organism, and in doing so there is a wide variety of them. Within that variety you have different levels of the active ingredient, which is THC, that has a different effect, call it potency, in the body. So when you are dealing with medicinal cannabis here, and you are talking about setting up an industry, in those regulations I can tell you right off the bat—and the Minister of Health spoke to it a bit when he was talking about coming up with prescription guidelines, and I think Sen. Deyalsingh spoke to that as well, where he mentioned that he cannot just prescribe a flower. He cannot go and prescribe to someone, especially if he is dealing with from a psychological standpoint, go and take this amount of a bud, or that amount of a bud. He needs a little bit more guidelines in relation to being able to prescribe something that would be able to have the effect that he needs it to have.

So the point that I am making is, in those regulations what you can see coming forward is by way of a cultivator's licence being issued for a specific strain of marijuana to deal with a particular issue. So, if it is that you are treating with pain, you might decide that strain "A" could be cultivated under a specific licence because of the potency of the active compound in that particular plant to treat with, for example, pancreatic cancer. The doctors that would be going through the training would know that that particular strain has a certain level of potency that is

most effective when dealing with the pain of pancreatic cancer, and that is where the regulations will have to delve quite deeply in order to manage the use of this particular product. You cannot prescribe for all of that in this legislation.

So I actually agree with Sen. Lutchmedial when she indicated that this Bill is a skeleton. Although she used that phrase in a negative light, it is not negative. We have to be able to build out on top of this Bill, in the way that I just described, as it relates to the potency and the different levels of THC in the different strains of marijuana or cannabis, and that could only be done after. That is just one instance, there are so many different others.

If I were to talk about the transport licence in this Bill, the regulations that may come after would speak to how you handle that product. You are leaving the cultivating farm, you cannot just pick up all of this plant material with your hands, because cannabis also has a topical application. So you would have to set up regulation for the transport licence, as to how it is to be transported, what type of PPEs need to be used, because you have to be careful. The last thing you want is an individual picking up the stuff with their hands, loading on to a truck or the back of a Hilux, if it is that that is what they want to use, trying to transport it to point “B”, and they themselves being high off their rockers, because of the way they handled the product.

That is why I am saying the regulations for this, I do not expect it to be an easy task, and I fully well understand why it may not be here right now, but I would implore each and every Senator in here to understand exactly what is needed and how deeply these regulations have to go to ensure that the setting up of this industry is a success. That was just two examples that I gave, and there are many, many more licences inside here, all of which would need to have regulations applied to them in terms of how you treat with that particular product.

Mr. Vice-President, I want to speak a little bit about what Sen. Mark would have raised. Now, Sen. Mark in his contribution, I wonder if it is that he actually read the Bill that is before us.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas: And I will explain why I say that. Sen. Mark comes and start to speak about the Auditor General being undermined in relation to this Bill, but I want the listening public to remember this, anytime you hear Sen. Mark say something like that and does not read out the clauses of the Bill to you the public who are listening and may not have it in front of you, understand that he is not being truthful in what he is saying. Let me read out the specific clauses in relation to the Auditor General, and you tell me if there is any undermining of the Auditor General's role in this. Clause 25:

“On completion of an audit of the Authority the Auditor General or an auditor authorised by him to conduct the audit, as the case may be, shall immediately draw to the attention of the Minister and the Board any irregularity disclosed by the audit, which in the opinion of the Auditor General or the auditor is of sufficient importance to justify so doing.”

It goes on to subclause (3):

“For the purposes of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall apply as if an audit referred to in this Part is one to which that Act applies.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas: It goes even further, subclause (4):

“As soon as the accounts of the Authority have been audited, the Auditor General...”—nobody else—shall submit his report in accordance with section 116 of the Constitution and shall simultaneously forward a copy of

the said report to the Minister.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas: Mr. Vice-President, and finally:

“Nothing in this section precludes the Auditor General or an auditor engaged by the Board or the Minister from performing a management or comprehensive audit of the activities of the Authority.”

What is Sen. Mark talking about? Whether you hire an auditing company, whether the Auditor General hires an auditing company, as this Bill states they can, the Auditor General is part of the process. There is no way an audit done by the Authority will get past the Auditor General, and if there are new irregularities in that audit the Auditor General is authorized to take action. So why come to this Parliament and say that the Auditor General is being undermined in this process? That is person is not. It is laid out there in plain English. The language of this Parliament is English. [*Laughter*] So when you hear Sen. Mark making those kinds of statements and not reading out the clauses of the Bill, well you know what he is trying to do. I do not have to repeat it.

He then goes on to state that he is aware, only him, not the Minister of Foreign and Caricom Affairs, who is authorized to deal with these types of things, but he is aware that somebody associated with the United Nations or the United Nations themselves, is indicating that under the part of this Bill that treats with religious functions, as it relates to cannabis, that if we allow that to happen, that Trinidad and Tobago as a nation would get some kind of a warning. Sen. Mark, let me see if I understand what you are saying clearly.

So what you are saying is that as far as we are aware, or better yet, that the United Nations or somebody associated with the United Nations, is going to look at a country that recognizes the right of religious expression, and in doing so say

Sen. The Hon. N. De Freitas (cont'd)

that if it is you allow that right of religious expression, as is laid out in this Bill, that we are going to get sanctioned or warned? And you are telling me the same United Nations that we have been dealing with as a country for however long, that knows in our National Anthem “every creed and race find an equal place”—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas:—the context of which means that every religion finds equal expression, that with that being in that anthem that all of a sudden, because we are setting up a cannabis industry in Trinidad and Tobago, and that we have incorporated religious rights, that we are going to get warned. Well no, I do not believe you Sen. Mark. I do not know who told you that, but you need to check with them again, and I can categorically state, through the Minister of Foreign and Caricom Affairs, that no such correspondence, as we are aware, has come to his office.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Browne: “Sen. Mark still typing it.”

Sen. The Hon. N. de Freitas: Everything else Sen. Mark has said in relation to this Bill take it with a pinch of salt and a big question mark.

This ideology that I have heard, that for some odd reason the small man would not be able to benefit from this Bill that is before us, I tried to wrap my head around it. There are so many avenues for creation of business, for creation of jobs in this particular Bill.

Sen. Lutchmedial alluded to the ganja entrepreneur in her contribution, indicating that—and I understand where she was going with this, that what you are going to get is one entity that needs about seven licences in order to properly operate. I would respond to Sen. Lutchmedial by saying, why does it have to be one entity? Why does it have to be a conglomerate? You can have a cultivator, one

business. You can have a transport business that is licensed. You can have a dispensary that is licensed separately. You can have all of these things separately. So if it is that for whatever reason setting up a cultivation business does not meet your financial capability, are you telling me that you cannot set up a transport business, or that you cannot set up a dispensary? That is not the case. We are creating an industry in Trinidad and Tobago, and there are so many avenues as laid out in this Bill by way of the licences that are proposed in here, where any individual can enter that industry. That is just the reality of it. We talk about cultivation licences, and for some odd reason we believe that is not accessible to the small man. Why? Why do you believe it is not accessible to the small man?

Sen. Lutchmedial spoke to individuals who may be right now engaging in that type of farming, and of course it is illegal, so I do not know how she knows about that. But once this Bill is passed and this industry is able to be set up, any individual can enter this industry. The framework is already there. She was talking about the ability for people to get financing to be able to come into this industry. What about all of the agricultural incentive packages, all about the agricultural incentive programmes, the fact that agriculture becomes tax free, the ability to import machinery tax free? All of these things would apply, and these are things that are already being done for other crops.

What about what about the ADB that would now be able to create a package for financing for this particular business? All of these are avenues by which the small man can utilize and the small man is utilizing right now for other crops, because at the end of the day what you are setting up is another arm of an agricultural industry. It is a plant that you are growing.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas: So everything that this Government has done for

agriculture will now apply. So no, it is not going to be for one class of people to be able to come in and utilize this. There is going to be access by the small man. There is going to be access by people on so many different levels. You are going to be able to pick and choose how you want to be able to contribute to this industry, whether you become a processor, whether you become a transporter, whether you become a cultivator, whether you become a dispensary. The only difference is your willpower to do it. So that narrative that this is only for one type of people, or one level of people, or one level of financing is absolutely incorrect.

Mr. Vice-President, I want to respond to some of the comments that Sen. Vieira would have made. Sen. Vieira, like I said I understand the precarious situation that you would be in.

[MADAM PRESIDENT *in the Chair*]

Obviously, because growing up several of us would have been trained and there would have been a stigma attached to this particular product. That is a hard thing to change, but I would implore that if you can, to try and keep an open mind. As I indicated, because you spoke about the regulations, it is not something that is going to be easy to pull off just because there would be a lot of minor—

Sen. Vieira: Just to be clear, I have no problem with the marijuana, you know. Now that we have decriminalized it, I am actually saying just leave things the way they are. I think that by going into a heavy regulatory system, you may be going backwards and recriminalizing the situation. So I do not really see the need for all of this robust legislation and the heavy-handed authority we are proposing.

Sen. The Hon. N. de Freitas: Ah. Well, you would need it, Sen. Vieira. First reason being the amount of money that is going to be involved in this industry and the potential for the generation thereof as a whole industry. I am not talking about one particular company or a next particular company, but as a total industry, the

amount of money that is going to be generated. You kind of want to be able to regulate it. You do not want it to run away from you in a situation where, for example, people say, “Oh my God, it is cannabis. I am going to be able to sell this really easily and export it or import it to resell, or whatever, to the medical dispensaries,” and what not. Then you are now coming after that, when the horse has bolted from the stable so to speak, to then try and regulate it.

I think the approach that is being taken right now, in relation to the inspectors in the Bill, in relation to the individuals who are setting up the Authority, that as we are building it out, let us do it properly one time. Let us not wait until that horse is bolted, to then come with regulations and then to set up the Bill with an authority to try and manage something that can be extremely valuable.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas: There is a model when thinking about this type of thing that I used, that I got when I was going through university, and my professor told me this, because the industry that I come from was relatively new when I was going through university. So there were no regulations, there were no laws governing it, but it is one of those industries that has an environmental impact. What he told me at the time was a lot of people got into the industry for the same reason, because they thought they could get rich quick, and there was a lot of money to be made.

What he explained me was, if you do not start at the beginning when dealing with these types of industries, especially ones that have a lot of potential to make money, what happens is that the industry runs away from you really quickly. The example he used is, if one person starts cutting down a tree to make paper, is not a problem, but as everybody starts to realize that you can make a lot of money cutting down trees to make paper, you start losing forests, and you cannot wait

until the forest is gone to then set up an authority or to try and regulate the industry. At that point in time, you are going to find problems.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. N. de Freitas: So it is that mentality and thinking that is in relation to this Bill before us. It is much better to start now and build it out block by block, because you can make adjustments as you go along, especially in relation to adjust to the regulations, like I said, things like the level of THC in a particular variant of the plant. So you might find that you do not want particular variants that might produce 90 per cent THC in the plant, because that is just not beneficial to anybody medicinally or otherwise. You would want in those regulations to be able fine-tune, or what I would call, adding to what Sen. Lutchmedial said, building out the body on top of the skeleton. This is just the skeleton that would support the building out of that body in terms of the regulations. That is why we have to go this way, and that is my answer to what you have been indicating.

I get what you are saying where, you know, you might be regulating harshly, but I honestly believe we need to go this way.

Sen. Vieira: Again, I put my thoughts in the prism of extractive and inclusive institutions. For me that is the real core of my concern.

