

CANNABIS BILL, 2023

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CANNABIS BILL, 2023

A BILL FOR AN ACT TO REGULATE THE HANDLING OF CANNABIS AND THE ESTABLISHMENT OF THE CANNABIS AUTHORITY

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Cannabis Act, 2023.
- (2) The Minister may appoint, by Notice published in the *Gazette*, different dates for the coming into force of the different sections or Parts of this Act.

2. Interpretation.

- (1) In this Act, unless the context otherwise requires —
 - “**Authority**” means the Cannabis Authority established under section 5;
 - “**analytical services**” includes services for the testing or abstraction of cannabis;
 - “**BAHFSA**” means the Bahamas Agricultural Health and Food Safety Authority established under section 4 of the Bahamas Agricultural Health and Food Safety Authority Act, 2016 (*No. 4 of 2016*);
 - “**Board**” means the Board established under section 7;
 - “**cannabinoids**” means a group of substances found in cannabis and includes cannabidiol and tetrahydrocannabinol;

“cannabidiol” or “CBD” means a substance found in the cannabis plant which reacts with specific receptors in the human brain and body to give therapeutic effect;

“cannabis” means a cannabis plant other than hemp, with a THC concentration of more than 0.3% by dry weight in flowering heads and leaves which includes —

- (a) phytocannabinoids;
- (b) any substance or mixture of substances that contains or has on, or in it, any part of a cannabis plant;
- (c) any substance that is identical to any phytocannabinoid produced by, or found in, a cannabis plant, regardless of how the substance was obtained;

“cannabis accessory” means —

- (a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is commonly used in the consumption of cannabis; or
- (b) a thing represented to be used in the consumption of cannabis and if sold at the same point of sale as cannabis, is deemed to be used in the consumption of cannabis;

“caregiver” means a person authorised to assist in filling a prescription for medical cannabis on behalf of a patient and administering the same;

“controlled drug” means a drug to which Parts II, III, IV or VI of the Dangerous Drugs Act (*Ch. 228*) apply;

“cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis plants;

“cultivation site” means the premises specified in a cultivation licence as premises on which cannabis plants are authorised to be cultivated;

“database” means the database kept by the Authority in accordance with section 6(2)(f);

“dispose” refers to the procedure for destroying cannabis;

“distribute” includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“financial year” means the period of twelve months beginning on 1st July in any year;

“handling” includes importation, exportation, cultivation, processing, manufacturing, producing, sale, possession, distribution and use;

“**hemp**” means the *C.sativa* strain of the cannabis plant, or any part thereof with a THC concentration of 0.3% or less by dry weight in flowering heads and leaves;

“**licence**” means a licence issued by the Authority;

“**Medical Council**” means the Council continued under section 4 of the Medical Act, 2014 (*No. 29 of 2014*);

“**medical practitioner**” has the meaning assigned to it by section 2 of the Medical Act, 2014 (*No. 29 of 2014*);

“**medical cannabis**” means cannabis prescribed for the treatment of a qualifying medical condition;

“**Minister**” means the Minister responsible for health;

“**minor**” means a person under the age of eighteen years;

“**organic solvent**” means any organic compound that is explosive or highly or extremely flammable;

“**organisation**” means —

- (a) a public body, body corporate, society, company, partnership; or
- (b) an association of persons that —
 - (i) is created for a common purpose;
 - (ii) has an operational structure; and
 - (iii) holds itself out to the public as an association of persons;

“**patient**” means a person who suffers from a qualifying medical condition which may be treated with medical cannabis;

“**person**” means an individual or organisation;

“**pharmacist**” has the meaning assigned to it in section 45(3);

“**pharmacy**” means a place registered as a pharmacy under the Pharmacy Act, (*Ch. 227*);

“**Pharmacy Council**” means the Council established by section 3 of the Pharmacy Act (*Ch. 227*);

“**phytocannabinoids**” means a type of cannabinoid found in or produced by the cannabis plant and includes delta 9 tetrahydrocannabinol and cannabidiol, and any part of the cannabis plant other than —

- (a) a non-viable seed of the cannabis plant;
- (b) a mature stalk, without any leaf, flower, seed, or branch of the cannabis plant;
- (c) fibre derived from a stalk referred to in paragraph (b);
- (d) the root or any part of the root of a cannabis plant;

“possession” where the custody by any person of any matter or thing is in question, includes —

- (a) the having of the matter or thing in his personal custody or control;
- (b) the knowingly and wilfully having it in the personal custody or control of any other party;
- (c) the knowingly and wilfully having it in any premises open or enclosed over which he has control, whether belonging to or occupied by himself or not and whether such matter or thing shall be for his own benefit or for that of another;

“premises” means any land or building and includes any vehicle, conveyance or receptacle located on such land or in any such building;

“prescription” means a written instruction issued by a medical practitioner in accordance with the Pharmacy (Prescription) Regulations, 2010 (*S.I. No. 5 of 2010*) that authorises the dispensing of medical cannabis to a patient;

“produce” in relation to cannabis means to obtain cannabis by any method or process including —

- (a) manufacturing;
- (b) synthesis;
- (c) altering the chemical or physical properties of cannabis by any means; or
- (d) cultivating, propagating or harvesting cannabis;

“public officer” has the meaning assigned to it by section 2 of the Public Service Act (*Ch. 39*);

“qualifying medical condition” means a medical condition prescribed in accordance with section 38;

“sell” includes offer for sale, expose for sale and have in possession for sale;

“tetrahydrocannabinol” or **“THC”** means the main psychoactive compound in cannabis and one of the naturally occurring chemical compounds found in cannabis;

“valid form of identification” means a valid passport, driver's licence, national insurance card or voter's card.

- (2) For the purposes of this Act, a quantity referred to in column two of the *First Schedule* in respect of any class of cannabis referred to in column one of that Schedule is deemed to be equivalent to 1 gram of dried cannabis.

3. Application of Act.

- (1) This Act shall apply to the regulation and control of cannabis and to the handling of cannabis for medical, scientific research or religious purposes.
- (2) This Act shall not apply to hemp.

4. Objectives of Act.

The object of this Act is to —

- (a) authorise the production of cannabis;
- (b) provide for the handling of cannabis for medical, scientific research and religious purposes;
- (c) provide for the possession and use of cannabis for medical purposes and for use in religious worship;
- (d) impose quality assurance measures for safety, efficacy and effectiveness;
- (e) provide for robust monitoring of cannabis throughout all phases from cultivation to disposal;
- (f) deter and reduce activities in relation to unlawfully obtained cannabis through appropriate enforcement measures and sanctions;
- (g) protect the health of the public by controlling access to cannabis; and
- (h) enhance public awareness of the health risks associated with cannabis use.

PART II- THE BAHAMAS CANNABIS AUTHORITY

ESTABLISHMENT, POWERS AND FUNCTION OF AUTHORITY

5. Establishment of Authority.

- (1) There is hereby established a body corporate to be known as the Cannabis Authority (hereinafter referred to as “the Authority”).
- (2) The Authority shall —
 - (a) have perpetual succession and a common seal;
 - (b) be capable of suing and being sued in its corporate name; and
 - (c) have power, subject to this Act, to do all such acts and things a body corporate may by law, do, or perform.

6. Functions of Authority.

- (1) The Authority shall develop policies, procedures and guidelines to establish and regulate cannabis for medical, scientific and religious purposes as authorised by this Act.
- (2) In carrying out its mandate under subsection (1), the Authority shall —
 - (a) ensure that cannabis is handled in an efficient manner, and stored in a safe place;
 - (b) ensure that cannabis is manufactured, produced, stored, distributed, sold, and made available in a safe and efficient manner;
 - (c) issue licences for the handling of cannabis in accordance with the provisions of this Act;
 - (d) keep and maintain a public register of licences issued under this Act which shall include the —
 - (i) name of the licensee;
 - (ii) type of licence issued;
 - (iii) registered office of the licensee;
 - (e) develop enforcement procedures to ensure compliance with the provisions of this Act;
 - (f) establish and maintain a confidential database, electronically or otherwise —
 - (i) to include information relating to —
 - (A) patients, medical practitioners prescribing cannabis, licensees and caregivers;
 - (B) the amount of cannabis handled by licensees in accordance with this Act;
 - (ii) to enable compliance with the requirements of this Act and prevent abuse of cannabis;
 - (g) where required, provide analytical services for licensees;
 - (h) provide for the electronic tracking of the handling of cannabis in accordance with this Act;
 - (i) provide for the distribution of educational materials and the conduct of training programs in relation to the cannabis industry and the development and use of cannabis;
 - (j) ensure that proper disposal requirements as prescribed are complied with;
 - (k) enter into any agreement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions;
 - (l) prohibit the promotion of cannabis which is non-informational; and

- (m) perform such other functions assigned to it under this Act or any other written law.
- (3) In performing the functions specified in subsection (2), the Authority shall —
 - (a) in consultation with the Director of the Bureau of Standards, develop quality, safety, proficiency in testing, training and certification standards and specifications for observance by licensees or other persons involved in the cannabis industry;
 - (b) in consultation with the Medical Council and Pharmacy Council, develop guidance in relation to —
 - (i) the use of cannabis in respect of the prescribed medical conditions and any possible contraindications;
 - (ii) the benefits and risks of cannabis;
 - (iii) distinguishing between the therapeutic potency of cannabis when ingested as opposed to smoking;
 - (iv) facilitating cannabis research for medical or scientific purposes and where applicable, apply the results of such research to the development of the cannabis industry; and
 - (c) in consultation with the leadership of the Rastafarian faith develop guidance for the handling and safe use of cannabis as a religious sacrament.

BOARD OF AUTHORITY

7. Board of Authority.

- (1) There shall be established a board, to be known as The Bahamas Cannabis Board (hereinafter referred to as “the Board”), which shall be the governing body of the Authority and shall be responsible for —
 - (a) the appointment of staff to the Authority;
 - (b) the management of the Authority;
 - (c) the development of policies and strategies for the prudent and efficient management of the Authority; and
 - (d) the monitoring and assessment of the performance of the Authority.
- (2) The *Second Schedule* has effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

OFFICERS AND EMPLOYEES

8. Chief Executive Officer.

- (1) The Board shall, with the approval of the Minister, appoint a person with suitable qualifications and experience in business and health administration, to be the Chief Executive Officer of the Authority.
- (2) The Chief Executive Officer —
 - (a) shall hold office for a term not exceeding three years, but shall be eligible for reappointment not exceeding two further terms; and
 - (b) is entitled to such remuneration and allowances as the Minister determines.

9. Functions of Chief Executive Officer.

- (1) The Chief Executive Officer shall be responsible for the day-to-day management of the affairs of the Authority which shall include —
 - (a) coordinating the functions of the Authority;
 - (b) taking any administrative and managerial action as is necessary and appropriate for the effective implementation of this Act;
 - (c) assigning such personnel as may be necessary to ensure applications for licences are submitted to the Board for approval within the prescribed period after the making thereof;
 - (d) ensuring the timely implementation of the decisions and directions of the Board;
 - (e) submitting quarterly reports to the Board in relation to the activities of the Authority, in such manner as may be approved by the Board;
 - (f) ensuring the timely preparation of the budget of the Authority and submitting the same to the Board for approval;
 - (g) implementing operational policies and procedures in relation to the functions of the Authority; and
 - (h) performing such other functions as may be assigned to the Chief Executive Officer by the Board or under this Act.
- (2) The Chief Executive Officer shall attend the meetings of the Board, but shall not have a vote at any meeting of the Board.
- (3) Where the Chief Executive Officer is absent from The Bahamas or is for any other reason unable to perform his functions, the Chief Executive Officer may, with the approval of the Board in writing, delegate any of his functions to the Deputy Chief Executive Officer.

10. Staff of Authority.

- (1) The Board shall, with the approval of the Minister, appoint —

- (a) a Deputy Chief Executive Officer who shall have qualifications and experience in business and health administration; and
 - (b) such other members of staff as may be required for the Authority.
- (2) Where both the Chief Executive Officer and the Deputy Chief Executive Officer are absent from The Bahamas or are for any other reason unable to perform their functions under this Act, the Chief Executive Officer may, with the approval of the Board in writing, delegate any of their functions to an officer or officers of the Authority.
- (3) The staff of the Authority shall receive such remuneration and such allowances, as the Minister may, in consultation with the Board, determine.
- (4) The *Third Schedule* shall apply with respect to the terms and conditions of the staff of the Authority and the secondment of public officers to the Authority.

FINANCIAL PROVISIONS

11. Funds of Authority.

- (1) The funds of the Authority shall consist of such sums of money as may —
 - (a) be appropriated to the Authority by Parliament for the purposes of the Authority;
 - (b) be paid to the Authority by way of fees, loans, grants or donations; and
 - (c) be vested lawfully in or accrue to the Authority.
- (2) There shall be paid from the funds of the Authority —
 - (a) salaries, allowances, loans, gratuities and pensions of staff of the Authority, and other payments for the recruitment and retention of staff;
 - (b) such remuneration as the Minister may determine for reasonable travelling and subsistence allowances for members of the Board and members of any committee of the Board, when engaged in the business of the Authority and at such rates as the Authority may, with the approval of the Minister, determine; and
 - (c) any other expenses incurred by the Authority in the performance of its functions.

12. Application of licence fees.

The Minister of Finance may by order published in the *Gazette*, direct that such percentage, as he may determine, of the fees received for the issue of any licence or other authorisation under this Act, be applied for the following purposes —

- (a) strengthening the capacity and programs of The Bahamas National Drug Council, including public education programs to discourage the recreational use or abuse of cannabis by minors, persons with a mental disorder, pregnant women and other vulnerable groups;
- (b) strengthening The Bahamas' mental health institutions and services;
- (c) funding scientific or medical research into cannabis; and
- (d) funding research into cultivation of cannabis and the manufacture of cannabis products with nutraceutical values.

13. Surplus funds.

- (1) Subject to subsection (2), the Authority shall, at the end of each financial year, pay into the Consolidated Fund, all excess of revenue over expenditure standing to the credit of the Authority.
- (2) The Minister of Finance may, at the end of the financial year, authorise the Authority to reserve from surplus funds for current budgetary purposes or otherwise such sums, if any, as the Minister may determine.

14. Power to borrow and invest.

- (1) The Authority may borrow sums required for meeting any of the obligations of the Authority incurred in, or for, the performance of its functions.
- (2) Subject to subsection (3), the Authority may in the exercise of its powers pursuant to subsection (1), with the approval of the Minister, issue securities, including bonds, debentures or other securities, in such manner and form as the Authority determines.
- (3) The borrowing powers of the Authority shall be exercisable only with the approval of the Minister of Finance in writing as to —
 - (a) the amount and sources of the borrowing; and
 - (b) the terms and conditions on which the borrowing may be effected.
- (4) The Authority may, after obtaining the approval of the Minister of Finance, invest in such manner as it thinks fit, such of its funds that are not immediately required for the discharge of its functions.
- (5) An approval given by the Minister of Finance under this section may be general, or limited to a particular borrowing, or otherwise.

15. Financial estimates.

At least six months prior to the commencement of the financial year in question, the Authority shall provide to the Minister an estimate of the funding required to maintain operations during the coming financial year, which estimate shall identify specific uses to which the funds shall be put, why the service is

required, and what actions are being taken to reduce the amount of funding required.

16. Accounts and records.

- (1) The Authority shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Authority shall be audited annually by independent auditors appointed by the Auditor-General, whose fees shall be paid by the Authority.
- (3) As soon as practicable, but no later than two months after the end of a financial year, the Authority shall submit to the Minister a report concerning its activities during that financial year.
- (4) The report referred to in subsection (3), shall include information on the financial affairs of the Authority and there shall be appended to the report —
 - (a) an audited balance sheet;
 - (b) an audited statement of income and expenditure; and
 - (c) such other information as the Minister may require.
- (5) Two months after the end of each financial year, the Authority shall submit a copy of the audited accounts to the Minister, together with a copy of any report made by the independent auditor.
- (6) Notwithstanding subsection (5), the Authority shall, upon the written request of the Minister, furnish the Minister with such information with respect to the property and activity of the Authority, and afford the Minister such facilities for the verification of any information furnished, in such manner and at such times as the Minister may require.
- (7) The Minister shall lay a copy of such audited accounts before each House of Parliament, together with a copy of any report made by the independent auditor on the accounts.

17. Annual report to Minister.

- (1) The Board shall, not later than four months after the end of every financial year, submit to the Minister an annual report including —
 - (a) information on the execution of its functions, and the functions of the Authority over the period;
 - (b) an account of the activities and transactions of the Authority throughout the financial year in such detail as the Minister may direct; and
 - (c) a detailed statement of all sums remitted in accordance with the provisions of the Public Finance Management Act, 2021.

- (2) The Board may include in its annual report mentioned in subsection (1), matters which, in the opinion of the Board, require the attention of the Minister.

PART III – LICENCE FOR HANDLING OF CANNABIS

18. Eligibility to apply for a licence.

- (1) A —
 - (a) citizen of The Bahamas who is twenty-one years or older; or
 - (b) legal entity,shall, subject to subsections (2) and (3) and regulations prescribed by the Minister, be eligible to apply for a licence referred to in section 19.
- (2) No person convicted of an offence under —
 - (a) the Dangerous Drugs Act (*Ch. 228*);
 - (b) the Proceeds of Crime Act, 2018 (*No. 4 of 2018*); or
 - (c) the Criminal Justice (International Co-operation Act) (*Ch. 105*); or
 - (d) this Act,shall be eligible to apply for a licence under subsection (1).
- (3) A person to whom subsection (1)(b) applies shall not be eligible to apply for a licence under —
 - (a) section 19(1)(a)(b)(f) and (g), unless one hundred percent of the legal entity is beneficially owned by one or more citizens of The Bahamas;
 - (b) section 19(1)(c)(d) and (e), unless thirty percent of the legal entity is beneficially owned by one or more citizens of The Bahamas.
- (4) For the purposes of this Part, “**legal entity**” means a company, a partnership, a non-profit organisation formed, incorporated or registered in The Bahamas.

19. Application for issue or renewal of licence.

- (1) Subject to this Act, the Authority may issue or renew a licence to authorise —
 - (a) the cultivation of cannabis to permit the growing, harvesting, drying, trimming, curing, and packaging of cannabis (hereinafter referred to as a “cultivation licence”);
 - (b) the sale of cannabis and cannabis accessories for medical, scientific research and religious purposes and the operation of a cannabis

- dispensary and therapeutic facility (hereinafter referred to as a “retail licence”)
- (c) the analytical testing of cannabis (hereinafter referred to as a “analytical testing licence”);
 - (d) the manufacturing and packaging of cannabis and cannabis accessories (hereinafter referred to as a “manufacturing licence”);
 - (e) the conduct of scientific research relating to the development of cannabis (hereinafter referred to as a “research licence”);
 - (f) the transport and delivery of cannabis within The Bahamas (hereinafter referred to as a “transport licence”);
 - (g) the distribution of cannabis for religious purposes (hereinafter referred to as a “religious use licence”).
- (2) The Minister shall by regulations, prescribe the —
- (a) different classes of a licence referred to in subsection (1);
 - (b) activities authorised by each type of licence;
 - (c) form of applications, licences, authorisations, permits and certificates;
 - (d) requirements to be satisfied by an applicant for the grant, renewal or variation of a licence under this Act;
 - (e) terms and conditions upon which a licence shall be issued; and
 - (f) fees related to any application made under this Act.

20. Determination of application.

- (1) The Authority may issue or renew a licence applied for under section 19 and may impose any conditions the Authority considers appropriate.
- (2) For the purposes of deciding whether to issue or renew a licence, the Authority shall have regard to the information and documents provided by the applicant, and such further information as the Authority may require.
- (3) The issue or renewal of a licence, may be refused if —
 - (a) the issue or renewal is likely to create a risk to public health or public safety, including the risk of cannabis being diverted to an illicit market or activity;
 - (b) there are reasonable grounds to believe that false or misleading information or false or falsified documents were submitted as part of, or in support of, the application;
 - (c) the Authority is of the opinion that it is in the public interest to do so;
 - (d) any grounds for refusal as prescribed in regulations, apply.

- (4) The Authority shall as soon as practicable after making its determination, notify the applicant in writing of its decision and the reasons for that decision.

21. Issue of licence.

Where an application is approved, a licence may be issued or renewed, after payment of the prescribed fee and the licence, as issued or renewed, shall include the following —

- (a) the name of the licensee;
- (b) the extent of the activities authorised by the licence;
- (c) the address and extent of the premises on which the authorised activity is to be conducted;
- (d) the persons authorised to engage in the activities;
- (e) the terms and conditions imposed by the Authority;
- (f) the duration of the licence.

22. Variation of licence.

- (1) A licence may be varied by the Authority on its own volition or on application by the licensee.
- (2) The Authority may, by written notice vary a licence —
 - (a) to impose, remove or vary conditions;
 - (b) to extend, modify or reduce the activities authorised by the licence;
 - (c) to change the trading name of the licensee;
 - (d) to extend the period of validity, in the case of a cultivation licence, for such further period as may be necessary for the completion of the cultivation of cannabis on the premises, being in any event a period not extending beyond the duration of the crop cycle.
- (3) Prior to varying a licence on its own volition under subsection (1), the Authority shall give written notice of the proposed variation to the licensee and such notice shall —
 - (a) state that the Authority proposes to vary the licence and the reasons for the proposed variation; and
 - (b) invite the licensee to make a written submission within thirty days of issue of the written notice.
- (4) A licensee who is desirous of varying his licence may apply in writing to the Authority and provide a detailed document outlining the proposed variation and any additional information which is relevant to the proposed variation.
- (5) Where the Authority varies a licence —

- (a) the licensee shall surrender the original licence to the Authority;
and
 - (b) the Authority shall issue a varied licence.
- (6) A notice issued under subsection (1), shall specify the date on which the variation takes effect.