Sen. The Hon. N. de Freitas: So the extractive and inclusive institutions that you are speaking to, like I said, we have set up the licence regime, and there is no deterrents for anybody trying to get into this. Like I said, I fully well expect there is going to be lot of run-on industries from this. The transport one, for example, is a good example, what vehicles you use to transport the medicinal cannabis. How you are going to engage with PPEs in relation to the movement of this particular product from one point to the next point. Like I said, I cannot see it being in the back of a Hilux. Security would need to be engaged. So you are looking at the

security industry also benefiting from this in relation to that.

Treating with how you package the product. I heard people talking today, and I would speak a little bit about that in terms of, I think it was Sen. Deyalsingh that spoke to this, edibles under the processing licence, and the use of edibles and being careful. That is not another one that you would have to look in terms of the regulations being developed to further govern how that is brought forward. Because, the thing about cannabis is that it is topical in terms of its use. It can be used to inhale, which goes into the lungs, and it can be used in terms of going into the stomach. Each one has a separate effect in relation to the response by the body, and if it is you are dealing with edibles, the real threat that I think Sen. Deyalsingh was alluding to, was the fact that you could sit down and eat a whole pan of brownies, because you are eating the brownies, and going through that act of just eating and eating and eating, you are not really monitoring how much of the active ingredient you are taking in, and that is where the danger really comes in.

So the regulations in terms of that would have to be THC content on the packaging, the ingredients that go into the particular edible. He was indicating to having it being child proof and what not like that. That is why the regulations are so important, and like I said, out of every piece of legislation that has come before us, this one is the one that I expect the regulations to go as deeply as possible to properly manage what is before us.

3.00 p.m.

So, Madam President, I have gone through so far, now that you have returned, several of the contributions by Sen. Deyalsingh, Sen. Lutchmedial and Sen. Mark who we can ignore wholly and solely, because he made absolutely no sense in his contribution. I wish he had read the Bill more. What I can say to those listening is that the Bill takes on a very structured approach. I think that it will do

well once it is executed. Just to repeat quickly, the approach that it has taken, you have an authority, you have the setup of a board—and let me respond to Sen. Mark here.

Sen. Mark, you will have to correct me if I am wrong, did you actually suggest that the PNM and the UNC come together to form the board? Is that what Sen. Mark suggested?

Hon. Senator: Yes.

Sen. The Hon. N. de Freitas: I have never heard that before, ever. And then went on to contradict himself by saying that the CEO and the employee should be appointed by somebody independent of the board?

Hon. Senator: Yes.

Sen. The Hon. N. de Freitas: I do not think you thought that one all the way through, Sen. Mark. Try again. Try again. The appointment of the board, there is nothing untoward in that at all. The one argument that I would take, which I am sure the Attorney General will speak to in his wrap up, is the addition of psychiatry as a—

Madam President: Minister, you have five more minutes.

Sen. The Hon. N. de Freitas: Thank you, Madam President—another field in relation to what is being added to the board. I think Sen. Deyalsingh was correct, psychiatry because of that psychotropic effect that the actual drug may have and the addictive qualities that that addition to the board might actually help in terms of making policy decisions.

But nonetheless, the board in terms of how it is set up is actually done in a manner that is normally done for boards in Trinidad and Tobago. There is nothing untoward there. Same thing with the CEO and the employees to be added. What I would say in this particular Bill, it goes even further to ensure that individuals

report constantly in relation to any pecuniary interests that they may have. It goes on to, in the definitions to indicate exactly what pecuniary interest means, so it is not open to interpretation. It goes even further, after laying out the authority by way of the board and the employees to lay out the licences, to then lay out exactly how those work. As I indicated before, you have them as medicinal, you have for research and laboratory purposes, and you have for religious purposes. You would notice that the religious purposes are sufficiently different from medicinal purposes where you only have a cultivator, a dispensary, and that is pretty much—and a transport licence, for example. So you grow it, you transport it to the dispensary and you dispense it to your flock. It actually goes in to stipulate that you cannot in no way, form or fashion sell or gain money as a religious entity growing cannabis. It is simply to be used for your religious purposes and that is it.

Again, moving on to the inspectorate which is there to monitor, evaluate and manage what is happening in all of those categories, and I have heard Members speaking about the inspectorate encroaching upon rights in relation to citizens' rights, I do not think that is the case, especially dealing with this particular product. I think that they have been given enough powers and enough teeth in this Bill to enter upon premises to ensure that what is to be adhered to under these various licences is being adhered to, and as is the case that I have seen where we have indicated that there should be an inspectorate in every single Bill that has come before us is always the avenue of the High Court, if it is that you feel aggrieved.

Madam President, as far as I am concerned, I look forward to this industry being set up. I look forward to the diversification that would be taking place. I think that we are all open-minded individuals in here, and that this is something that would benefit the citizens of Trinidad and Tobago. With those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Madam Speaker: Sen. Richards.

Hon. Senators: [*Desk thumping*]

Sen. Paul Richards: [*Singing*] “Got to have kaya now for the rain is falling.”

Madam President, I thank you, and I asked the Presiding Officer if I could sing, so I would not be breaching any Standing Orders. Thank you for the opportunity to enter into this debate today on an Act 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 connected matters.

I had the honour to sit—to serve, sorry, on the Joint Select Committee which was convened to consider this legislation in both the Eleventh and Twelfth Parliaments. So, I sat through, I think it is just over two years of meetings, so I have, and I think if I remember correctly, I missed probably one meeting, so I was exposed to quite a bit of the conversation with the scores of stakeholders; local, regional and international, which the committee brought to try to ascertain what would be best practice that we could glean from in the context of what is best for Trinidad and Tobago in this regard. So I have quite a bit to say on this Bill. And, you know, it is interesting, I was doing the research to come here today. Rolling Stone magazine on April 19, 2020, published a list of the 20 greatest songs about weed, and that is just the 20 greatest songs about weed. We know through our research that marijuana and its derivatives have been used for thousands of years, even being found in the great pyramids of Egypt in the sarcophagi—I think that is the pronunciation—put there to help guide the Pharaohs into the afterlife.

So marijuana use is not new to mankind, and even in Trinidad and Tobago before the decriminalization a couple years ago, which I think was a very profound move for this country, we know of the profound and quite prevalent use of

marijuana in Trinidad and Tobago because of the impact on our courts and our prison system. And I think that was one of the reasons, one of the critical reasons that we decriminalized the use of marijuana in specific circumstances, in specific quantities, in specific locations in Trinidad and Tobago. So, while we move that next important step today, and I will say from the start, I am biased towards this Bill because I served on the committee for over two years, so I know the amount of work that went into this. A tremendous amount of work went into this, led by the former Attorney General and then Minister Rambharat, and also with striking and sterling contributions from Members of the Opposition, including Sen. Lutchmedial, and Dr. Ragbir in the other place. So quite a bit of work from all sides went into this, and the stakeholders in Trinidad and Tobago and in the region also made significant contributions which were considered, most of which, or many of which, have ended up in this Bill today.

Let us not fool ourselves, marijuana is a psychotropic drug. It has advantages and benefits, but it has some seriously dire effects. Let us not forget that. Marijuana pros include its use in the mitigation of glaucoma, asthma, pain management, muscle spasms, nausea management, appetite restoration, anxiety management, sleep aids, for its mitigation of epileptic seizures, and in new research it has shown promising results in slowing Alzheimer's progression. And the list goes on and on.

On the other side of it, marijuana has been known and linked to memory loss, in particular short-term memory, impaired cognitive function particularly in younger persons and persons who use it excessively, lung damage, motor skills impairment causing accidents, and of course addiction issues. So, there are pros and cons, and I think this debate is important in elucidating the balancing of the benefits with the protections, the important protections and regulation of the use of

marijuana and the development of a marijuana industry sector in Trinidad and Tobago.

It is a dangerous drug, as I have said before, because of its psychotropic qualities. And a psychotropic drug is one that can affect how the human brain works. It can change mood, feelings, awareness, thoughts and behaviours, and impair all of them. Its use by adults must be heavily regulated in my opinion, with specific parameters and circumstances, which we have taken that step already in Trinidad and Tobago. The Authority, the setting up of the Authority, and I beg to differ from my colleague Sen. Vieira, that we do not need an authority. We need an authority. If we are to do this in a responsible manner we have to have the Authority.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: But the Authority must be constructed properly and must be operating effectively. And we have several instances in Trinidad and Tobago where authorities have been known not to effectively operate, and not to fulfil their mandate. And in this case a poorly functioning authority will have seriously dire consequences in Trinidad and Tobago, and that is why I think the elements are so detailed in this Bill because it has—we will not get it right, but we have to get it as right as possible, because of the possible consequences in terms of providing protections for the population and also the business community in Trinidad and Tobago.

Although I understand, as proffered by the hon. Minister of Health earlier on, it is a vanguard move by this Government, we are still behind the curve, let us not kid ourselves. We are way behind the curve on this. The Bill also has to really provide substantial penalties for abuse and misuse in the industry, monitor medicinal uses, prescription and disease management, craft regulations for, provide

oversight for, and regulate the industry. Very, very importantly, as mentioned by several persons, including Sen. Deyalsingh before, and you will know I am a great proponent of this being a person who is involved in social sciences and education. Rehabilitation of persons who fall victim to addiction issues, extremely important, monitor and administer the religious and sacramental purposes, and also champion the academic research, and I do not know if the correct phrase is “patent”—Sen. Vieira would be the expert on that—for strains that we develop that are of value around the world. So, this authority has wide-ranging responsibilities, and each of them extremely critical for the success in moving in this direction.

You know, it is interesting that I am contributing on this Bill today, because I have first-hand knowledge of the advantages, because I have seen family members around the world benefit from the administered use of marijuana. I have seen family members and friends fall victim to addiction issues starting with marijuana. Just this weekend, I was out of the country, and it is interestingly providential that it happened, and I was staying by a friend of mine and she—someone brought edibles for her, and she took the slightest, not even the fingertip of a bite of an edible on Saturday—Friday night—and she came to pick me up after I took a little trip out of New York on Saturday, and parked up outside a pharmacy, where I went to get something.

I am talking to her right next in the passenger seat whilst someone else went into the pharmacy, and while I am talking to her she said I am feeling—I said, “Why are you sounding like that?” And she said, “I am feeling a bit drowsy, if my eyes close you will have to drive.” And mid-sentence she blacked out. Blacked out for five to seven minutes. I had to slap her face to bring her to—we did not know what it was then. I thought it was a stroke, so I called her husband and he said bring her home, because she was living not too far away. They decided not to go to

the doctor because she was revived.

The following morning, which was Sunday morning, at 6.00 in the morning they are talking and she collapses again, blackout, this time for about 20 seconds, I happened to be speaking to her and I am saying something is wrong here. They eventually went to the doctor and the doctor eventually realized it was the taste of the edible that she consumed that had that significant negative effect on her. Imagine if she was driving and that happened on a freeway going through an intersection? That is why the regulation of this is so important.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: And then an authority, a properly functioning authority, is critical. Because I will say it again, we have a history in this country of passing pretty strong legislation and then the agencies and entities charged with the responsibility of fulfilling the mandate fall short and all hell breaks loose in Trinidad and Tobago. And in this case the ramifications are dire. Madam President, the potential for this industry is enormous, [marketsandmarkets.com](https://www.marketsandmarkets.com) predicts:

“The global cannabis market was valued at USD 20.5 billion in 2020 and is projected to reach USD 90.4 billion by 2026.”

—90.4 billion from 20.5 billion. That is the level of exponential growth expected from the cannabis industry globally.

The growth of this market can be attributed to the growing medicinal application of cannabis in so many different medical areas. The expansion of investments in countries that have legislation that encourage those investments and have the regulatory framework to manage it effectively. New product launches and development will offer lucrative opportunities for market players during this forecast period. But you have to have your systems in place, because the investors are not going to come if you do not have your ducks in a row. And you know what,

with the greatest of respect Minister of land, Sen. de Freitas is that the correct designation? Minister in the Ministry of Agriculture, Land and Fisheries. I am not too sure that I can dismiss concerns about an equal playing field in this country. I am not too sure. Big business rules in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: Let us not pretend. As a matter of fact, big business is awaiting the passage of this, because they have the capital to invest, and they are already putting systems in place. Let us not kid ourselves. And there is a serious and valid concern that smaller players are going to be squeezed out, because this type of industry requires significant capital, especially given the kind of regulation that we are proposing today. So systems need to be put in place so that the authority is held to a certain standard of an egalitarian approach to dispensing licences and the several different types of licences envisioned in this legislation.

So, let us not dismiss that concern totally because it is a valid concern. Because during the pandemic the businesses that suffered the most because of a lack of access to support capital are the micro and small businesses in Trinidad and Tobago. This is going to be no different if systems are not put in place. So let us not dismiss that as totally erroneous. And, going back to the issue of regulation and use, let us not pretend we have an alcohol abuse problem in Trinidad and Tobago, we have tobacco abuse problem in Trinidad and Tobago and they both have been legal for decades. This is adding another potential addiction issue in a space with very limited monitoring and policing resources. We have to be very, very careful. What we do not want is that the Authority is depending on the Trinidad and Tobago Police Service to monitor the law even though the inspectorate will be doing quite a bit of that itself, and end up in a situation where the demand-supply situation precipitates increased use in Trinidad and Tobago of strains that we are

not monitoring with devastating physical and psychological effects on the population.

If we do the research, Amsterdam, which is usually cited as the poster child for marijuana legalization went through 15 to 20 years of addition spikes of not only marijuana but other drugs. Do you want to fall into that category? And this is a European country with resources that struggled to recover from that. There were people in addictive states walking around all over who ended up in all sorts of activities because of that, because all the ducks were not in a row to deal with the addictive properties. Because marijuana does not come alone, when it goes to industry sectors size, commercial size. It also, sometimes, exacerbates a drug transshipment situation in most countries, in many countries. Have we considered that? And are we as a country capable of dealing with a marijuana industry that is poorly regulated that invites more transshipment of not only marijuana but other drugs, which we already have a problem with in Trinidad and Tobago, which is fuelling some of the gang activity and the crime we are seeing. Have we considered all of that? So while I support this, I want to sound the cautions. It is not all right, let us all just do this and all will be well. No, absolutely not. We can end up in serious problems.

Madam President, let me go to the base of the Bill itself, because I made quite a number of notes. I support the addition of a psychiatrist to the list of persons that should be on the board because of the psychotropic effects of marijuana, documented so.

“The Board”—now in clause 6(2)—“shall comprise nine persons appointed by the President from among persons with qualifications and”—at least five years’—experience...”

—which I think is a low bar, quite frankly, for some of these disciplines:

- (a) law;
- (b) management;
- (c) finance or accounting;
- (d) medicine;”

My suggestion will be to probably put medicine or psychiatry, because it will dovetail either or, because a psychiatrist is a medical practitioner. But it should be specified as one.

- “(e) scientific research/academia;
- (f) agriculture;
- (g) law enforcement;
- (h) education; or
- (i) drug rehabilitation.”

And I am not totally against adding a member from the interreligious organization because of the religious aspect of it. Because I think one of the speakers before me had mentioned the issue of the religious organizations—and I will get to more detail of that later on in my concerns, which were concerns that were discussed at length in the committee.

Also, moving along, I want to go to Part III, Financial Provisions, and my concern, and I am hoping the Attorney General can add some clarity in the winding up when we get to that clause 20(2)(c):

“sums borrowed by the Authority for the purpose of meeting any of its obligations or for discharging any of its functions;”

And, how we are going to—and I know it is going to be “as approved by the Minister of Finance, or a Minister.” And how we are going to manage that in the context of what could be a billion-dollar industry? And I know the suggestion may be that, well, we will get to that in the regulations. But the question marks arise

over those particular circumstances. The moneys of the fund, 21, Madam President, clause 21, which focuses on:

“The monies in the Fund may only be applied in defraying the following expenditure.”

And I agree with Sen. Deyalsingh, because this was discussed in the Joint Select Committee in detail, and I believed, agreed upon in principle anyway, where:

“(a) the acquisition of property by the Authority...”—and I am precisising here—

“(b) the remuneration and allowances of Members;

(c) the remuneration, allowances and gratuities payable...to the CEO and to employees of, and persons engaged on contract by, the Authority;

(d) capital and operating expenses...;

(e) research, training:”—education, public awareness—“and other related matters;

(f) any other expenditure authorised by the Authority in the performance of its functions.”

I am suggesting an amendment to be put. Move (f) down to (g) and new (f) should be:

“and for rehabilitative operations.”

That is very important. It is actually to the point that it is that critical that leaving it out is tantamount to irresponsibility. Rehabilitation is critical in this because we will be burying our heads in the sand if we do not believe that we may become victim. And even if we were not doing this, because of the addiction issues we have in society already, we will be very proactive in using some of these revenues to deal with the wider issue of addiction in Trinidad and Tobago, not

necessarily only related the marijuana abuse.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: And I think this is a wonderful opportunity to us to show in legislation, in law, that we are serious about rehabilitation in Trinidad and Tobago, including gambling addictions. So I think that is a suggestion I would make.

Moving now to Part IV, Licencing Provisions, and maybe it is an omission or maybe I am not understanding the application, but the licences possible are:

- “(a) a Cultivator Licence...;
- (b) a Research and Development Licence...;
- (c) a Laboratory Licence...;
- (d) a Processor Licence...;
- (e) a Retail Distributor Licence...;
- (f) an Import Licence...;
- (g) an Export Licence...; and
- (h) a Transport Licence...”

Now, going further down into Part IV now:

“The Authority may issue any of the following licences for religious purposes.”

And I am citing this part but I think it is applicable to other licences also.

- (a) “a Cultivator”—because this was discussed in the committee at length—“(Religious) Licence which shall be issued to allow”

—and I am reading, sorry, Part IV:

- (b) “a Cultivator”—of a—“(Religious) Licence which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis;
- (c) a Dispensary (Religious) Licence which shall be issued to allow for the

storage...”

And the word “storage” is very important here. Because on the other licences that I have identified before in Part IV, 29(1):

“(a) a Cultivator Licence”—needs to have storage in there, including—
“trimming, curing or packaging...”

—because if it is mentioned further down, storage is important.

(b) “Research and Development...to allow for the conduct of scientific research for...improving or further development...”

Storage should be included there.

“(c) Laboratory Licence...conduct of testing and analytical services...”

Storage should be included, and so on and so forth. Because, if storage is important in one subclause it needs to be present in the others, unless I am misinterpreting, and it is applicable throughout because it is down below, because it was discussed in the Joint Select Committee. Because if someone has an import religious licence to allow them for the importation of cannabis from any country where it is legal to do so, why does (b) have storage and why does (c) not have storage? And I know it was an important consideration in the Joint Select Committee.

Another concern I have and I may have skipped over it in going through the Bill, is the issue of religious organization and sacramental use. There was quite a bit of discussion centred around that because of its importance, for not only the Rastafarian faith, but I think some persons mentioned in the practise of Hinduism and other religions. And, I did not see and I know the religious organizations fall under the NGO Act, but I did not see religious organizations defined in the Bill. So there was quite a lengthy discussion and it became quite humorous point in many of our discussions in the committee where I ask the then AG, “So what if I decide I want to initiate the Cult of Paul?” And it became a reference point, because then

the then AG indicated, “Well, you would have to fall under the NGO Act and there are accountability structures in place there.” But what specifically is defined as a religious organization? It appears in the Bill several times but there is no definition for it. So I could say whatever I want is a religious organization. That to me needs to be defined. It is a very difficult prospect, because we did not, I do not think we were able to come up with a definition because of the nuances involved in religious and spiritual practises. But I think it is a lacuna that may be exploited if we do not find some sort of solution for that.

3.30 p.m.

Because a lot of the religious use and sacramental use has the term religious organization in it and the controls are in place for those that have been registered as religious organizations because they would have to fall under the—they fall under the NGO, the recently amended NGO Act in Trinidad and Tobago. So that is an issue. There is also a part that I need to find because it is quite important in terms of the religious dispensation where—and I am not finding it now, but I can describe it from memory—where a provision is made for no more than X amount of grams to be dispensed for religious purposes. But it does not give a time frame. Is it 30 grams per day, 30 grams per week, 30 grams per hour? And that is a lacuna. It is something that can be exploited.

So while a pharmacist can only do it for 30 days, there is no parameter for religious organizations to give a devotee dispense in that way. And I think that needs to be addressed through you, Madam President, to the hon. Attorney General. I forget what part of it, it is in the Bill. I was just going through quite a bit of it. So I hope we can address that.

So moving along, I want to also focus on the issue—Oh, and it may be a legal drafting issue that I am not aware of but in clause 30(6):

“An application for a licence under section 29(3) shall include—

- (a) the name, address and contact information of the controller referred to in subsection (5);
- (b) the name, address and contact information of the persons appointed as leaders of the religious organization;”

And I think there needs to be:

...address(s) to include more than one addresses.

Because that may be a scenario where—and it goes down to part (c):

“the address of the place of worship of the religious organization;”

Many religious organizations have more than one point of worship and if we do not put (s) it will only leave room for one address. So that may be an amendment. I do not know if it is understood as plural in the law when it is written like this, but I just kind of picked it up there. Going down again, in 30(9):

“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 and to imprisonment for a term of two years.”

Madam President, through you to the hon Attorney General, this in a billion-dollar industry is a joke. One hundred and fifty thousand dollars, and I know it says, “and to imprisonment”, not and/or, “of two years”, I think—and I am being facetious but I am not being facetious. A gang member can break this law, decide to spend two years in jail, \$150,000 is nothing in the context of a billion-dollar industry. Am I wrong? Because they might go in jail for two years anyway. And we all know of the prevalence of gang members in Trinidad and Tobago.

So this fine needs to be significantly increased because we are talking about millions and millions of dollars. That fine is way too low and if we are to show that

we are serious about this because by my understanding someone told me earlier today one plant can yield up to \$8,000 to \$9,000 depending on where you are selling and the quality and the grade of the product. So a field of marijuana could yield easily 400—half a million dollars; \$150,000 is nothing to pay. That is operating cost, quite frankly. So that needs to be increased significantly.

So, those are my main points that I wanted to identify. Oh, and 35(1), because this engaged the committee in quite a bit of discussion also:

“(1A) A licence shall not be granted in respect of a dwelling house.”

But also conversations ensued about business areas that may be given a licence and the Authority really being vigilant that schools and/or schools that may be located adjacent where thoroughfares pass by that establishment, needs to be considered. Because the establishment may not be next to a school but school-aged children may have to pass there to get to their point of transportation or to get home. And I think it may be end up in the regulations and the regulation of the Authority and the industry. But we need to be very careful where that is concerned.

Also, vehicles that are granted licences to transport marijuana and taking shortcuts by educational institutions for minors. It may seem that I am overthinking but I know how creative we can get in Trinidad and Tobago and I just want to at all costs protect children. Children, we need to go as far as possible in the protection of children as we expand this regime in Trinidad and Tobago. We cannot pull it back after. Right.