23. Suspension of licence.

- (1) The Authority may give written notice to a licensee, of a proposed suspension of a licence issued in accordance with this Act, where the Authority reasonably —
- (a) suspects the licensee is not complying with this Act;
 - (b) believes a suspension may be warranted to protect public health, or public safety, including to prevent cannabis from being diverted to an illicit market or activity;
 - (c) believes there may be some other prescribed circumstance that exists which may warrant suspension.
- (2) A notice issued under subsection (1), shall —
- (a) specify the date on which the suspension, if confirmed by the Authority, is to take place;
 - (b) specify the period, not being longer than sixty sixty days for the duration of the suspension;
 - (c) inform the licensee of the reason for the suspension;
 - (d) offer the licensee an opportunity to be heard before a decision to suspend is made;
 - (e) require the licensee to cooperate with the conduct of an inspection and investigation;
 - (f) inform the licensee that failure to cooperate with the conduct of the inspection and investigation will result in suspension of the licence, or revocation of the licence in accordance with section 24(1)(f).
- (3) Where after an inspection and investigation in respect of an intended suspension , and after the hearing of the licensee , the Authority —
- (a) finds the licensee to be in non-compliance with, or in contravention of, this Act, the Authority shall by written notice, suspend the licence, and may require the licensee to remedy the non-compliance within thirty days of issue of the written notice, failing which the licence may be revoked in accordance with section 24(1)(f);
 - (b) exonerates the licensee of any non-compliance or contravention, the Authority shall not suspend the licence.

24. Revocation of licence.

- (1) Subject to subsection (2), the Authority may, by written notice, at any time revoke a licence if it is satisfied that —
 - (a) a condition of the licence has been breached; or
 - (b) the licensee has been convicted of an offence under this Act, the Dangerous Drugs Act (*Ch. 228*), the Proceeds of Crime Act, 2018, (*No. 4 of 2018*) or the Criminal Justice (International Co-operation Act), (*Ch. 105*);
 - (c) information received from a peace officer, a competent authority or an international organisation of states or any of its institutions raises reasonable grounds to believe that the licensee has been involved in the diversion of cannabis to an illicit market or activity;
 - (d) the licence was obtained or varied on the basis of information that was false or misleading in a material particular;
 - (e) the location, facilities or security arrangements at the licensed premises are no longer suitable;
 - (f) the licensee has ceased to carry on the activities authorised by the licence;
 - (g) activities authorised by the licence have been undertaken at premises other than the premises specified in the licence;
 - (h) the licensee is not taking all reasonable measures to ensure the physical security of the cannabis in the licensee's possession or control;
 - (i) the licensee has failed to remedy any non-compliance or contravention as required by a notice issued under section 22(3).
- (2) Before revoking a licence under subsection (1), the Authority shall give written notice of the proposed revocation to the licensee.
- (3) A notice pursuant to subsection (2) shall —
 - (a) state that the Authority proposes to revoke the licence and the reasons for the proposed revocation; and
 - (b) invite the licensee to make a written submission to the Authority about the proposed revocation.
- (4) A notice in subsection (2), shall specify the date by which the licensee may make a submission under subsection (3)(b), and such date shall be within thirty days of issue of the written notice.
- (5) Where the licensee has made a written submission, the Authority shall consider the submission and may make a determination as to whether the licence should be revoked.
- (6) A notice issued under subsection (1) shall —
 - (a) specify the date on which the revocation takes effect;

- (b) demand the surrender of the license on or before the date referred to in paragraph (a).

25. Voluntary surrender of licence.

- (1) A licensee may voluntarily surrender his licence by giving written notice to the Authority and the surrender of such licence shall take effect on the date approved by the Authority.
- (2) The surrender of a licence does not prevent the former holder of the licence from applying for another licence.

26. Transfer of beneficial ownership, etc.

- (1) A licensee shall not sell or otherwise transfer any beneficial interest in the business for which the licence is granted without the written approval of the Authority.
- (2) A licensee who is a legal entity shall not make any changes to the senior management of that entity, without the Authority being satisfied that the proposed new senior management officer is a fit and proper person.
- (3) Nothing in subsection (2) shall prevent a licensee from terminating a senior management officer without the prior notice or approval of the Authority but the licensee shall seek and obtain the approval of the Authority before engaging a replacement senior management officer.

27. Continuing obligations of a licensee.

Every licensee shall —

- (a) only engage or employ a person to carry out an activity authorised by the licence if the person is over eighteen years of age;
- (b) carry out the activity authorised by his licence;
- (c) comply with all guidelines issued by the Authority which are applicable to his licence;
- (d) display the licence in a conspicuous location on the premises upon which the licensed activity occurs;
- (e) not engage a new employee without the approval of the Authority;
- (f) notify the Authority as soon as reasonably practicable after any of the following matters comes to the attention of the licensee —
 - (i) a breach of the licence; or
 - (ii) any other matter that may affect the continuance of the licence;
- (g) permit an inspector to enter the premises where the activity which is the subject of the licence is being conducted, for the purposes of —

- (i) inspecting or monitoring the activity of the licensee to determine whether —
 - (A) the activities of the licensee are being carried out as authorised by the licence; and
 - (B) the licensee is otherwise complying with this Act; and
- (ii) taking samples (of anything) at such premises and removing and testing such samples.

PART IV - INSPECTIONS

28. Designation of inspector.

- (1) The Authority may, for the administration and enforcement of this Act, designate any individual or class of individuals as inspectors to exercise powers or perform duties or functions in relation to any matter referred to in the designation.
- (2) Each inspector designated must be provided with a certificate of designation, and when entering any place referred to in sections 29 and 30, must on request, produce the certificate to the person having charge of the place.

29. Inspection of premises.

An inspector shall, on the request of the Authority cause an inspection to be made of —

- (a) premises on which cannabis related activities are proposed to be carried on, prior to the issue of a licence (a “preliminary inspection”);
- (b) premises which are the subject of a licence.

30. Provision of documents, information or samples.

- (1) For the purpose of verifying compliance, or preventing non-compliance with the provisions of this Act, an inspector may order any —
 - (a) applicant for a licence;
 - (b) person authorised to conduct any activity in relation to cannabis, to provide, on the date, at the time and place and in the manner specified by the inspector, any document, information, or sample specified by him.
- (2) A person ordered to provide a document, information or sample must comply therewith on the date, at the time and place, and in the manner specified by the inspector.

31. Power to enter premises.

- (1) An inspector shall, in the conduct of an inspection —
 - (a) subject to the provisions of this section, enter onto the premises for the purpose of conducting the inspection;
 - (b) take photographs of the premises;
 - (c) confirm the boundaries of the premises;
 - (d) confirm the suitability of the premises for the cannabis related activity for which the premises are to be licensed or are licensed; and
 - (e) report the results of the inspection to the Authority.
- (2) Subject to subsection (7), an inspector may for verifying compliance, or preventing non-compliance by a licensee with the provisions of this Act, enter any place, including a conveyance, in which he believes, on reasonable grounds that —
 - (a) an authorised activity under this Act is being conducted;
 - (b) any record, report, electronic data or other document relating to the conduct of activities authorised by this Act is located;
 - (c) any record, report, electronic data or other document relating to the promotion of cannabis, a cannabis accessory or service related to cannabis is located; or
 - (d) an activity was being conducted under a license after the expiry or revocation of the licence, in which case the inspector may enter the place only within forty-five days after the day on which it expired or was revoked.
- (3) An inspector who enters a place not accessible to the public remotely by means of telecommunication, must do so with the knowledge of the owner or person in charge of the place and must be remotely in the place for no longer than the period necessary for achieving the purpose referred to in subsection (1).
- (4) Where an inspector reasonably suspects a breach of this Act, he may enter and egress through private property, other than a dwelling house, to gain entry to any licensed premises for the purposes of investigating the suspected breach.
- (5) In the case of a dwelling house, an inspector may enter it only with the consent of an occupant, or under the authority of a search warrant issued by a magistrate in accordance with the Criminal Procedure Code Act (*Ch. 91*).
- (6) In executing a warrant obtained under subsection (5), an inspector must not use force unless accompanied by a police officer and the use of force is authorised in the warrant.

- (7) A person ordered to provide a document, information or sample, must do so on the date, at the time and place, and in the manner specified by the inspector.
- (8) An inspector shall within three days of inspection, prepare and submit to the Authority an inspection report together with photographs of the premises.
- (9) For the purposes of this section —
 - (a) **“telecommunication”** means communication over distance by cable, telegraph, telephone or broadcasting;
 - (b) the inspector is considered to have entered a place when accessing it remotely by means of telecommunication.

32. Other powers of inspector.

- (1) An inspector may, in any place entered under section 29 —
 - (a) open and examine any receptacle or package found in the place;
 - (b) examine anything found in the place that is used or may be capable of being used for the production, preservation, packaging, labelling or storage of cannabis;
 - (c) examine any record, report, electronic data or other document, or any label or promotional material, found in the place with respect to cannabis, other than the records of the medical condition of individuals, and make copies of them or take extracts from them;
 - (d) use or cause to be used any computer system at the place to examine any electronic data referred to in paragraph (c);
 - (e) reproduce any document from any electronic data referred to in paragraph (c), or cause it to be reproduced, in the form of a printout or other output;
 - (f) take the record, report or other document, or the label or promotional material, referred to in paragraph (c) or the printout or other output referred to in paragraph (e) for examination or copying;
 - (g) use or cause to be used any copying equipment at the place to make copies of any document;
 - (h) take photographs and make recordings and sketches;
 - (i) examine any substance found in the place and take any sample of it for analysis;
 - (j) seize and detain in accordance with this Part, cannabis or any other thing found in the place that the inspector believes on reasonable grounds is something in relation to which the Act was contravened, or is something the seizure and detention of which is necessary to prevent non-compliance with this Act;

- (k) order the owner or person having possession of cannabis or any other thing to which this Act applies that is found in the place to move it or, for any time that may be necessary, not to move it or to restrict its movement;
 - (l) order the owner or person having possession of any conveyance found in the place that the inspector believes on reasonable grounds contains cannabis, to stop the conveyance, to move it, or, for any time that may be necessary, not to move it or restrict its movement;
 - (m) order any person in the place to establish his identity to the inspector's satisfaction; and
 - (n) order a person who is present at the place and conducts an activity to which this Act applies, to stop or start the activity.
- (2) Any individual who the inspector believes is necessary to assist him in exercising his powers or performing his duties under this section, may accompany him.