Quite a bit of conversation in the committee focused on the issue of medicinal cannabis and I would say again, Dr. Ragbir in the other place really made some astounding contributions and he needs to be congratulated and the—

Hon. Senators: [*Desk thumping*]

Sen. P. Richards:—and to be also commendatory, the then Attorney General was

extremely facilitating in engaging all perspectives. So, it was, as Sen. Lutchmedial said, a really collegial atmosphere and one where we worked together for the best possible outcome. So I want to congratulate him in that way. And I spent a lot of time focusing on the rehabilitation aspect of this because of the list of issues that can arise, physically and psychologically with marijuana abuse in Trinidad and Tobago or anywhere else. You know, there is so much research out there and like the tobacco lobby around the world I can bring 50 studies that show that cannabis can be damaging and the lobby can bring 100. That is the way science goes, unfortunately. Now, science is sometimes for sale. But we cannot use that as a reason to diminish our responsibility to protect the population from the documented possible ill-effects of marijuana. And we need to put everything possible in this Bill for the management of that, because as I said before—

Madam President: Sen. Richards, you have five more minutes.

Sen. P. Richards: Thank you, Madam President. We are already at the possible foothills like many other places in the world of an opioid epidemic in Trinidad and Tobago that is not being tackled. We have an alcohol abuse problem in Trinidad and Tobago that is not being effectively tackled that precipitates sometimes domestic violence, traffic accidents, et cetera. We have a tobacco abuse problem that facilitates cancer and other diseases. We do not want to add on top of that by not being vigilant enough in the law and in the design of this authority to regulate and supervise this industry effectively.

And I was hoping and I have never seen it in law or anywhere, but for some sort of—particularly in the first few years—mandatory accountability to the Parliament of Trinidad and Tobago of this authority to give an update every six months, particularly at the start when it is setting up. Because as many speakers before me would have said, it is going to take a while to set it up and get it right.

But the population sometimes gets the impression that when they hear that the legislation is approved or it is going through various stages, post-approval in the Parliament, that they can start doing stuff and that is not the case. And even when it starts, the Authority will still have as any entity, teething problems and a vetting of its systems and provisions to ensure all ducks are in a row, right. Quickly, 45(1)(c):

“Subject to subsections (2) and (3), a patient may designate a person as a caregiver and any person so designated shall be responsible for—

(c) acting in the best interest of the patient.”

That is way too subjective. Because my interpretation of the best interest of the patient may differ vastly to yours, particularly if the person is not held to some sort of medical training or part of a medical association. So that, “best interest of the patient”, I am very discomforted by it because it is way too wide and opens the door for way too much mischief. And in part (7):

“(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.”

And I would add, hon. AG, through you, Madam President, “within one month”. Because there is no time frame on that. And the open-ended obligation may lead to mischief. I found the part with the sacramental religious organization, it is in 48(a), (b), that I referenced before, where there are several references to religious organization, and I said also that needs to be addressed and also the part that I referenced part 48(c):

“dispense no more than thirty grams of cannabis to any single adherent;”

And there is no time frame within which the religious organization can or should

do that, so that opens the door to either every hour, every day or every week if a specific provision is not put in terms of that.

So, Madam President, I think I need to start wrapping up now if I am not mistaken. I support this in principle. A lot of work has gone into it but I think I went into quite a bit of detail of the concerns I have and how we can remedy it to ensure that we have the best possible legislation at this time, because this will evolve, this is an evolving industry and sector around the world. So everything we do now needs to be revised in three years to make the dynamic changes that are happening in this sector globally and for us especially in Trinidad and Tobago. Madam President, with those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Lyder.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Lyder.

Sen. Damian Lyder: Thank you, Madam President. And, Madam President, we are called to this honourable Senate to debate what I would call a landmark piece of legislation, which is the short term, the Cannabis Control Bill, 2020. And, Madam President, it does not escape me that this is a historical occasion in this Parliament of Trinidad and Tobago where we make legal the commercialization of the plant that is universally known by many names inclusive of the “herb”. Whilst this is a landmark legislation, it is not without its imperfections. It is these imperfections that will occupy my time at the crease today, Madam President. Farming and processing of cannabis is a focal issue here and there are lessons from our regional neighbours and trading partners that will feature in my contribution as we seek to give birth to this industry that supports the broad spectrum of our society.

Madam President, in preparation for this debate it was necessary for me to contemplate the faith of the scores of farmers, farm hands and persons involved in the agriculture supply chain. And when I looked, Madam President, clause 30 of this legislation it purposes to restrict the participation of persons based on specific infractions with the law. However, Madam President, my focus is narrowly on the impact of this potentially on the agricultural sector and the challenge of ending the unauthorized and unregulated cannabis production from an industry perspective. Madam President, if we were to follow the law and I state, a quote, sorry, clause 30(2) provides that:

“A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence under section 29(1)...”

Now, Madam President, there are some small cannabis farmers who may have been convicted for cultivation of marijuana in the past and would now be caught up in this clause and subclause today. And I respectfully submit that it may not be an effective method to attempting to destabilize the illegal market by keeping them out of this industry after it has been legalized. Without the opportunity to access the legal industry these individuals may continue to strengthen in the illegal market. And I heard Sen. Sagrainsingh-Sooklall talk about the black market.

So, Madam President, these individuals who are involved in the cannabis cultivation before the coming into the force of this law, should be given an opportunity to participate subject to the ruling of a judicial officer and have this conviction possibly expunged. This layer of scrutiny will allow for persons who are not connected to organized crime to actually participate. These farmers, many of them, Madam President, they are not murderers, they are not thieves, they are

not rapists, they do not belong to drug cartels, Madam President, they merely got a criminal record for farming cannabis at a time when it was unlawful to do so. And now that the laws have changed they should be given an opportunity to live their lives in an upstanding manner. From the perspective of farmers this amendment will allow for those persons to be beneficiaries of social justice. So therefore, Madam President, I wish to propose this amendment based on this policy consideration of social justice as follows to amend clause 30(2) to read:

“A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence under section 29(1), unless the conviction has been expunged under the Dangerous Drugs Act”—or unless the conviction was received some over 10 years ago for cultivation of marijuana then.

Should we not consider this amendment? What we are doing is keeping these past convicted farmers who are experts in their field from participating in a legal industry today. They may have served their time and they are free, they should be given the opportunity. This will see them continuing their practice in an underground manner parallel to the legal system. That is the possibility. This will fuel the trade of cannabis illegally through our porous borders potentially.

My colleagues before would have outlined the issues with exports and trade should there be a large underground cannabis industry operating alongside an officially regulated one. Therefore, I wish to invite the Senate to consider the international tight rope of our economy that our economy must cross to ensure our exports of medicinal cannabis are granted entry into trading blocs such as the European Union. Should there be an abundance of illegal ganja fields it would no doubt cast a long dark shadow over the prospects of Trinidad and Tobago exports past the non-trade barriers to entry into London, Stockholm, Amsterdam and Paris,

Madam President. The same challenges we would face if we are trying to enter into the US, Canada, Asia or other destination markets.

Madam President, in the interest of our economic prospects I ask respectfully, the Attorney General to consider this amendment that would assist in mitigating against unregulated cannabis production, hopefully not in a small manner. And I invite my colleagues to look at clauses 35 and 36 as it pertains now to the duration of the terms and conditions of the licence.

Madam President, this Bill proposes that the duration of the licence should be for a period of three years. And whilst, Madam President, one year is witnessed in some other Caribbean legislation, we in Trinidad and Tobago—and I heard one or two other speakers speak about it, do not exactly have the best reputation internationally when it comes to seamless bureaucracy in Trinidad and Tobago.

So I say respectfully, and I say all of this respectfully, Madam President, you see, if you are looking to establish a major plant as an investor, especially foreign investor you would not be encouraged by a three-year licence period. That time horizon would not meet within the 10 or 15 years necessary to pay back the millions you have invested or if you have taken significant loans whether in the form of international lenders or venture capitalist or private equity firms with interest in cannabis. So three years would not give that level of comfort to those who may have to borrow or invest heavily to get repayment after 10 to 15 years.

And, Madam President, we saw the same predicament happened in the short time horizons for licences in a past legislation which was the Special Economic Zones Bill. And I am just drawing it as a reference, Madam President, that it was the Attorney General then who took on board both the concerns from the Independent Benches and the Opposition Benches at the time regarding the shortness of the time allocated for economic zone operating licences. And the

impact it will have on investors domestically and internationally who would be equally concerned, Madam President, in recovering major investments or the ability to repay major loans which typically as I said take between 10 to 15 years to repay.

You see—and, Madam President, and at that time the Attorney General at that time is on *Hansard* recognizing these concerns and had indicated that the Government would take on board the view to extending the duration of the licence in the Bill. So here we are now in the same predicament with a short licence duration, albeit with a different Bill, and as such, I ask the hon. Attorney General to consider a longer period for licences based on this need for commercial viability with respect to the cannabis licences. Let us not make the same mistake as we made in the past Bill, Madam President.

Madam President, the offering of export licence brings into focus the need for Trinidad and Tobago to examine our export market opportunities in the cannabis industry. The cannabis industry as many of the other speakers have indicated is growing rapidly worldwide. Our neighbours to the north, United States of America, our biggest trading partners and potentially for cannabis as well. The birth of an export legal cannabis industry in Trinidad and Tobago will require us to be familiar with the development of the United States of America. I think that is fair to say. And it is therefore necessary for legislation and supporting regulations to set our industry on the right path. Madam President, that is why the licensing regime is indeed essential to that and it must be noted that despite licences being offered for three years for export and import, the partner jurisdiction such as the US may have shipment specific licensing regimes as an additional step. And as a result we may wish to align our licensing regime with whatever remains the prevailing international practices.

Madam President, as I move on, one of the questions I have is: Why did we wait so long as a country to now bring this legislation? I mean, I am happy it is here you know, Madam President, but why do we wait so long. Why did the People's National Movement Government take so long when so many countries, not only the United States of America, not only Canada, but right here in our region: St. Vincent and the Grenadines, Antigua and Barbuda, Jamaica, have bolted out of the gates and they have set laws in place for cannabis and are now enjoying the spoils of being the first movers in this region and are now bringing millions of dollars of revenue into their coffers. So why did we wait so long as a country?—especially when there is an opportunity for significant tax revenue accrued to the State here.

If we look, Madam President, at Parts IV and V of the Bill, it treats with the licensing regime and special provisions respectively. However, Madam President, when I was looking at this I did not see a special arrangement for taxation of cannabis distinct from what currently exists in the economy nor do we see any mechanisms to protect the tax base, specifically where leakages may occur, in terms of producers accounting for taxable output and revenue. Now, this may come as part of the regulations, we wait and see if that comes. But with your leave, Madam President, you know, I will give a short example of state benefit in other jurisdictions followed by a proposed approach to ensure that state benefits are apart from mere distribution of licences.

Madam President, when we look at Colorado that by 2019 crossed over US \$1 billion mark in State revenue for cannabis. They legalized the industry in November 2012, and the first retail marijuana store opened their doors in January 01, 2014. Madam President, the private consumption of marijuana in Colorado was added to the State's constitution in 2012. So this means that in their fifth year of

marijuana being sold and seven years after passing the legislation in Colorado, they crossed the \$1 billion mark. That is the size of the prize, Madam President. And we see in other parts of the US similar decriminalizing and commercializing of marijuana done years before. And this Government, Madam President, is in power for seven years. So how are we now seven years later coming to talk about this. It was only a few years ago, Madam President, that in Canada they passed their own cannabis laws.