33. Obstruction of inspector.

A person who obstructs an inspector in the performance of his functions under this Act and fails —

- (a) to produce any records reasonably required by an inspector;
- (b) after production of a search warrant in accordance with section 30, to allow the inspector to enter unlicensed premises for inspection,

commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

34. Obligation to report seized cannabis.

Every peace officer or inspector who finds and seizes or otherwise acquires cannabis in the course of the administration or enforcement of this Act or any other Act must, within seven days after doing so, cause a report to be sent to the Minister setting out —

- (a) a description of the cannabis found;
- (b) the amount seized or otherwise acquired;
- (c) the place where it was found, seized or otherwise acquired;
- (d) the date on which it was found, seized or otherwise acquired;
- (e) the name of the law enforcement agency or entity to which the peace officer or inspector;
- (f) the number of the file or police report related to the finding, seizure or acquisition; and
- (g) any other relevant prescribed information.

35. Forfeiture of cannabis, etc.

The Proceeds of Crime Act, 2018 (*No. 4 of 2018*) shall have effect with respect to the restraint, confiscation, forfeiture and seizure of cannabis and any other thing relating to an offence under sections 55(1), 55(2), 56, 57, 58, 59 and 60.

PART V - ACCESS TO CANNABIS

REGULATION OF ACCESS BY AUTHORITY

36. Access to cannabis to be regulated and monitored by Authority.

- (1) The Authority shall on a monthly basis, cause a search of its database to be made to determine whether there has been strict compliance with this Act or any abuse of the provisions of this Act on the part of a licensee, patient, caregiver, pharmacist or medical practitioner.
- (2) The database shall contain all information required to be reported by —
 - (a) a licensee; and
 - (b) medical practitioner and pharmacist in relation to prescriptions for cannabis and the dispensing of medical cannabis.
- (3) The database shall be designed to protect the sensitive personal of patients by anonymising all identifying personal information relating to any patient when accessed by the Authority.
- (4) The Authority shall ensure that all information contained in the database is secure and remains confidential and may only share the information with —
 - (a) a medical practitioner, a patient or his caregiver, or a pharmacist to the extent as authorised by this Act; and
 - (b) such persons as may be prescribed including employees who have been authorised by the Authority to access the information as necessary to perform the official duties of the Authority, and such information shall not be disclosed to any other person.

QUALIFYING MEDICAL CONDITIONS

37. Minister to appoint Committee.

- (1) The Minister shall, on nomination by the Medical Council and Pharmacy Council, appoint a committee to be known as the Medical Cannabis Committee (hereinafter referred to as “the Committee”) which shall comprise —
 - (a) one medical practitioner in each of the following specialities —

- (i) family medicine;
 - (ii) internal medicine;
 - (iii) oncology;
 - (iv) paediatrics;
 - (v) psychiatry; and
- (b) a clinical pharmacist.
- (2) The Committee shall meet as often as required by the Minister, but not less than once a year to —
- (a) review and recommend the medical conditions for which cannabis can be prescribed;
 - (b) review and approve training programmes on the management of cannabis as a medicine to be undertaken by medical practitioners, pharmacists and holders of retail licences;
 - (c) to review and update recommendations made under paragraphs (a) and (b).

38. Minister to prescribe qualifying medical conditions.

On the recommendations of the Committee, the Minister may by order specify the qualifying medical conditions for which cannabis can be prescribed.

ACCESS TO MEDICAL CANNABIS

39. Medical practitioner may prescribe cannabis.

- (1) A medical practitioner who, has satisfactorily completed a training programme approved by the Committee under section 37, may prescribe cannabis to a patient in accordance with guidelines approved by the Medical Council.
- (2) A medical practitioner may prescribe cannabis only where he has —
 - (a) conducted a full in-person medical assessment of the patient;
 - (b) taken and reviewed the patient's family and social history;
 - (c) searched the database to confirm whether the patient has been previously prescribed cannabis;
 - (d) document in the patient's medical record, the results of the assessment and search in paragraphs (a), (b) and (c);
 - (e) fully informed the patient or his caregiver of the benefits and potential risks of the use of cannabis;
 - (f) in the case of a patient who is a minor, obtained written consent of the minor's parent or guardian as required in section 40.

40. Consent of parent or guardian.

- (1) A minor shall only be prescribed cannabis with the written consent of a parent or guardian.
- (2) A parent or guardian shall not give consent for a minor to be prescribed and to consume cannabis, unless the parent or guardian has been fully informed by the medical practitioner of the benefits and potential risks of the use of cannabis by the minor.

41. Designation, appointment, etc. of caregivers.

- (1) A caregiver includes —
 - (a) a guardian appointed for a person by the Court under the Mental Health Act (*Ch. 230*);
 - (b) a parent or legal guardian of a patient who is a minor unless —
 - (i) that parent or legal guardian designates another person to be caregiver; or
 - (ii) the Court, by order, designates another person to be caregiver.
- (2) Where a patient does not have a caregiver as described in subsection (1), he may designate in writing, as his caregiver a person who has made a declaration before a medical practitioner that he —
 - (a) is not a minor;
 - (b) does not have a known history of substance abuse.

42. Change of patient or caregiver details.

- (1) If a patient —
 - (a) changes his caregiver;
 - (b) or caregiver changes his address or contact information,the patient or caregiver, as the case may be, shall within three days thereof, notify the prescribing medical practitioner of the change.
- (2) Upon notification of a change pursuant to subsection (1), the medical practitioner shall make a record of the change in the confidential database.

43. Electronic prescription.

- (1) A medical practitioner prescribing cannabis shall do so by entering into the database, in respect of every prescription —
 - (a) the patient's —
 - (i) full name;
 - (ii) date of birth;

- (iii) national insurance number;
 - (iv) street address;
 - (v) contact information including email address;
- (b) the quantity and potency of the cannabis prescribed;
- (c) the intended period of use of medical cannabis by the patient;
- (d) where applicable —
 - (i) a copy of the written consent of a parent or guardian in accordance with section 40;
 - (ii) a declaration by a caregiver made in accordance with section 41(1)(a).
- (2) Upon entry of a prescription into the database pursuant to subsection (1), the Authority shall cause the production of an electronic prescription which shall be accessible by the prescribing medical practitioner, the patient, his caregiver and a pharmacist.
- (3) Where there is a change to the prescribed quantity or potency of medical cannabis, or the period of use of medical cannabis for any patient, the medical practitioner shall —
 - (a) cancel the existing prescription;
 - (b) enter the new prescription into the database in accordance with subsection (1)(a)(b) and (c).

44. Medical practitioner to notify Authority of certain occurrences.

A medical practitioner shall within thirty days of the occurrence of —

- (a) a patient ceasing to suffer from the qualifying medical condition for which cannabis was prescribed;
- (b) the medical cannabis no longer being therapeutic or palliative for treating the qualifying medical condition for which the cannabis was prescribed;
- (c) the failure of a patient to return for follow-up; or
- (d) the death of the patient,

give written notice of the occurrence to the Authority.

DISPENSING OF MEDICAL CANNABIS

45. Dispensing of medical cannabis.

- (1) Subject to subsection (3), medical cannabis shall only be dispensed by a pharmacist on the presentation by a patient or his caregiver, of —

- (a) an electronic prescription issued in accordance with section 43(2); and
 - (b) a valid form of identification.
- (2) A pharmacist shall —
- (a) conform to any requirement or limitation set by the medical practitioner as to the form of medical cannabis to be dispensed;
 - (b) provide to a patient or a caregiver information on —
 - (i) the lawful methods for administering medical cannabis in individual doses;
 - (ii) any potential danger which may result from the use of medical cannabis;
 - (iii) how to prevent or deter the misuse of medical cannabis; and
 - (iv) any related matter which the pharmacist may consider to be relevant.
- (3) For the purposes of this section and sections 46, 47 and 48, **“pharmacist”** in relation to —
- (a) a pharmacy, includes a pharmacy intern or a pharmacy technician who assists and works under the supervision of a pharmacist and who is registered and licensed under the Pharmacy Act (*Ch. 227*);
 - (b) a cannabis dispensary and therapeutic facility, means a cannabis dispenser who is registered and licensed under the Health Professions Act (*Ch. 231*),
- in respect of which a retail licence under section 19(1)(b) has been issued.

46. Pharmacist may dispense cannabis to a visiting patient.

- (1) A pharmacist may dispense medical cannabis to a visitor if that visitor is in possession of a —
- (a) prescription for cannabis, issued by an authorised medical professional in a recognised jurisdiction; and
 - (b) medical card issued in a recognised jurisdiction evidencing the authorisation of the use of medical cannabis in that jurisdiction; or
 - (c) prescription for cannabis issued by a medical practitioner.
- (2) For the the purposes of this section —
- “authorised medical professional”** means a person who is authorised by the relevant authority in his jurisdiction to prescribe medical cannabis;
- “recognised jurisdiction”** refers to a jurisdiction specified in an order made by the Minister as a jurisdiction which regulates medical cannabis.

47. Dispensing limitation.

A pharmacist shall not dispense to any patient or his caregiver, more than —

- (a) a thirty day supply of medical cannabis where the medical cannabis is dispensed in respect of a patient who is ordinarily resident on an island where there is a pharmacy dispensing medical cannabis;
- (b) a sixty day supply of medical cannabis where the medical cannabis is dispensed in respect of a patient who is not ordinarily resident on an island where there is no pharmacy dispensing medical cannabis.

48. Report to be submitted by pharmacist.

Every pharmacist who dispenses medical cannabis in accordance with this Act shall submit electronically to the Authority at the end of every month or at such other frequency as the Authority may direct, a report containing the information required to be kept in accordance with section 38(1)(b) of the Pharmacy Act (*Ch. 227*).

ACCESS TO CANNABIS FOR RELIGIOUS PURPOSES

49. Religious use.

- (1) An organisation of the Rastafarian faith, or a person who is responsible for the administration or management of a place of worship of the Rastafarian faith, may apply to the Authority for a religious use licence to distribute cannabis to members for use as a sacrament in an assembly of, or in association with, other Rastafarians in a place of worship in accordance with the provisions of this Act.
- (2) The holder of a religious use licence shall only distribute cannabis to members —
 - (a) who are eighteen years of age or older; and
 - (b) for use solely as a sacrament at a religious service.
- (3) A holder of a religious use licence, may make an application to the Authority for an exempt event permit in the form prescribed by regulations to observe an occasion of worship or fellowship at a public place.
- (4) Where cannabis is used as a sacrament at a religious service, no person shall be liable to arrest, detention, prosecution for any offence or penalty, as regards cannabis being conveyed to, possessed or used at the service in such amount and under such conditions as may be specified in regulations.