Madam President, the consumption and sale of recreational cannabis was legalized and regulated on the 17th of October, 2018, and the Canadian Parliament, Madam President, passed this Cannabis Act. Now, let us see how they benefited. The legalization of cannabis in Canada has given rights to income streams to the state via a 2.3 per cent annual regulatory fee on the annual revenues of standard cannabis licence fees paid by operators. And hear this, with the federal government holding 25 per cent of taxes and 75 per cent remaining in the provinces. So here is an idea for the Government. We could look at a similar system in Trinidad and Tobago where central government shares in the revenues with the municipal corporations and the Tobago House of Assembly. At this time it would be far more attractive than the Government coming to propose this dreaded property tax. Here is an alternative to get away from that and not suffer the citizens of this country.

Madam President, as I move on though, Part IV of the legislation outlines the treatment of the licensing regime in clauses 29 through 46. However, Madam President, there is a difficulty with the participation of the State in terms of monitoring the volumes handled by the licence holders, that is for an eyesore. And as such, if we do not look at this, we can possibly miss the opportunity to make additional revenue by taxing cannabis by possibly volume or weight or as I heard Sen. de Freitas mention, by the potency. So some measure we can tax it according

to that. The State from what I have seen in this Bill has no mechanism mentioned here to monitor and control the volume of cannabis produced and distributed by the licence holders and maybe again you will see this in this famous regulations.

But, Madam President, I wish to, for the purpose of the Senate, for my colleagues to consider some possible regulatory fixes to this matter by using an example if you permit me. Madam President, in Scotland—and I heard the hon. Attorney General talk about when alcohol was prohibited. So I will use alcohol as an example. In Scotland, any distillery that produces scotch whiskey places them into barrels and then into a bonded warehouse. In the warehouse they are under the control of the system under Her Majesty's tax administration. They would monitor the volumes of scotch whiskey placed in the barrels in the bond and should the distillery sell bulk whiskey or use for bottling where it is removed from the bond, taxes will then be paid by alcohol by volume, according to alcohol by volume. So the bond is also audited regularly by Her Majesty's tax office.

So, Madam President, this goes above and beyond a simple inspector coming in to ensure that you are abiding by the rules as it pertains to volume. Should there be a discrepancy when the audit is done? Fines could be imposed, as well as possibly even revocation of licences. Madam President, in this way the Government properly regulates the volume or weight produced as, again potency as Sen. de Freitas says, in ensuring that full taxes accrue to the State and at the same time it reduces the risk of alcohol or in this case marijuana being illegally sold on the black market domestically or internationally, Madam President. So there is a lot we can learn from other industries.

Madam President, as such I propose an amendment. As a result I propose that the Government consider, if not in this debate today, at least in a subsidiary legislation to follow or in a future amendment or in the regulations, to ensure that

state controls under bond all cannabis produced by the farmers for sale either for medical or religious purposes. And that is at the farm house, Madam President, it may not be practical at the retail level.

4.00 p.m.

If we do not have strict controls on marijuana, Madam President, there are risks that the product can leave our borders. There can be the incidents of Trinidad and Tobago nationals taking cannabis and carrying it to countries where marijuana is not legal and this can result to Trinidad and Tobago falling on a blacklist as a nation with an uncontrolled industry. The channels that many of these people use typically also coincide with the channels of the cocaine trader and as a result of this, it is incumbent on us to put in the right controls in place in this regard and to impact a bondage storage facility may be helpful in this instance.

Clause 29 of the Bill seeks to empower the Authority to issue various types of licence under medical as well as religious purposes. And when I look at the series of licences, the first concern I have is that nowhere in the legislation we are seeing the cost of these licences and I know several persons have said it so I am only gonna brisk over it to set the context to what I am going to present, Madam President, if you allow me. So I would imagine, as everyone said, that the cost may appear in the regulations. In fact, my colleague Sen. Lutchmedial indicated earlier that once again, we are debating legislation that is meant to impact and affect the benefit of all citizens in this country regardless of financial status and station in life and once again, we are debating this without us on the other side, the Opposition as well as the Independent Bench, are debating a critical piece of legislation without even a first draft of regulations. So I ask myself the question why but I am not going to go into that, I told you I would move on.

Madam President, it is important for us to know the cost of these licences to

understand whether or not the small farmer who is applying for a cultivator licence, the small and micro-processor who is applying for the processor licence or for the medium-sized manufacturer to see if they would be in a position to afford the licence. And I heard, as he was closing, Sen. Paul Richards say that this is something that cannot be overlooked. We cannot overlook the small farmer and, Madam President, I hope without repeating, to at least address some of the concerns that Sen. Paul Richards may have. Many of these small farmers who may be experts and may be knowledgeable in this industry in growing marijuana or operating currently underground illegally, these farmers now may potentially find themselves restricted from licence fees and other barriers to entry, from entering an industry that they have dedicated their lives and livelihoods to, despite given the opportunity now to do so legally.

When we look at the barriers to entry, some of them could be, as I said, the licensing fees, infrastructural requirements to satisfy the authority. Madam President, these could restrict small farmers from entering and could result in the small farmer going back to growing illegally or having to resort to becoming farmhands working for the big cannabis. Instead of empowering our small farmers, we are now as Bob Marley stated:

Sending them...

And I quote:

...to trod on the winepress for far too long again.

Or to toil for the big, rich, big cannabis.

Madam President, let me make it clear, I have nothing against big business, I have nothing against big manufacturers or big distributors. They contribute significantly to employment, to our GDP and it is big business inclusive of SMEs in the private sector that has been holding our economy together whilst this

Government continues to dismantle our institution and collapse our economy. Madam President, I make it pellucidly clear, famous words from a certain man, that I have nothing against big business but I am for equity, accessibility to all and transparency whenever we make legislation in this honourable Senate.

So let me now treat with some of the challenges that I feel that Sen. Richards may have concerns with and for the SMEs to qualify for licence under Part IV of the Bill. The SME farmer, processor and manufacturer must have the equal opportunity as I stated and capability to partake in this new vibrant industry. If the SMEs are not able to find the finance, for instance, if they are not able to afford the soon-to-be determined licensing fee and infrastructure necessary, I ask myself the question: What is the Government doing to support them, many of whom are experts in this industry today?

And I listened to many on the Government side speak here today and I have not heard one proposition made in their debate to see what the Government will do to help the small farmer to put them on an even keel with the big farmers. I ask myself the question—these are some questions: Is there going to be criteria for the size of land for instance that might disqualify a small farmer? Is the small farmer required to have land tenure for instance? Because as we know that this has been a major bugbear for farmers in Trinidad and Tobago. Will there be infrastructural requirements such as security which will be out of the reach of the small farmer and other criteria such as cameras, tall walls, storage facility requirements? All of these are factors that have not been properly ventilated but we hear that they should be coming maybe soon in the regulations. Okay, we will see.

But let me say something else, Madam President, the cannabis industry today is one that requires significant investments especially in technology to remain competitive or for us to compete against those who have bolted out of the

gate way before us. There is the increasing application of automation in processing for example and cultivating that would be beyond the reach of many small farmers. And, Madam President, so apart from the slew of legal hoops that industry operators will have to navigate to be able to obtain and maintain a licence in Trinidad and Tobago, to engage in export, there will be a whole new world of regulations on top of tariff barriers that may prove insurmountable for the small and micro business and farmer in Trinidad and Tobago without proper Government financing and technical support.

Madam President, in my research, I looked at an article in Green Entrepreneur entitled and I quote:

“Small Business Face 6 Challenges in the Weed Market”

The transition of legal commercial production of cannabis has had the effect of pushing out the small growers who were the bedrock of an industry in other territories and this too can occur here if we are not careful. To protect against this, there needs to be a concerted effort to provide space for the small farmer. The notion possibly, and this can be considered of a quota system or lighter licensing fee for the small producers, may be something the Government can contemplate which was actually done in Jamaica by the way. Madam President, licensing at times can be slow and expensive. Applying a licence and maintaining a licence. Maintaining a business without turning a profit during the application waiting times. Big business could do that, small cannot. Bearing all the cost with the guarantee of ultimately receiving a licence. This can put a major risk to small farmers and could be potentially financially detrimental to them.

But as I move on, Madam President, when I look at clause 30, it speaks to the eligibility for licences and clause 35 speaks to the terms and conditions. Again, the terms and conditions here are quite vague and that are absent of regulations

once again. Madam President, the Government, as I said, has had seven years to bring these regulations for us to debate here today. As a result of no regulations being presented today, this Bill will not provide citizens with the opportunity to launch their own cannabis business now demonstrating once again that this Government is falling behind the curb in terms of speed. So it would be of value to observe the experience of our Caribbean counterparts in the licensing regimes.

Madam President, it was only yesterday, I read in the *Newsday*, page 20 on section A, and I heard somebody referenced it but I read it. I felt proud to see St. Vincent and the Grenadines make an announcement of the launch of the first medical marijuana cafe. They have taken it all the way to the retail level now, Madam President. The Greenhouse Cafe is a medical marijuana cafe which will no doubt support in diversifying not only agriculture, not only manufacturing, but will also diversify the tourism sector in St. Vincent and the Grenadines, Madam President, and I see the Minister of Tourism has just come back in good time to hear us bring a solution to a beleaguered tourism product. So I am glad he is here to share this with us.

This Government has no vision to legalize and commercialize marijuana. They started by empowering the agriculture— Oh sorry, I thought somebody was asking to give way. Sorry. Right. So I was saying, Madam President, that the Government, that Government St. Vincent and the Grenadines, had the vision to empower the agricultural sector and the tourism sector. This is advancement, this is leadership. The PNM Government is behind the curb in the region. And Sen. de Freitas even admitted it. The hon. Minister de Freitas even admitted that they were late to bring this Bill and I appreciate the honesty. I appreciate the honesty, an honourable man.

Madam President, according to the *Jamaica Gleaner*, the company was

granted a licence to cultivate, process and retail medical marijuana grade—or sorry, Madam President, I skip to a part that I thought very pertinent and I want the Minister of Tourism to listen to. Another example in August 2018, Jamaica witnessed the launch of its own cannabis seed store called EPICAN. According to the *Jamaica Gleaner*, the company was granted a licence to cultivate, process and retail medical grade marijuana by the licensing authority in Jamaica. On the website, the company states that their mission:

“...is to help establish an international standard in the emerging Global Cannabis industry; pioneering the mass production of safe and consistent cannabis based products while building a sustainable and healthy industry that respects the environment, local economies and people’s health.”

So, Madam President, Jamaica has definitely taken a serious approach to the development of the cannabis industry. It was last year, *Jamaica Observer* newspaper observed, as at April, approximately 80 licences have been granted by the CLA across cultivation, retail, transport, research, development, processing fields. Tourism maybe? I do not know. Another 300 conditional licences have also been issued, Madam President, however, many of those applicants have had to freeze their applications due to financial limitations.

And, Madam President, the reason for persons being stuck as in terms of financing is because they cannot acquire the capital needed to build out their facilities to move to the next stage of the licence to be granted to them. That is the small farmer in Trinidad and Tobago. We are here to contemplate the Cannabis Control Bill, passage which is needed to form the cannabis industry. It is impossible to debate this Bill without understanding the financial predicaments licence holders will face to start up their operations. I will show how this financial challenge will be a barrier to small and micro businesses, because we run the risk

of what happened in Jamaica happening right here with 300 licences being stopped by small farmers. Madam President, so there are two lessons to be learnt from this. Firstly, that the law on its own is insufficient to enable the industry to be fully operational. There will be an imbalance of access to financing. This is despite the catering for locals in clause 30(3) in the Bill.

Now Jamaica, Madam President, has a similar restriction of foreign ownership as we have here in the industry, however, we see that it is not preventing many companies from facing financial challenges as I stated earlier. So this means that companies with foreign investment, they may be okay, however, companies that are totally local and totally locally owned may have challenges securing the finances to get these operations, especially the SMEs eh, Madam President.

As a former director in NEDCO, I would have heard directly the many pains and horror stories that many of the small businesses and micro businesses experienced in getting funding in this country and as a businessman of a medium-sized company, we too have issues raising financing in this country. So the cannabis industry is a niche market and the knowledge of it amongst the financial community is very limited at this point in time.

So just like other niche industries, cannabis may be better served here today if commercial banks participate in a special fund with some Government guarantee for financing lending or a special purpose fund is developed to provide loans to domestic companies in the cannabis industry because banks may not be able to support the cannabis industry at this time due to challenges with it yet to be a bankable business in the North Atlantic financial banking systems. We see some banks that will not touch cannabis and we participate with these international banks. By the way, I read in my research that Scotia and RBC were not accepting

funds coming from the cannabis business. So we could check that and just verify but that is a concern. At Scotia Canada that is eh. This brings into view the challenges that small producers, farmers, distributors, exporters, importers, researchers may face.

Madam President, it cannot be difficult to foresee the trials and tribulations that the ganja farmer, please excuse my colloquial expression, in Moruga for example would face. But you see, the Government will come and tell the people of Moruga and the farmers of Moruga, "Look, we commercializing ganja". I do not know, maybe to win that seat, I do not know, but we are not seeing where they are making it possible here today for them to be equal players in this new industry.

Madam President, to outline the support needed for small farmers, we can take a look at the Jamaican system. In the legislation proposed in Part IV treats with licensing provisions. In Jamaica, they recognize that the licensing fees acted as a financial barrier to the entry for small farmers and as a result, the Cannabis Licensing Authority of Jamaica announced the introduction of a special permit. The goal being to lower the industry barriers by granting a low cost two-year cultivation permit to small farmers in order to help them transition to licensing growers.

Madam President, for the special permits, the CLA had proposed that all fees would be 50 per cent less than the current fee for a cultivator tier one licence. It would be of value for the small producers for the legislation to provide for them this special consideration by the way of a reduced cost to enter into the market. Madam President, this would assist farmers in T&T to be able to get a heads up in the industry.

But I heard the hon. Minister de Freitas speak about other types of incentives coming out of the agricultural sector. But you know what we did not hear coming

from Minister de Freitas? We did not hear anything about the incentives of the last year 500 million and the now 300 million that is promised for diversification of the farming sector that never seems to make its way in full to the Ministry of Agriculture from the Ministry of Finance. I feel sorry about that. The Minister of Finance, I hope he is listening and helps my colleagues because they can turn this around, I know they can. You need to get empowered with financing through the Ministry of Finance and that money could be used to help these small farmers in the diversification process and then you could come in the next budget and present it with pomp and pageantry.

Madam President, when we look at clause 30 of the Bill, it treats with provisions for foreign investors as partners with locals in the industry. Therefore, it is important to outline the potential pitfalls when engaging with foreign cannabis investors based on industry experience. I will look again at Jamaica for foreign direct investment experience. “Globalization and Health” journal article from Rychert et al in 2021 and I quote “Foreign investment in emerging legal medicinal cannabis markets: the Jamaica case study” pointed to some very encouraging aspects to FDI in the expansion of the Caribbean cannabis industry. Madam President, the research outlined that:

“...foreign direct investment as an essential source of capital to finance the start-up costs of...”—medical marijuana—“cannabis business.” Madam President—

Madam President: Sen. Lyder, you have five more minutes.

Sen. D. Lyder: Thank you, Madam President. The only challenge I see here is this Government’s abysmal record in losing FDI investment in the tune of over \$10 billion in their one and a half terms in office. So this does not give me too much comfort but, you know, or maybe the ease of doing business is an issue here in

Trinidad and Tobago, maybe that is the reason for the failure. But furthermore, the research warned about the dangers of courting big cannabis as we in Trinidad should be aware of the global industry players to ensure that we attract good partners as opposed to entities that will use their global positions to exploit our fledging status in the cannabis business. Ultimately, the research outlined and I quote:

“While foreign investment has facilitated the commercialization and professionalization of the medical cannabis sector in Jamaica, regulatory measures are also needed to protect domestic industry and support the transition of small-scale illegal cultivation to the legal regime.”

So once more, there are things we can learn from Jamaica.

Madam President, the focus going forward should also be which segments in the emerging cannabis market that we targeted. Jamaica has targeted the wellness industry which is in excess of US \$4.2 trillion globally where Jamaica right now is netting some \$700 million annually. This targeting comes from the Jamaica Promotions Corporation or JAMPRO. This approach taken here stands to reposition our tourism production by adding the lucrative wellness offering. Minister, I am glad you stayed with me. Minister of Tourism, through you, Madam President, I am glad you stayed with me so you could hear what is happening in Jamaica. So the hon. Attorney General spoke about the economy and diversification of the economy, the hon. Minister de Freitas spoke about all the opportunities and here is an opportunity we should be focusing on. It should be featured in this legislation. In fact, one would get the impression that the Government is not even contemplating regulatory measures that is needed to support the wellness industry as it pertains to tourism, as our neighbouring islands like St Vincent and the Grenadines and Jamaica are doing.

Parts V and VI outline the regime of medical marijuana and religious cannabis in the Bill. There is a risk that to be too hard and fast here now and not allowing for the emergent of other economic avenues could be stymied with the desire to get into the cannabis—could stymie us getting into the cannabis industry.

So, Madam President, as I bring this contribution to a close, when we see that the world is moving away from oil and gas and getting to a carbon neutral footprint and when we see that the Government is failing to diversify the economy outside of oil and gas, it is imperative that we as a nation now look towards new revenue streams that can be gained through the cannabis industry should this legislation and its accompanying famous regulations be passed in Parliament and by a committee and properly implemented by a Government. Sen. Richards said that and Minister de Freitas said properly implemented by the Government.

In addition to this, Madam President, I wish to remind the Government that the legislation having been brought without the supporting regulations means that the work is incomplete. We have to wait for the final regulations to be determined to settle some key aspects of the eventual cannabis business. I had a list of questions I would have left, Madam President, but I do not have the time to do so. So I close by saying that with these reflections, I join my colleagues in tabling the amendments that in my respectful view will aid in strengthening the regulatory environment needed to support the small farmers and small and medium enterprises as well as to maximize Government revenues.

Madam President, it was indeed an honour and privilege to have played my part to have contributed on behalf of the United National Congress to this most historic legislation. I indeed hope that the Government has taken on board some of the advice that we have given and, Madam President, with those few words, I deeply thank you.

Hon. Senators: [*Desk thumping*]

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Thank you very much, Madam President, for the opportunity to contribute to this debate which has been characterized on several occasions today as a landmark debate on landmark legislation. I really want to begin right there in putting on the record the fact that I am very pleased. I have been very pleased and continue to be very pleased by the overall tone of the debate today in the Senate of Trinidad and Tobago.

I want to particularly congratulate the Attorney General and colleagues who have spoken on the PNM Bench.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: I also want to single out Sen. Richards who gave us a very rich contribution, I believe informed by his work on the Joint Select Committee. So Sen. Richards deserves commendation for a very productive and fruitful contribution.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: And even Members on the other side, I would say with the notable exception of Sen. Wade Mark, really made an attempt to strike a note of balance, of productivity and offered some insights which as a concerned and listening Government, we certainly will be taking on board, will assist in informing the final shape of what we as a Senate will emerge with when this debate is concluded at the end of the committee stage. So I really wanted to start by expressing my pleasure at the overall tone that we have been able to strike and I want to give the AG credit for really fertilizing and nourishing an environment in his piloting which has been conducive to such a tone.

Madam President, well it is happening. Step by step, Trinidad and Tobago is

evolving and our society is joining others in making advancements in how we treat with this issue of cannabis and Senators have given elements of that evolution. We all grew up when we were attending primary and secondary school and those who went further. I myself went to medical school at Mount Hope and this debate and the discourse we are having now really would have been impossible a generation ago and even a few years ago because marijuana, cannabis, we were trained by rote that this is something that we should stay a thousand miles away from.

And I was very pleased by the comments of Sen. Deyalsingh who offered us a window into the mind of someone who personally and professionally would have been inclined far away from treatment of these processes and is now in some cases, kicking and screaming but finding ourselves treating with it but doing so in a very responsible fashion.

And, Madam President, it is clear not everyone is going to be happy but there are very few measures, especially those that treat with fundamental issues. There are a very few measures that we would find ourselves debating or introducing that would make everyone in society happy. There are those who see no place for adjustment in our handling and treatment of cannabis. There are those who want to see more jail time instead of moves toward decriminalization for possession of small amounts. There are those who would want to see no industry whatsoever, no medical use, no entrepreneurs, no businesses. There are some on the other side who would prefer a free-for-all environment and I thought at one point that Sen. Vieira was veering in that direction but it did not appear that that was the overall substance of his case in arguing against an authority. But there are those who would be more inclined, let us just, no regulation, no control and introduce a free for all. But, Madam President, I do not think in the end that that would emerge as the responsible position.

It is my humble and respectful view that most reasonable persons would want to find a reasonable middle ground as a society as we confront these matters. We have taken some of the courageous steps, decriminalization of the possession of small amounts for personal use, development of procedures to regulate and control the handling of cannabis for particular purposes and we have gone through a number of the purposes to which we would have these regulations and control under the oversight of an established authority and that is exactly what this Bill does.

4.30 p.m.

You know, we cannot escape from the reality that cannabis does lead to addiction. And the research tells us that maybe up to 10 per cent of persons who use this drug can become addicted and develop dependencies, but that is not uncommon in the world of pharmaceuticals. In fact, when we treat with many of the legal drugs, the drugs that we prescribe and manage and handle as doctors and dentists and pharmacists, many of them are addictive and some of their dependency levels can be even higher.

And then another drug that many of our citizens handle every day sadly, alcohol, is even more addictive and leads to further dependency. So, and then with those prescription drugs, it is not a free for all, Madam President. We have authorities. We have boards. We have the Pharmacy Board. We have the Pesticides and Toxic Chemicals Board. So things like Valium and Xanax and other products that our citizens utilize in legal fashion are regulated and controlled. So I would not want us to nourish a line of thought that says we would go from a complete illegal view of cannabis and make that leap over to an environment in which anything goes. I do not think that would be a responsible position. And I am pleased that overall the Senate certainly has not been inclined in such a direction.

So I would want in the early stages of this contribution to single out, as others have done and as the Attorney General has done, the former Attorney General of Trinidad and Tobago who was Chair of the Joint Select Committee in treating with the report and the Bill that is before us.

And, Madam President, it is important to note that this is not just the product of Government input. The Opposition has been involved in these efforts. Elected officers of the Parliament have been involved, as well as Senators have been involved. So what has emerged here? This Bill is the product of our collective input. We have had some more of that today. I assume we will have more in the committee stage.

But when you listen to Sen. Lyder and if you dared even focus on what Sen. Mark was trying to say, you can be forgiven if you get the impression that this is something that the Government is trying to foist on the Parliament. Au contraire, it is the exact opposite of how this has emerged, and I would want the population to be fully aware that is the product of the collaborative effort of the elected and selected officers of the State. So that is a key point I would want to make.

Madam President, I want to confess that I find myself a bit surprised, at this stage of my life and career as Minister of Foreign and Caricom Affairs, in standing here talking about cannabis. I mentioned, you know, back in the school system, but having come from a very conservative background, I have never, to this day, touched any cannabis product, marijuana in any shape or form. I have never used it. I have never gotten close to it, to my knowledge. I have never even held a lighted cigarette in my entire life, until now. That is me. That is the reality. Madam President, I do not even drink coffee anymore because I do not like to feel dependent on anything. That is just me. I am not prescribing for anyone else.