PART VI - IMPORT AND EXPORT OF CANNABIS

50. Cannabis in transit.

- (1) If cannabis, which is in transit pursuant to a license under this Act —
 - (a) is not in course of transit from a country from which it may lawfully be exported to another country into which it may lawfully be imported; or
 - (b) was exported from a country which is a party to the Single, Vienna and United Nations Conventions and was not accompanied by a valid and subsisting export authorisation or diversion certificate, as the case may be,
the person by whom the cannabis was imported commits an offence.
- (2) Notwithstanding subsection (1)(b), where any cannabis in transit is accompanied by an export authorisation or diversion certificate and the Comptroller of Customs has reasonable grounds for believing that such authorisation or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, it shall be lawful for the Comptroller of Customs to seize and detain the drug to which such authorisation or certificate relates and upon being satisfied that such authorisation or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid, the Comptroller of Customs shall release the drug.
- (3) Where the cannabis in transit is not accompanied by an export authorisation or diversion certificate by reason of the fact that the drug comes from a country not a party to the Single, Vienna and United Nations Conventions and the Comptroller of Customs has reasonable grounds for believing that such drug is being conveyed in an unlawful manner or for an unlawful purpose, or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country, it shall be lawful for the Comptroller of Customs to seize the cannabis and the cannabis shall with effect from the seizure thereof be forfeited to the Crown.
- (4) Where cannabis brought into The Bahamas in transit is landed, or transshipped in The Bahamas, it shall remain under the control of the Comptroller of Customs and shall be moved only under and in accordance with a removal licence granted pursuant to section 51.
- (5) Nothing in this section contained shall be deemed to apply to any cannabis in transit by post or in transit by air if the aircraft passes over The Bahamas without landing, or to such quantities of cannabis as may, *bona fide*, reasonably form part of the medical stores of any ship or aircraft.

51. Authorisation to remove cannabis.

- (1) No person shall —
 - (a) remove any cannabis from the conveyance by which it is brought into The Bahamas in transit; or
 - (b) in any way move any such cannabis within The Bahamas at any time after removal from such conveyance,
except under and in accordance with an authorisation issued by the Authority, and in all cases it shall be in the discretion of the Authority to issue or refuse an authorisation as it shall deem fit.
- (2) No authorisation for the transfer of any cannabis to any conveyance for removal out of The Bahamas shall be issued unless a valid and subsisting export authorisation or diversion certificate relating to it is produced to the Minister, save that where the cannabis has come from a country not a party to the Single, Vienna and United Nations Conventions this subsection shall not apply.
- (3) The provisions of this section shall not apply to cannabis in transit by post.

52. Cannabis in transit not to be tampered with.

Any person who —

- (a) causes any cannabis in transit to be subject to any process which would alter its nature; or
- (b) wilfully open or break any package containing cannabis in transit except upon the instructions of the Comptroller of Customs and in such manner as he may direct,

commits an offence.

53. Diversion of cannabis.

- (1) No person shall, except by a diversion certificate issued under subsection (3), cause or procure any cannabis brought into The Bahamas in transit to be diverted to any destination other than that to which it was originally consigned.
- (2) In the case of any cannabis in transit accompanied by an export authorisation or a diversion certificate issued by a competent authority of some other country, the country to which the cannabis was originally consigned shall be deemed to be the country stated in such export authorisation or diversion certificate to be the country of destination.
- (3) The Authority may issue a diversion certificate in respect of any cannabis in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is

proposed to divert the cannabis, or if that country is not a party to the Single, Vienna and United Nations Conventions upon such evidence as may satisfy him that the cannabis is to be sent in a lawful manner and for a proper purpose.

- (4) A diversion certificate shall be issued in duplicate, with one copy thereof accompanying the cannabis when it is exported from The Bahamas, and the other copy dispatched by the Authority directly to the proper authority in the country to which the consignment has been diverted.
- (5) Upon the issue of a diversion certificate, the export authorisation or diversion certificate (if any) accompanying the cannabis on its arrival in The Bahamas, shall be detained by the Authority and returned to the authority issuing such authorisation or diversion certificate together with a notification of the name of the country to which the cannabis has been diverted.

54. Transit to or from non-convention country.

Where cannabis is imported from or exported to a country which is not a party to the Single, Vienna and United Nations Conventions, the licensee with responsibility for the conveyance of the cannabis shall provide to the Comptroller of Customs, evidence that the cannabis —

- (a) in the case of an import, is being imported from a country in which the export of cannabis is legal; or
- (b) in the case of an export, is being exported to a country in which the import of cannabis is legal.

PART VII – OFFENCES AND PENALTIES

POSSESSION AND SUPPLY

55. Unlawful possession of cannabis.

- (1) Unless authorised by this Act, no person shall —
 - (a) possess cannabis;
 - (b) possess cannabis for the purpose of producing, selling or distributing cannabis to others.
- (2) A person who possesses cannabis in contravention of subsection (1), the total amount of which is determined to be equivalent to more than thirty grams but less than five hundred grams of dried cannabis, commits an offence.
- (3) A person who possesses cannabis in contravention of subsection (1), the total amount of which is equivalent to thirty grams or less of dried

cannabis, commits an offence and subject to section 65, is liable on conviction —

- (a) in the case of an individual eighteen years or older, to a fine not exceeding twenty-five hundred dollars;
- (b) in the case of an organisation, to a fine not exceeding twenty-five thousand dollars.

56. Unlawful possession of cannabis with intent to supply.

- (1) Subject to the provisions of this Act, any person who is found in unlawful possession of two or more packets of cannabis, or a quantity of cannabis determined in accordance with the *First Schedule* to be equivalent to, or in excess of, five hundred grams of dried cannabis, is presumed, unless the contrary is proved, to be in possession of that cannabis with intent to supply it to another or others, irrespective of whether that other or others are within The Bahamas or elsewhere.
- (2) Any person unlawfully in possession of cannabis with intent to supply, commits an offence, and is liable —
 - (a) on conviction on information, to a fine not exceeding two hundred thousand dollars, or to imprisonment for a term not exceeding ten years, or to both such fine and imprisonment;
 - (b) on summary conviction to a fine not exceeding one hundred and twenty-five thousand dollars, or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.
- (3) Where a person over the age of eighteen is convicted of being in unlawful possession of cannabis with intent to supply cannabis to a minor, the person so convicted shall be liable —
 - (a) on conviction on information, to a fine not exceeding two hundred and fifty thousand dollars, or to imprisonment for a term not exceeding twenty years, or to both such fine and imprisonment;
 - (b) on summary conviction to a fine not exceeding one hundred thousand dollars, or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.
- (4) In this section any reference to cannabis shall include a reference to any admixture containing any proportion of cannabis.

57. Unlawful supply, distribute, etc., of cannabis.

- (1) No person shall supply, sell or distribute cannabis, or a cannabis accessory, to any other person unless authorised under this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable —
—

- (a) on conviction on information in the case of an individual, one hundred thousand dollars, or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment;
- (b) on summary conviction in the case of an individual, to a fine not exceeding fifty thousand dollars, or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

58. Unlawful import and export of cannabis.

- (1) Unless authorised by this Act, the importation or exportation of cannabis, is prohibited.
- (2) A person who in contravention of subsection (1), imports into, or exports from, The Bahamas, or takes any steps preparatory or subsequent to, importing or exporting cannabis, commits an offence.
- (3) Where there is evidence that the cannabis —
 - (a) is packaged in such a way as to make it reasonably suitable for importing or exporting; or
 - (b) is found in, or at, a port or customs place,
that evidence shall be *prima facie* evidence of the unlawful export or import of cannabis by the person charged.

CULTIVATION, PRODUCTION, PROMOTION AND USE

59. Prohibition on the cultivation, propagation, harvest and storage, etc., of cannabis.

Unless authorised by this Act, any person —

- (a) who cultivates, propagates, harvests, stores, or offers to cultivate, propagate, harvest or store cannabis; or
- (b) being the owner or occupier of any premises, uses such premises for the cultivation, propagation, harvesting or storing of cannabis, or knowingly permits such premises to be so used; or
- (c) uses any conveyance for carrying cannabis for the purpose of cultivating, propagating, harvesting or storing in contravention of this section, or being the owner or person in charge of any conveyance, knowingly permits the conveyance to be so used,

commits an offence.

60. Unlawful production of cannabis.

- (1) Unless authorised by this Act, no person shall —
 - (a) produce or import anything with the intention of using it to produce cannabis;

- (b) produce or offer to produce cannabis; or
 - (c) alter or offer to alter the chemical or physical properties of cannabis, by using an organic solvent.
- (2) Any person who contravenes subsection (1) commits an offence.

61. Smoking cannabis in public places, workplaces etc.

- (1) Subject to subsections (2) and (3), a person authorised by this Act to possess, use or consume cannabis shall not do so in a public place, workplace or conveyance nor within a six feet radius of the entrance, exit, window, door, or other ventilation source of a public place, workplace or conveyance.
- (2) A patient shall only use or consume medical cannabis in a private residence, therapeutic facility, hospital, clinic or medical practitioner's office.
- (3) A person who uses or consumes cannabis under the authorisation of a religious use licence shall only use or consume cannabis on the premises for which the licence or exempt event permit was issued.
- (4) A person who contravenes subsections (1), (2) or (3) commits an offence and is liable —
- (a) on conviction on information, to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding one year, or to both such fine and imprisonment;
 - (b) on summary conviction, to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (5) For the purposes of subsection (1) —
- “**conveyance**” means any form or mode of transportation which carries passengers;
 - “**therapeutic facility**” means a place for the treatment of medical qualifying conditions with medical cannabis;
 - “**public place**” means a place which is not a privately occupied residence, or a place which is not used for commercial purposes;
 - “**workplace**” means any area or place used by persons during their employment, work or contract for services, and includes —
 - (a) vehicles used in the course of employment or for work purposes;
 - (b) connected, annexed places or common areas;
 - (c) residences used for commercial activities.