And I will never forget years ago, when I first got into politics, there was a

gentleman from North Post, unfortunately he is no longer with us now. He sat me down a day and he said: “Dr. Browne, the day is coming yuh know. One day you will find yourself part of a national effort to make weed normal.” He said that. And he said: “When that day comes I want you to remember my words and if you have the chance share it with others.” So I am just going to share it without prejudice to the Government’s position. And what he said was—he gave me his own personal experience with cannabis. He said he tried marijuana on one occasion in his life—this was his first exposure—and when he woke up after that, he woke up in St. Ann’s Psychiatric Hospital. Unfortunately—he was my friend—he was lost due to a cowardly murder some years thereafter. But I will never forget his words, and what I have just said, I have kept a commitment I would have made to him. So that is one man’s experience and I would feel that such experiences must inform and form part of our overall consideration of these important matters.

But just like on the other hand, you will have people would have told us: “Well my grandfather smoked cigarettes for 90 years and he never got cancer.” One person’s experience cannot dominate our consideration of a broad issue affecting society. And that is where scientific research comes in, and that is where peer reviewed studies come in. So, in making legislation, we would not just be making legislation for Winston from North Post or for Amery Browne, or his children. We have to consider the entire society of Trinidad and Tobago. It is my view that this Bill goes to great extent in doing exactly that.

So, Madam President, we have to make laws for everyone. And like other speakers I have some concerns. But before I get to those concerns, maybe I would want to flatter Sen. Lyder by addressing a few of the remarks he would have made. And he gave his usual sort of breathless style of contribution and there were some notes of balance. But there were a few points that my colleague would have made,

Sen. Lyder, that I believe bears some responding to. One of the points he made, which was, he was not the first on his Bench to say this is: Why did we wait so long? Why are we here now? What year are we in? 2022. Why did Trinidad and Tobago wait so long? And it is just part of this overall negative psyche that they have been projecting on the population that, you know, there is something wrong with Trinidad and Tobago and everywhere else is better than us and more advanced and then giving references to societies that are also struggling with developmental challenges, as we all are, in this part of the world. So why did we wait so long, Madam President? Other countries have moved ahead. We have been left behind, et cetera. Well, I want to ask Sen. Lyder, wherever he may be at this moment, I want to ask him: What about the period between 2010 and 2015? And to tell him, to assert to him that his Government did not have the courage to deal with the issues that we are dealing with today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: They did not have the courage. Under a UNC or PP, or whatever they called themselves then, the courts were filled with weed-related cases for possession. Prisons were filled. They did not treat with any of that with respect to decriminalization or establishing mechanisms for regulation and control of cannabis.

We are taking our responsibility today, collectively and your colleagues, our colleagues, the Senate, as the other place did, are contributing and we are now moving forward. But this sense that we always feel that other places are better: Why did we take so long?

And in fact, it was only in the year 2020 that the United Nations Committee on Narcotic Drugs made a key landmark, I am using the phrase that has been abused already today, landmark decision in how it views cannabis and cannabis

products and how they are scheduled with respect to international law. So that is not 10 years ago and 15 years ago. And if there are other countries who, preceding that, would have made adjustments, well that is fine. We are happy for that. It gives us now the opportunity to learn from them. So I just want to—and the JSC actually did that and had consultations and interactions with authorities and colleagues within Caricom and outside of that.

So I just want to adjust the picture that Sen. Lyder and his friends have tried to paint and to say that Trinidad and Tobago is now, in my respectful view, in an advantageous position in moving forward responsibly, moving forward together and learning from the experiences. And there have been some missteps along the way, learning from others, learning from our colleagues and seeking to get it right for our people. So I do not join in that doom and gloom view of our nation and the actions that we are taking today.

And then Sen. Lyder also said, he asserted, that past ganja farmers are not thieves, rapists and murderers. I hope I am not misquoting him, but I believe that that is the exact phrase that he used. He said so in a pitch of advocacy. He seemed to have been vouching for all of them. I want to tell Sen. Lyder, to advise Sen. Lyder, careful my friend. Be careful in making such assertions. Because the reality is that we are not talking about possessions of small amounts for personal use. We are talking, in some cases, of cultivation, sometimes large scale cultivation of what, up to know, has been highly illegal, trafficking of an illegal substance, sometimes involving the application of trap guns, booby traps, heavy weapons, shootouts with police officers, kidnappings and murders of rivals. That is a description. Let us not pretend that is limited to the cocaine industry. Up to this point that has been also associated with the marijuana cultivation, the illegal cultivation.

Now, we are looking to change that picture and draw strength and energy away from those illegal activities. But, to come here to the Senate and make a pitch that we must regard all of those activities and again I am excluding possession of small amounts, regard all of those as somehow angelic and saintly conduct, I have an issue with that. Because in doing so we would be setting a very dangerous precedent, and the fact is serious transgressions would have been committed in the past. I do not agree with an approach that says wipe the slate completely clean.

I think the Government has already taken the responsible position, made the responsible decisions in that regard and we have already heard evidence of the benefits our society and a judicial system have been reaping from a more responsible approach than that which Sen. Lyder appeared to be advancing. So I want to give him a little note of caution in that regard.

And then the last point maybe or penultimate point from Sen. Lyder that I want to touch on—and again he was not the first. I think Sen. Lutchmedial, who was better today than maybe on some of her prior outings but she also attempted to make this point. And I listened carefully because I was trying to understand. You know you can learn from anyone or anything, supposedly? The point that I heard, they seem to want the fees and elaboration of the regulations before the legislation. And I could not work the logic. And I see the AG is shaking his head. I suspect he is also struggling to extract value from that perspective. I cannot make sense of it.

Sen. Lyder went further. He said we should have had the regulations seven years ago. What is he talking about? Seven years ago? Madam President, just for the record, in case there is anyone in society who would have been seduced by that upside-down thinking, the logical approach is first of all to get the policy right. The Government, in my view, has done that. The second level will be to get the primary legislation right. We are doing that today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: That is what we are doing today. And then we can have the elaboration of regulations. Just on the issue of regulations, I want to invite Sen. Lyder to clause 68 of the Bill, which I would assume he took the time to read. Clause 68(1):

“68 (1) The Authority may, with the approval of the Minister, make Regulations generally for carrying this Act into effect and prescribing anything required to be prescribed under this Act.”

So we are putting in place, through our actions today, an authority, our actions in this debate, an authority which then is empowered and mandated to evolve and assist with the elaboration of regulations for the regulation and control of this sector. So to come here and demand regulations seven years ago or today, et cetera, before we have primary legislation, I think is a recurrent theme from the Opposition and I want us to be able to call that out and to say that is back to front thinking and unreasonable expectation.

It shows that he was not involved in the joint select committee deliberations. He has not exposed himself to the report of the JSCs and it was really just filler talk—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne:—a cookie cutter debating, which they bring time and time again, poorly thought-out and really should not guide the thinking of any right-thinking citizen. Yes, I said it was penultimate because I have one more. I do not know why I am flattering Sen. Lyder with responses to some of the things. But the last one. Sorry, Madam President.

He went and bought some newspaper and got all excited praising St. Vincent. There is a cafe that was opened in St. Vincent and took that cafe and

stretched it and built it up to—he said: That is leadership! All I did not hear is an endorsement of Prime Minister Ralph Gonzales. That is leadership! St. Vincent has opened a cafe. Great. We are pleased. That gives a little—a sign, a little light for us that these are the kinds of developments that we can anticipate. But what is the big deal to say as if we have lost? So St. Vincent has opened a cafe and Trinidad and Tobago is somehow disadvantaged by that? Madam President, we need to listen to the Opposition and sometimes when they try to make these assertions, call them out on it. Sen. Lyder, there is no big deal in what you are saying. He did not tie that into any amendment or any suggestion. But it seems to be again, any excuse to decry Trinidad and Tobago and praise any other jurisdiction. Except when they are in power, they do the opposite.

So, Madam President, through you, listen, there is no one. There are no people more innovative or creative than the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: Let us work on this. Let us get this right. I have every confidence that you put the people of Trinidad and Tobago empowered and guided by the work that we are doing today, the final form of the Act, by the Authority, St. Vincent and Jamaica and Florida and California, other places will eventually be looking to us. Our creativity, our innovation, we will make magic out of these opportunities. So we are doing it now. I just do not accept that very negative view. We will have our cafes. We will have other businesses, once the opportunities are created and we are creating those opportunities in the most responsible manner available to us. And as I said, we are now in prime position to learn from those who have rushed ahead, and that is completely fine.

So, Madam President, I have treated with some of those issues as raised by Sen. Lyder, and maybe a few others. I am not going to treat with Sen. Mark at all.

The Minister in the Ministry of Agriculture, Land and Fisheries has dealt with him thoroughly. I just want to say to my colleague opposite, I did not think he had a good innings today at all. It started with question time and it carried over to this debate. I just hope that things will improve from here.

Madam President, I mentioned that I do have a few concerns. It may sound surprising. Here is a Government Minister talking about Government legislation and talking about concerns, but I did come into this with a few concerns and one of them, anytime we are establishing an authority and hiring CEOs and other individuals, is the concern that we are dealing with a society in which corruption has become endemic at many levels. So you would want to ensure that the legislation has safeguards built into it and issues—and we have seen some high-level examples in the past, where there have been attempts at insider trading, persons using their positions to gain some degree of business advantage, et cetera. You have even heard talk of persons using positions to withdraw shares and make other financial transactions. Maybe we will talk more about that in the future.

So, Madam President, but then I looked at clause 15 of the Bill, and I see that these factors are taken into account, so both at the level of the board, at the level of the staff, at the level of the CEO, there are measures that the Joint Select Committee, the Attorney General, the Government of Trinidad and Tobago and this Senate, have put into place to ensure that those predilections can be minimized and there is certainly significant effort in this legislation to ensure that persons do not use their position for personal advantage. And that should be something that would please us and would motivate us to render support to those clauses. So I would not read them out. Senators would be familiar.

One of my other concerns predates, Madam President, my involvement in this debate, my role in this debate, and that is a concern about the need for more

local research. We depend a lot, certainly in my own medical career, we have a dentist and other—a psychiatrist and other persons of scientific inclination. A lot of the research we depend on is not done in Trinidad and Tobago. It is done elsewhere. And even as we enter this brave new world of harnessing the potential of cannabis for the benefit, in a regulated manner, of our society, there is the need to ensure that the research we are applying can be done locally.

We depend a lot on overseas research mainly from northern societies and sometimes the persons, the subjects that this research would have benefited from, are of a different ethnic makeup, different diets, just different upbringing and environment. So it is a reality that research done in North America, let us say, their minorities are the majorities in our society.

So I was very pleased, because I followed the proceedings of the joint select committee and read the report carefully, and in the legislation there is a clear recognition of the need to fertilize and nourish local research in cannabis so that our local body of knowledge will improve and can guide our future decision. So that concern has very much been addressed, and, of course, it goes beyond cannabis. As I said, it goes to medicine, public health, et cetera. And once again research is not: “Well my brother used weed and he did not die.” That is not research. It has to be peer reviewed, controlled studies with interaction, maybe with other jurisdictions. And again, I look at Part IV of the Bill and this has been thought through very well.

Madam President, my other concern is about an important part of our national community, and sometimes it has been a neglected part of our national community. And that is our Rastafarian brothers and sisters in Trinidad and Tobago. When we look across our society today we see Rastas, Rastafarians have important roles in leadership, in the Cabinet, in the Parliament, on our national

teams, some of our best artistes and performers, doctors, teachers. That is the reality now, but back in the day, certainly when I was growing up, it was not like that at all. Let us be honest, Trinidad and Tobago, through you, Madam President, Rastas have had a rough run in our society.

And it was in my lifetime that I would have seen people in the news even putting on Rasta wigs to commit criminal acts, feeding into that discrimination that many in society have played into against Rastafarians. Very often they have been discriminated against, scorned sometimes. They have had a rough run. Some were assumed to be criminals. And you know what? Some of their practices have been treated as such and certainly criminalized and sometimes enforced with aggression and passion. So we need to take into account the reality. Some who have preceded me have referenced this, that aspects of that faith belief have been outlawed in Trinidad and Tobago.

I am proud to say, Madam President, that the Bill before this House seeks to provide those elements of our society and others like them, with avenues for the full practice and expression of their religious beliefs. And I believe that is an advancement for this country that we can all be proud of.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: It probably needs a proviso to say that not all Rastas smoke cannabis and not everyone—they could say that loud. Not everyone who smokes cannabis is a Rasta. You have baldheaded persons and others. I would not even dwell on that.

Madam President, I believe that this represents an advancement. We have taken many steps in this Senate and in this Parliament. We have dealt with child marriage. We have dealt with many other fetters in society and I would want us to just pause a bit and to recognize, even in this legislation, and I am speaking to

Rastafarians and persons who have Rastafarians in their families. The best man in my wedding, Madam President, was a Rasta, and then I became his best man subsequently when he got married. And these are our brothers and sisters. We have found a way here as a collective to assist them in the full expression of their beliefs, and I would not go into the details and the priority that cannabis has in that faith. It is not my faith but it is one I can respect and recognize for the facilitation in the legislation of Trinidad and Tobago, and that is well taken care of in Part VI, clause 30, subclause (5), subclause (6).

And then just to touch quickly on something Senator—

Madam President: Minister, you have five more minutes.

Sen. The Hon. Dr. A. Browne: Oh boy. Thank you, Madam President. To touch on something that Sen. Lutchmedial seemed to have referenced about protecting children. I may have misheard, because I know Sen. Lutchmedial would have contributed robustly to the JSC and would be very familiar with the Bill. But my reading takes me to a reality that specific care has been taken in this legislation to protect children, even in the places of worship and within the religious application of cannabis and cannabis products. So that, to my reading, is explicitly outlined in the legislation. So our children are well protected in those circumstances.

5.00 p.m.

So, Madam President, an essential part of leadership is that you must make policy and law, not just for yourself, but for the entire society. It is really about striking a balance. And I want to take up Sen. Richards on that phrasing and I have spoken to one or two other colleagues, some of whom may yet contribute in this debate. And it is really about getting the balance right. And it is my respectful view that we have taken—we are taking an important step in doing so with this particular legislation. And I have listened, they have some very good suggestions

coming out already. I heard the nucleus of some possible amendments which certainly the Government will be very pleased to consider, so I do not want to pretend that I am rebutting all of it. There are some very valuable contributions that have occurred; it is about getting the balance right.

It is my view, Madam President, as I seek to conclude, this Bill forms part of the legacy of a society that is progressing. Does it happen with lightning speed? No, but it is happening. It forms part of the legacy of a government that listens, a government and leadership and a Prime Minister who may have had one inclination, at one point of his life and our life, but with the ability to change, to listen and to grow. And this legislation is a manifestation of those attributes, and it is something that I believe our society should be proud of, should embrace and should herald as a very good sign for the future.

Madam President, this Bill in my view is bad news for racketeers, smugglers, traffickers, those who depended for their profit on the illegal, black market, the dark practices because we are now regulating and controlling the handling and processing of cannabis. The Bill is also bad news for multimillionaires who might have been rubbing their hands hoping that this would have been elaborated differently, who thought the stage would have been set for just only conglomerate-type interventions, mafia type, you know, the empires of the region—we know who some of them are—they probably—some of them may have—it is bad news for them because the Government's policy is crystal clear, Madam President. I heard it from the Minister in the Office of the Prime Minister in the other place, and I want it to be part of our record here, the Government in its policy is crystal clear. The small man, the younger entrepreneur, the sole trader, the family business can choose and can be facilitated in these emerging industries and we will take all measures—the regulations will ensure that that kind of

involvement is part of the future of these industries, that is the Government's policy.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: So the Bill is bad news for some of those people who think along those lines, Madam President. It is good news for several of the subpopulations I have referred to, it is good news for the small man and woman, it is good news for budding businessmen our young people who would like to emulate some of their peers abroad and who ventured out into these kinds of industries. It is not for everyone, there is no compulsion—there are other businesses that will continue to thrive and grow, but these are new opportunities being availed in a controlled and regulated manner.

It is good news for citizens with glaucoma, certain types of epilepsy, certain types of intractable pain, certain types of endometriosis, on certain cancer drugs is good news for them. One that was not mentioned is weight loss due to HIV and AIDS field that I am drawn from. In winding up, Madam President, weight loss due to these illnesses, cannabis helps as well. So, Madam President, with those very few words, I thank you, I commend this Bill to the Senate.

Hon. Senators: [*Desk thumping*]

Madam President: Leader of Government Business.

ADJOURNMENT

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Madam President, I beg to move that this Senate do now adjourn to Tuesday, May 17, 2022, at 1.30 pm at which point the Government proposes to take this matter to its conclusion.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for a matter to be raised. Sen. Mark.

Hon. Senators: [*Desk thumping*]

**Interception of Communications Act, 2010
 (Government's Failure to present Annual Reports)**

Sen. Wade Mark: Thank you, Madam President. Madam President, in the wake of many reports of this Government conducting secret surveillance upon citizens, comes the news that since 2018, the Government has failed to present in accordance with the law, the Interception of Communications Act, which was passed in 2010, reports for 2017/'18; '18/'19; '19/'20; '20/'21. So, for four years, four reports, this Government that is supposed to be governed by the rule of law has refused to table the annual reports.

Madam President, under section 24(1) of the Interception of Communications Act of 2010, the Minister of National Security is accountable to the people and is compelled to lay in this Parliament annual reports on the activities surrounding this particular body. Madam President, 24(1) states and I quote:

“The Minister shall, within three months, after the end of each year, in relation to the operation of the Act in the immediately preceding year, prepare a report relating to—”the following.

This is why the Government has broken the law for four consecutive years. They are supposed to provide in that report, Madam President, for the people's consumption:

“(a) the number of warrants applied for to intercept communications;
 ...the number of warrants granted by the Court;
 ...the number of warrants applied for and granted under section 11;
 ...the average period for which warrants were given;
 ...the number of warrants refused or revoked by the Court;”

—of Trinidad and Tobago.

“...the number of applications made for renewals;
...the number and nature of interceptions made pursuant to the warrants granted;
...the offences in respect of which warrants were granted, specifying, the number of warrants given in respect of each of those offences;
...the numbers of persons arrested whose identity became known to an authorised officer as a result of an interception under a warrant;
...the number of criminal proceedings commenced by the State in which private communications obtained by interception under a warrant were adduced in evidence and the number of those proceedings that resulted in a conviction.”

Madam President, they are supposed to put in that annual report, the number of criminal investigations in which information obtained as a result of the interception of a private communication under a warrant was used, although the private communication was not adduced in evidence in criminal proceedings commenced by the State. They are supposed to indicate the number of prosecutions commenced against persons under sections 6, 7, 8, 17, 19 and 21 and the outcome. That report, Madam President, supposed to give us a general assessment of the importance of interception of private communications for the investigation, detection, prevention, and prosecution of offences, Madam President. All of these are supposed to be made available in that report. But this lawless Government has broken the law.

Madam President: Sen. Mark, you are—it is your matter—

Sen. W. Mark: I withdraw.

Madam President: Thank you. You know what you are withdrawing, right?

Interception of Communications
Act, 2010
Sen. Mark (cont'd)

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Sen. W. Mark: Yes, yes I withdraw, yeah. Madam President, did—why this is important, Madam President, is because the law called the Interception of Communications Act was amended in 2020. And we are supposed to have an annual report for 2020/2021. This is where the Government has been able to amend the law to access stored data, meaning the State can now access data before the Interception of Communications Act became the law. This very annual report is supposed to contain information where the Government amended the law in 2020, to authorize a constable to apply for a warrant, without the authority of the Commissioner of Police to intercept communication. This is section 17A of Act 13 of 2020. Madam President, they are supposed to provide us with records of information in any prison van or within a prison. All these were amendments made, and they are supposed to provide information to the public.

Madam President, I ask through you: Why has the Government denied the population of these annual reports for 2018, '19, '20 and '21? Why? What does the Government have to hide from the population? We of the United National Congress demand that the Government immediately table these reports. We are giving them ample notice—table those reports in accordance with the law and stop breaching and violating the law. I call on the Attorney General who has now arrived on the compound to take measures to ensure that the rule of law is upheld and this particular section of the law is observed and honored.

Madam President, I call on this honourable Senate to demand of the Government to submit these reports within short order, failing which, Madam President, we shall take the appropriate measures to force the Government to table all those reports. I thank you, Madam President.

Hon. Senators: [*Desk thumping*]

Interception of Communications
Act, 2010
Sen. Mark (cont'd)

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Madam President: Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Oh, Madam President. I had cause to turn to a colleague while Sen. Mark was doing his theatrics. And to say that there goes Sen. Wade Mark again, straining and stretching to take back what he lost earlier today during his earlier contribution, but it is too late for that.

Madam President, I am responding on behalf of the hon. Minister of National Security in this matter on the adjournment, and it is clear to me in listening to Sen. Mark's elaboration of what he has phrased here as his matter on the adjournment, this is really a case of him stretching once again, trying to make something out of very little and it reminded me of a Shakespearean dramatic play, entitled, *Much Ado About Nothing*.

Sen. Mark: [*Inaudible*]

Sen. The Hon. Dr. A. Browne: Now, I am pleased to inform Sen. Mark, after all of his dramatics, that the reports to which he has referred today have already been prepared by the SSA and the Ministry of National Security.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: These reports—administrative reports have already been prepared and will promptly gain the Cabinet's attention for due consideration, the normal processes of government administration. Thereafter, they will promptly be laid in the Parliament of Trinidad and Tobago, as the SSA and the Ministry of National Security continues to ensure compliance with all defined statutory obligations.

Madam President, it just remains to remind the population and colleagues that the period referred to, the 2018 to 2021 period was dominated by factors well outside of the control of the SSA, the Ministry of National Security, in fact, of any government around the world, and that is the effects of the COVID-19 pandemic which came to us globally in 2019, at the end of 2019, and remain with us to this day. So, with respect to the Interception of Communications Act, Chap. 15:08 which does provide for the preparation and laying in Parliament of annual reports on the operations of the Act, it must be noted that these reports have normally and consistently been laid in the Parliament over the years. And the population is assured that the SSA places utmost importance on compliance with its statutory obligations. So, that has to be part of the record of this discussion and contemplation.

With respect to the last few years, the annual reports on the operations of the Act were yet to be compiled and laid and as I said, that is being done instantly. There were a number of challenges due to the unprecedented implications of the COVID-19 pandemic, the Public Health Regulations, the efforts made to mitigate the spread of COVID-19, all of which affected the usual operations and functioning of the entire public sector. And the agencies referred to have not been immune from those implications. The state of emergency was also a factor, and this is the accounting from the unit itself—from the agency itself. And even with respect to quarantining protocols which affect us here in this House, have affected those who have been tasked to compile these administrative reports.

So, there have been several interruptions, several delays which have hampered the agency up to now. It is assured once again, that the reports have now been completed. They have been compiled, gaining the attention of the relevant

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Sen. The Hon. Dr. A. Browne (cont'd)

approval body and will promptly shortly and immediately be laid before the Parliament. Madam President, with those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.20 p.m.