62. Promotion of cannabis, a cannabis accessory, or any cannabis related activity.

- (1) Unless authorised by this Act, no person shall promote cannabis or a cannabis accessory or any activity related to cannabis, including by —
 - (a) communicating information about its price or distribution;
 - (b) doing so in a manner that there are reasonable grounds to believe such promotion could be appealing to minors;
 - (c) a testimonial or endorsement, however displayed or communicated;
 - (d) the depiction of a person, character, animal or thing, whether real or fictional; or
 - (e) presenting it or any of its brand elements in a manner that associates it or the brand element with, or evokes a positive or negative emotion about, or image of, a way of life that includes glamour, recreation, excitement, vitality, risk or daring.
- (2) Subject to this Act, a person authorised to produce, sell, or distribute cannabis, or a person desirous of promoting a cannabis accessory or activity related to cannabis, may promote cannabis by means of informational promotion or brand-preference promotion if the promotion is —
 - (a) in a communication addressed and sent to an individual who is eighteen years of age or older and is identified by name;
 - (b) in a place where a minor is not permitted by law;
 - (c) communicated by means of a telecommunication, where the person responsible for the content of the promotion has taken reasonable steps to ensure that the promotion cannot be accessed by a minor;
 - (d) in a prescribed place; or
 - (e) in a prescribed manner.
- (3) Subject to this Act, a person authorised to sell cannabis, or a person authorised to sell cannabis accessories, or provide an activity related to cannabis, may promote it at the point of sale if the promotion indicates only its availability and price.
- (4) No person shall —
 - (a) promote cannabis in a manner that is false, misleading or deceptive or that is likely to create a wrong impression about its characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks;
 - (b) promote cannabis accessories in a manner that is false, misleading or deceptive or that is likely to create a wrong impression about its

- design, construction, performance, intended use, characteristics, value, composition, merit, safety, health effects or health risks;
- (c) display, refer to, or otherwise use, directly or indirectly in a promotion sponsoring a person, entity or event, activity or facility, any of the following —
 - (i) the brand element of cannabis, of a cannabis accessory, or of an activity related to cannabis;
 - (ii) the name of a person that —
 - (A) produces, sells or distributes cannabis;
 - (B) sells or distributes a cannabis accessory; or
 - (C) provides an activity related to cannabis.
 - (5) No person shall display on a facility, as part of the name of the facility or otherwise, if the facility is used for sports or cultural events or activities—
 - (a) a brand element of cannabis, a cannabis accessory or an activity related to cannabis; or
 - (b) the name of a person that —
 - (i) produces, sells, or distributes cannabis;
 - (ii) sells or distributes cannabis accessories; or
 - (iii) provides an activity related to cannabis.
 - (6) A person who contravenes this section commits an offence.

63. Packaging and labelling.

- (1) No person who is authorised to sell cannabis shall do so in a package or with a label —
 - (a) if there are reasonable grounds to believe that the package or label could be appealing to a minor;
 - (b) that sets out a testimonial or endorsement, however displayed or communicated;
 - (c) that sets out a depiction of a person character or animal, whether real or fictional;
 - (d) that associates the cannabis or one of its brand elements with, or evokes a positive or negative emotion about, or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk, or daring; or
 - (e) that contains any information that is false, misleading or deceptive or that is likely to create an erroneous impression about the characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of the cannabis.

- (2) A person who contravenes this section commits an offence.

64. Display of cannabis or cannabis accessory.

- (1) Unless authorised under this Act, no person authorised to sell cannabis, or to sell a cannabis accessory, to display it, or any package or label of cannabis, in a manner that may result in the cannabis, package or label being seen by a minor.
- (2) A person who contravenes this section commits an offence.

FIXED PENALTY

65. Fixed penalty offence.

- (1) This section shall apply to the offences under sections 55(3)(a) and 61(4)(b).
- (2) Where a police officer finds any person committing an offence specified in subsection (1), or has reason to believe that any person has committed such an offence (“the alleged offender”), he may then serve upon the alleged offender the fixed penalty notice prescribed in the *Fourth Schedule* charging him with the commission of the offence.
- (3) The police officer shall at the time of such service, notify the alleged offender —
 - (a) of his requirement to appear before a magistrate on the day specified in the notice to answer the charge; and
 - (b) that he has the opportunity to waive his requirement to appear before a magistrate and of have no conviction recorded against him should he —
 - (i) sign the notice in a manner acknowledging his guilt; and
 - (ii) return the notice to the magistrate's clerk specified in the notice, together with the sum mentioned in the notice in payment of the fixed penalty.
- (4) Notwithstanding anything to the contrary in any law, the alleged offender who signs the notice and pays the fixed penalty before the expiration of the date specified in the notice for payment, which date shall not be later than fourteen days following the date of service of the notice on the alleged offender, shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of, or sentenced for, the offence in respect of which payment was made.
- (5) Subject to subsection (8), where the alleged offender is served a notice under subsection (2), in respect of an offence, no proceedings shall be taken against him for that offence until the expiration of the date specified in the notice for payment.

- (6) Payment of the fixed penalty shall be made to the clerk of the magistrate's court specified in the notice and the admission of guilt and the sum paid shall, subject to subsection (4), be dealt with by the magistrate of that court in the same manner as an adjudication by him upon the admission of an offence punishable on summary conviction and for which no conviction is recorded.
- (7) In any proceedings, a certificate that payment of the fixed penalty was or was not paid to the relevant magistrate's clerk by the date specified in the certificate shall, if the certificate purports to be signed by the magistrate's clerk be sufficient evidence of the facts stated therein, unless the contrary is proved.
- (8) In any proceedings for an offence to which this section applies, no reference shall be made about the conviction of the alleged offender to the giving of any notice under this section, or to the payment or non-payment of the fixed penalty, unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the alleged offender to the giving of such a notice or as the case may be to such payment or non-payment.
- (9) A notice issued to a person under subsection (2), shall for the purposes of this Act or any other law, be deemed to be a summons issued to that person by the magistrate or the magistrate's court specified in the notice for the appearance of that person in the event where he does not sign the notice in acknowledgement of his guilt and make payment of the fixed penalty.

66. Fixed penalty.

The fixed penalty in respect of an offence under —

- (a) section 55(3)(a), shall be two hundred and fifty dollars;
- (b) section 61(4)(b), shall be five hundred dollars.

67. Failure to pay fixed penalty.

- (1) A person who fails to pay the fixed penalty specified in the notice issued to that person in accordance with section 65 and is convicted of an offence specified therein, shall —
 - (a) be subject to the penalty prescribed for the commission of that offence; or
 - (b) perform unpaid work for such number of hours (being in the aggregate not less than forty nor more than three hundred and sixty) as may be specified by the Court in an order made for that purpose; or

- (c) if the Court is not satisfied that arrangements can be made in the area in which the offender resides, or will reside, for the offender to perform work under an order made pursuant to paragraph (b) and for the proper supervision of that work, to a fine of one thousand dollars.
- (2) The provisions of sections 6, 7 and 9 of the Offenders (Community Service and Supervision Order) Act (*Ch. 104*) shall apply to an order made under subsection (1)(b) as if that order were a community service order made under that Act.
- (3) For the purposes of the Rehabilitation of Offenders Act (*Ch. 100*), a person convicted of an offence under section 55(3)(a) or 61(4)(b) and specified in the notice, shall be treated as a rehabilitated person in respect thereof and any such conviction shall be treated as spent.

GENERAL

68. Unlawful disclosure of information in database.

A person who, for any reason other than for the administration of this Act, discloses any information contained in the database or any information disclosed to him which forms part of the database, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

69. Misrepresentation as to medical condition.

- (1) No person shall make a misrepresentation in relation to —
 - (a) his medical condition, to a medical practitioner in order to obtain a prescription for cannabis; or
 - (b) his identity, to a pharmacist to cause the pharmacist to dispense medical cannabis to him.
- (2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

70. Possession of unauthorised amounts of cannabis.

- (1) A patient or caregiver shall not knowingly obtain, seek to obtain, or have in his possession individually or in their possession collectively, an amount of cannabis which exceeds the dispensing limitation under section 47.
- (2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars

or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

71. General penalty.

A person who commits an offence under this Act for which no other penalty is provided, is liable —

- (a) on conviction on information, to a fine of one hundred thousand dollars or to imprisonment for seven years, or to both;
- (b) on summary conviction, to a fine of forty thousand dollars or to imprisonment for five years, or to both.

72. Offence by organisation.

Where any offence under this Act committed by an organisation is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

73. Minor offender.

Where a person charged for any offence under this Act is a minor, Part XII of the Child Protection Act (*Ch. 132*) shall apply.

PART VIII – MISCELLANEOUS

74. Non-compliance of medical practitioner or pharmacist.

The Authority shall make a complaint —

- (a) to the Medical Council, against a medical practitioner;
- (b) to the Pharmacy Council, against a pharmacist,

who fails to comply with this Act.

75. Research licence of tertiary institution.

- (1) Where a research licence is granted to an accredited tertiary educational institution, the Authority may authorise the accredited tertiary educational institution to cultivate cannabis on land designated in accordance with subsection (2).
- (2) The Minister responsible for lands may by order published in the *Gazette*, designate lands upon which the accredited tertiary educational institution

may cultivate cannabis in accordance with a licence issued under subsection (1).

76. Minister to prescribe permitted THC concentration.

The Minister, on the recommendation of the Medical Cannabis Committee, may by order published in the *Gazette*, prescribe the maximum THC concentration of cannabis permissible in a single dose of cannabis.

77. Report to Minister.

The Board may at any time, be required by the Minister to submit a report in respect of any matter or activity for which the Authority has responsibility.

78. Directions of Minister.

The Minister may by notice in the *Gazette*, give directions of a general nature as to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be necessary in the public interest, and the Authority shall comply with those directions.

79. Appeals.

- (1) A person who is aggrieved by a notice or decision of the Authority may appeal to the Supreme Court within twenty-one days of the date on which the notice or decision took effect.
- (2) No further appeal shall lie from the decision of the Supreme Court on an appeal made under this section.

80. Protection from criminal liability.

A person who is authorised to undertake any activity under this Act is hereby protected from criminal liability, to the extent that the activity is authorised by, and conducted in accordance with, the provisions of this Act.

81. Fees.

The Authority may charge fees for any licence or authorisation granted, or service provided, by the Authority in accordance with this Act.

82. Regulations.

- (1) The Minister shall make regulations for any matter that is required or to be prescribed and for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Minister may make regulations —
 - (a) in relation to —

- (i) the prescription of cannabis by a medical practitioner;
 - (ii) the access and use of cannabis by a patient for whom cannabis is prescribed; or
 - (iii) the administration of medical cannabis to a patient by a caregiver;
- (b) to provide for —
- (i) standards for the supply of cannabis and the systems for certification to meet these standards;
 - (ii) procedures for maintaining the confidentiality of information received by, or otherwise in the possession of, the Authority;
 - (iii) fees to be charged for authorisations granted, or services provided, by the Authority ;
 - (iv) the form of applications, licences, authorisations, permits and certificates;
 - (v) the prohibition of, or restriction on, the premises, or equipment used or intended to be used for, or in connection with, the supply of cannabis and cannabis accessories;
 - (vi) the transport of cannabis within The Bahamas;
 - (vii) criteria to be considered by the Authority in relation to the suitability of premises for the storage and supply of cannabis;
 - (viii) standards or requirements for the security and access to premises and in particular, premises in which cannabis is stored or supplied;
 - (ix) the requirements for signage at licensed premises and for the information to be displayed at those premises, or on equipment or vehicles used for or in connection with the supply or transport of cannabis;
 - (x) the manner in which inspections under this Act are to be carried out;
 - (xi) the documents to be kept in relation to cannabis by any person required by this Act to keep documents;
 - (xii) the conditions of the handling, storage and security of cannabis;
 - (xiii) the procedure for dispensing medical cannabis to any patient who has a prescription or to his caregiver;
 - (xiv) the zoning of designated areas to be used as cultivation sites for cannabis or supply or storage sites for cannabis;
 - (xv) the prevention of the improper use of cannabis;
 - (xvi) the manner in which cannabis is to be disposed of;

- (xvii) the prohibition or regulation of the dispensing of medical cannabis by pharmacists to a patient or his caregiver;
 - (xviii) the requirement of persons engaged in the supply of medical cannabis to keep records and provide information in writing or otherwise;
 - (xix) the supply of medical cannabis to persons who have had a history of substance abuse;
 - (xx) the control of advertising by any person of cannabis, including the form and content of advertisements;
 - (xxi) the colouring of cannabis;
 - (xxii) the prohibition or restriction of the supply of cannabis where the cannabis is not packaged in accordance with regulations and contains more than the specified THC concentration;
 - (xxiii) the size of packages or containers in which any class of cannabis may be supplied or offered for supply;
 - (xxiv) the prohibition of the use of packages or containers used for the supply of cannabis for use with other substances;
 - (xxv) labelling and specification of the particulars to be included in labels attached to packages or containers of cannabis; or
 - (xxvi) the administration and use of cannabis or medical cannabis.
- (4) Where regulations made under this Act create an offence, the regulations shall provide for such offences to be tried summarily and the regulations may prescribe the following penalties —
- (a) a fine not exceeding twenty-five thousand dollars;
 - (b) imprisonment for a term not exceeding five years; or
 - (c) both such fine and imprisonment.

FIRST SCHEDULE

(section 2(2))

Classes and Equivalent Amounts of Cannabis

	Column 1	Column 2
Item	Class of Cannabis	Quantity that is equivalent to 1 gram of dried cannabis
1	Dried cannabis	1 gram
2	Fresh cannabis	5 grams
3	Solids containing cannabis	15 grams
4	Non-solids containing cannabis	70 grams
5	Cannabis concentrates	0.25 gram
6	Cannabis plant seeds	1 seed

SECOND SCHEDULE

(section 7)

Composition and Management of The Bahamas Cannabis Board

1. Appointment of members.

- (1) The Board shall comprise nine members, including the Chief Medical Officer or his designate, and one person appointed by the Minister by instrument in writing from —
 - (a) a faith based organization;
 - (b) civil society; and
 - (c) each of the following disciplines —
 - (i) banking;
 - (ii) law;
 - (iii) agriculture;
 - (iv) scientific research;
 - (v) pharmacy;
 - (vi) medicine.
- (2) A member shall, subject to the provisions of this *Schedule* —
 - (a) hold office for a term not exceeding three years; and
 - (b) be eligible for reappointment for a further term.

2. Chairman and Deputy Chairman.

- (1) The Minister shall appoint from the members of the Board —
 - (a) a Chairman of the Board; and
 - (b) a Deputy Chairman of the Board.
- (2) The Deputy Chairman shall perform the functions of the Chairman where the Chairman is not present.

3. Resignation.

- (1) The Chairman may resign his office by instrument in writing addressed to the Minister.
- (2) A member, other than the Chairman, may resign his office by instrument in writing addressed to the Chairman, who shall forthwith forward the instrument to the Minister.
- (3) A resignation takes effect from the date specified in the instrument or the date of receipt by the person to whom it is addressed.

4. Temporary leave of absence.

The Minister may, in writing, grant a temporary leave of absence to a member.

5. Temporary appointment.

Where a member is, or is likely to be, unable to perform the functions of his office for more than thirty days, whether as a result of absence from The Bahamas, illness or other cause or reason, the Minister may appoint a person to act in the place of the member.

6. Revocation of appointment.

The Minister shall revoke the appointment of a member, in writing, who —

- (a) fails to carry out any of his functions under this Act;
- (b) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (c) is convicted of an offence involving the possession of dangerous drugs, fraud or dishonesty, an offence against this Act, or, in the case of any other offence, is sentenced to a term of imprisonment;
- (d) is negligent or breaches confidentiality in the performance of his functions;
- (e) is bankrupt, or compounds with, or suspends, payment to his creditors; or
- (f) fails to declare his interest in a matter before the Board as required by this Act.

7. Vacancies.

(1) A vacancy in the membership of the Board arises on —

- (a) the death or resignation of a member;
- (b) the revocation of the appointment of a member; or
- (c) the absence of a member from four consecutive meetings of the Board without the approval of the Minister.

(2) A person who is appointed to fill a vacancy referred to in sub-paragraph (1), shall hold office only for the unexpired portion of the term of the former member.

8. Disqualification of a member.

A person who is —

- (a) a member of Parliament;
- (b) a contractual employee of any government agency;
- (c) a bankrupt;
- (d) involved in the cannabis industry,

is not eligible to be a member.

9. Gazetting of appointments.

The Minister shall by publication in the *Gazette* give notice of the appointment, resignation, or revocation of appointment of a member, or of other circumstances in which a member ceases to be a member of the Board.

10. Functions of Board.

- (1) The Board shall be responsible for policy development, strategic direction and overall management of the Authority.
- (2) In performing its functions, the Board shall —
 - (a) monitor the administrative operations of the Authority;
 - (b) advise the Minister on matters of general policy relating to the management, and development of an efficient and regulated cannabis industry;
 - (c) ensure that the Authority receives and manages its funds in a prudent manner;
 - (d) do all such things as the Board reasonably considers necessary or expedient for the purpose of carrying out its functions under this Act; and
 - (e) ensure the Authority functions in a manner that protects public health.

11. Board may delegate functions.

- (1) The Board may delegate to the Chairman, Deputy Chairman, a committee of the Board or the Chief Executive Officer, such of its functions as it thinks expedient for the purpose of effectively transacting the business of the Board.
- (2) The delegation of a function under paragraph (1) —
 - (a) does not prevent the discharge by the Board of the function; and
 - (b) may, at any time, be revoked by the Board.

12. Disclosure of interest.

- (1) A member of the Board who is in any way directly or indirectly interested in any contract or other matter whatsoever which falls to be considered by the Board, or in any contract made or proposed to be made by the Board, shall disclose the nature of his interest to the other members of the Board at the commencement of a meeting of the Board at which such contract is to be considered, and the disclosure shall be recorded in the minutes taken at that meeting of the Board, and that member shall not take part in any deliberation or decision of the Board relating to the contract or other matter.
- (2) A disclosure made by a member of the Board under subsection (1), where the disclosure is that he is a director or shareholder of, or has a current

economic relationship with a specific company, firm or other person, or is to be regarded as interested in any contract which is made with the company, firm or other person, shall, for the purposes of subsection (1), be a sufficient disclosure of his interest in relation to any contract so made.

13. Seal and execution of documents.

- (1) The seal of the Authority shall be —
 - (a) kept in the custody of the Chairman, Deputy Chairman, or the person performing the functions of secretary to the Board, and may be affixed to documents or instruments pursuant to a resolution of the Board, in the presence of the persons referred to in this subparagraph; and
 - (b) authenticated by the signature of the Chairman or the person performing the functions of secretary to the Board.
- (2) All documents or instruments made by the Board, other than those required by law to be under seal, and all decisions of the Board, shall be signified under the hand of the Chairman, or the person performing the functions of the secretary to the Board.

14. Committees.

- (1) The Board may appoint committees of its members or other persons to assist it with the proper discharge of its functions.
- (2) Where a person who is not a member of the Board is appointed to a committee, the Board may, with the approval of the Minister, determine the remuneration and allowances to be paid to the person.

15. Meetings.

- (1) The Board shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.
- (2) The Chairman, or in his absence, the Deputy Chairman, or the person acting as Chairman, shall preside at all meetings of the Board.
- (3) Where the Chairman or Deputy Chairman is absent from a meeting, the members present shall elect a member from among their number to preside at the meeting.

16. Special meetings.

The Chairman, or in the event of his absence from The Bahamas or inability to act as such, the Deputy Chairman or the person acting as Chairman, may at any time call a special meeting of the Board within seven days of the receipt by him of a written request, signed by not less than three members, for a special meeting.

17. Quorum.

Five members shall constitute a quorum.

18. Decisions of the Board.

- (1) The decisions of the Board shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.
- (2) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Board or by such other officer as the Board appoints for the purpose, and the minutes shall be confirmed by the Board and signed by the Chairman at the next meeting of the Board.

19. Attendance of non-members at meetings.

The Board may invite any person to attend any of its meetings to assist or advise it with respect to any matter under its consideration, but a person so invited does not have a right to vote.

20. Board may regulate proceedings.

Subject to the provisions of this *Schedule*, the Board may regulate its own proceedings.

THIRD SCHEDULE

(section 10(4))

1. Secondment of public officers.

- (1) The Minister may by order designate, a public officer to be seconded to the Authority, and such officer shall with his consent be seconded for —
 - (a) the period extending from the date of the commencement of the secondment to the date on which the officer accepts permanent employment with the Authority, under paragraph 2; or
 - (b) the period of one year from the date of the commencement of the secondment,whichever is the shorter.
- (2) Nothing in subparagraph (1) shall preclude an officer, seconded to the service of the Authority under this section, from applying for a transfer to a Government Department in accordance with the terms and conditions of service attached to the appointment held by the officer at the commencement of the secondment and, on that application being made, the same consideration shall be given to the application as if the applicant had continued in the service of the Government.
- (3) During the period referred to in subparagraph (1) —
 - (a) the remuneration and conditions of service of an officer employed by the Authority shall be no less favourable than those which are attached to his appointment under the Government at the commencement of this Act, or which would have become attached to such appointment, during the period referred to in subparagraph (1), had the officer continued in the service of the Government; and
 - (b) for the purposes of pension and gratuity, the officer's period of service with the Authority, shall be deemed to be service with the Government, and the Authority shall pay to the Government such contributions in respect of the cost of pensions earned by the officer during the period referred to in subparagraph (1) as may be determined by the Treasurer.

2. Offer of permanent employment to seconded public officers.

- (1) Within the period of one year referred to in paragraph 1, the Authority may offer to any public officer seconded to the Authority, permanent employment with the Authority, at a remuneration and on terms and conditions no less favourable than those which are attached to his service under the Government at the commencement of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the service of the Government.

- (2) A public officer who accepts permanent employment with the Authority, offered to him under subparagraph (1) shall, for all purposes, be deemed to have ceased to be in the service with the Government on the date of his acceptance.
- (3) A public officer who having been offered permanent employment with the Authority, under subparagraph (1) —
 - (a) refuses to accept such employment; or
 - (b) has not been offered permanent employment with the Authority, under subparagraph (1),may at the expiration of the one-year period referred to in paragraph 1, be transferred from the service of the Authority back to the service of the Government.

3. Pension of persons seconded from public service to the Authority.

- (1) Subparagraphs (2) and (3) shall have effect where a public officer holding a pensionable office under the Government of The Bahamas —
 - (a) ceases to be the holder of that office by reason of his acceptance of an offer of employment with the Authority; and
 - (b) that person subsequently retires from the Authority in such circumstances that, had he remained a public officer he would have been eligible for pension under the Pensions Act (*Ch. 43*).
- (2) A pension payable by the Authority to a person mentioned in subparagraph (1) shall be calculated and granted to him in respect of his total service under the Government and the Authority taken together, and such service shall be reckoned as continuous for pension purposes.
- (3) There shall be payable out of the Consolidated Fund to the Authority, upon the warrant of the Minister of Finance, a contribution to every pension paid in accordance with subparagraph (2) of such amounts as would have been payable to the person concerned by way of pension under the Pensions Act (*Ch. 43*) if that person had retired from the public service, and had been granted a pension under the Pensions Act (*Ch. 43*) upon the date of his ceasing to be a public officer.

4. Appropriate Service Commission to consult Authority.

- (1) Until a public officer accepts permanent employment with the Authority, the appropriate Service Commission in accordance with Part VIII of the Constitution shall, before making a determination or giving an instruction that relates specifically to the conditions of employment of that public officer, notify the Authority of its intention to make, or give, such determination or instruction.
- (2) The Authority shall state in writing to the appropriate Service Commission, any objections it may have to the respective Commission in

respect of the proposed determination to be made or the instruction to be given to the officer.

- (3) The respective Service Commission shall take into consideration any reasonable objections made by the Authority.

5. Limitation on powers of Board concerning staff, etc.

The Board shall not, without the prior approval of the Minister —

- (a) assign to a post established by the Board, a salary in excess of such amount per annum as determined by the Minister, and notified to the Authority in writing;
- (b) appoint a person to a post established by the Board to which a salary exceeding the amount determined by the Minister under subparagraph (a) is assigned; and
- (c) provide for the payment of a pension, gratuity or similar benefit to the staff of the Authority in respect of their service to the Authority.

6. Obligation to secrecy.

- (1) A person engaged in the administration of this Act shall regard and deal with as secret and confidential, all information, records or documents relating to the functions of the Authority obtained by the person in the performance of his duties or otherwise.
- (2) Notwithstanding subparagraph (1), a person may disclose information —
 - (a) pursuant to an order of a court;
 - (b) to any person or to an employee of the Authority, where he is authorised or required to do so; or
 - (c) where disclosure is permitted under any other written law.
- (3) A person who receives information pursuant to subparagraph(2)(a), shall regard and deal with that information as confidential.
- (4) A person who contravenes subparagraph (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine or imprisonment.

7. Protection from personal liability.

No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board, employee or agent of the Authority in respect of any Act done *bona fide* in pursuance or execution of this Act.

FOURTH SCHEDULE

(section 65)

Form

Royal Bahamas Police Force

NOTICE OFFERING WAIVER OF APPEARANCE BEFORE MAGISTRATE

TO: (Offender)of.....
Driver's Licence No.
National Insurance No.
(or) Passport No.....Country of Issue

Take Notice that

I, (number, rank and name of police officer) have reason to believe that the offence of (name offence and give particulars) has been committed by you

You may waive your obligation to appear before the magistrate and have no conviction for the offence recorded if you sign this notice in the appropriate place below admitting guilt of the offence and returning the signed notice together with the fixed penalty of \$..... before the day of 20 to the clerk of the Magistrate's Court #..... situated at

Failure to return the signed notice together with the above sum in payment of the fixed penalty in the manner and within the time specified above will result in your being tried for the above offence before the magistrate of the aforementioned magistrate's court at o'clock in the morning/afternoon of .. 20 and for which trial you are hereby requested to attend before the magistrate at that time.

Signature of Officer

I admit to the above offence and make the payment of the sum of \$

Signature of Alleged Offender

Date:.....20.....

OBJECTS AND REASONS

The Cannabis Bill, 2023, seeks to set up a framework to establish The Bahamas Cannabis Authority and to regulate the of importation, exportation, cultivation, processing, manufacturing, producing, sale, possession, distribution and use of cannabis.

Part I of the Bill provides the preliminary provisions of the Bill including a commencement clause which empowers the Minister to appoint different days for the commencement of different sections or Parts of the Act. Under clause 3 the Bill seeks to apply to the regulation and control of cannabis and the handling of cannabis for medical, scientific and religious purposes.

The objective of the Bill, as contained in clause 4 include —

- (a) authorise the production of cannabis;
- (b) provide for the handling of cannabis for medical, scientific research and religious purposes;
- (c) provide for the possession and use of cannabis for medical purposes and for use in religious worship;
- (d) provide access to a quality-controlled supply of cannabis for persons authorised by this Act to use it;
- (e) deter and reduce activities in relation to unlawfully obtained cannabis through appropriate enforcement measures and sanctions;
- (f) protect the health of the public by controlling access to cannabis; and
- (g) enhance public awareness of the health risks associated with cannabis use

Part II of the Bill seeks to establish The Bahamas Cannabis Authority which shall be a corporation sole and managed by a Board. The Authority's notable functions include —

- (a) ensure that cannabis is handled in an efficient manner, and stored in a safe place;
- (b) ensure that cannabis is manufactured, produced, stored, distributed, sold and made available to patients in a safe and efficient manner;
- (c) issue licences for the handling of cannabis in accordance with the provisions of this Act;
- (d) keep and maintain a public register of licences issued under this Act which shall include the —
 - (i) name of the licensee;
 - (ii) type of licence issued;
 - (iii) registered office of the licensee;

- (e) develop enforcement procedures to ensure compliance with the provisions of this Act;
- (f) provide for the electronic tracking of the handling of cannabis.

The Authority is also tasked in clause 6 to establish and maintain a confidential database, electronically or otherwise —

- (a) to include information relating to —
 - (i) patients, medical practitioners prescribing cannabis, licensees and caregivers;
 - (ii) the amount of cannabis handled by licensees in accordance with this Act;
- (b) to enable compliance with the requirements of this Act and to prevent abuse of cannabis;
- (c) all information required to be reported to the Authority under this Bill by all licensees and medical practitioners.

The database will be designed to facilitate the electronic tracking of cannabis, reporting by medical practitioners and licensees including pharmacists and cannabis dispensers. Medical practitioners, by virtue of clause 43, are able to create an electronic prescription for their patients. This prescription will be accessible by a pharmacist when the patient or his caregiver presents for dispensing. Both the medical practitioner and the pharmacist will be able to view the patient's cannabis dispensing history.

The Authority is also tasked with searching the database to 36 to determine whether there has been strict compliance with this Act or any abuse of the provisions of this Act on the part of a licensee, patient, caregiver, pharmacist or medical practitioner.

Under the proposed regime, cannabis will only be legally accessible for medical, scientific or religious purposes. In this regard, the Bill seeks to provide for the following licence types —

- (a) a “cultivation licence”, to permit the growing, harvesting, drying, trimming, curing, and packaging of cannabis;
- (b) a “retail licence”, for the sale of cannabis and cannabis accessories for medical, scientific research and religious purposes and the operation of a cannabis dispensary and therapeutic facility
- (c) an “analytical testing licence”, for the analytical testing of cannabis;
- (d) a “manufacturing licence”, for the manufacturing and packaging of cannabis and cannabis accessories;
- (e) a “research licence”, for the conduct of scientific research relating to the development of cannabis;

- (f) a “transport licence”, for the transport and delivery of cannabis within The Bahamas;
- (g) a “religious use licence”, the cultivation and distribution of cannabis for religious purposes.

Clause 18 of the Bill provides for the eligibility requirements for a licence. An applicant who is an individual (natural person) must be a citizen of The Bahamas of at least twenty-one years old. An applicant who is a legal entity must —

- (a) be one hundred percent Bahamian owned if they are applying for a cultivation, retail, transport or religious use licence;
- (b) be at least thirty percent Bahamian owned if they are applying for an analytical testing licence, manufacturing licence or research licence.

The Minister reserves the power to establish classes of a licence under clause 19(2) and to set additional eligibility requirements under clause 18(1).

Provision is made in clauses 21-25 for circumstances under which the Authority will suspend, vary or revoke a licence and for the voluntary surrender of a licence.

In addition to the eligibility requirements, prospective licensees are required to submit their proposed premises for inspection. Part IV of the Bill makes provision for the appointment of inspectors, their powers and the manner in which inspections are to be conducted.

Part V of the Bill provides for the access to cannabis for consumption by end users for medical and religious reasons. Patients suffering from qualified medical conditions are able to access cannabis where a medical practitioner prescribes the same to that patient. The patient or his appointed caregiver may fill the prescription for medical cannabis at a pharmacy or cannabis dispensary.

The Bill also ensures that the use of cannabis as a sacrament by parishioners of the Rastafarian faith, when handled under a religious use licence, would be lawful.

To prevent the misuse of cannabis, the Bill provides several safeguards along the journey to accessing cannabis for consumption, *inter alia* —

- (a) medical practitioners are required to undergo a training programme on prescribing cannabis;
- (b) medical cannabis is only dispensed by pharmacists and pharmacy professionals with education and training in dispensing cannabis;
- (c) cannabis may only be prescribed for certain qualified medical conditions as recommended by a committee formed of medical practitioners and a clinical psychiatrist under clause 37 of the Bill;
- (d) leaders of religious group may only distribute cannabis as a sacrament to members during a worship service;
- (e) medical practitioners, pharmacists and pharmacy professionals are required to report certain occurrences to support the Authority’s monitoring and enforcement activities;

- (f) cannabis is electronically tracked from import, cultivation, through manufacturing, transport, sale from one licensee to another, sale to a patient, export from The Bahamas and disposal.

In the establishment of the framework of this Bill, it was necessary to make certain amendments to the Dangerous Drugs Act to remove references to “Indian hemp”. These amendments remove the criminal offences related to the cultivation and possession of Indian hemp, now which also known as cannabis. Part VII of the Bill thus provides for several offences including —

- (a) unlawful possession of cannabis (clause 55);
- (b) possession with intent to supply cannabis (clause 56);
- (c) production of cannabis (clause 60);
- (d) smoking cannabis in public places (clause 61);
- (e) misrepresentation as to medical condition (clause 69); and
- (f) possession of unauthorised amount of cannabis (clause 70).

Part VII also provides for a general penalty of —

- (a) a fine of one hundred thousand dollars or to imprisonment for seven years, or to both, in the case of conviction on information;
- (b) a fine of forty thousand dollars or to imprisonment for five years, or to both, in the case of summary conviction,

to apply to offences for which no penalty is expressly provided. This includes offences under clauses 58,60, 62, 63 and 64.

The Bill also seeks to implement a fixed penalty for the unlawful possession of small amounts of cannabis. An officer may serve a person committing an offence under clause 55(3) with a fixed penalty notice which requires him to pay a fine of two hundred and fifty dollars by a particular date specified in the notice. If the alleged offender pays the fine within the specified time, he shall not have a record of committing an offence. If the alleged offender wishes to dispute the charge, he may do so but in so doing forfeits the waiver of the criminal record if he is found to be guilty.