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I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

*Governor-General.*

14<sup>th</sup> February, 2020.

## SAINT CHRISTOPHER AND NEVIS

### No. 8 of 2020

**AN ACT** to provide for the establishment of the Medicinal Cannabis Authority to regulate, monitor and control the cultivation, supply, possession, production and use of medicinal cannabis and for related matters.

*[Published 21<sup>st</sup> February 2020, Extra-Ordinary Gazette No. 13 of 2020.]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

#### **Part I** **Preliminary**

##### **1. Short title and commencement.**

(1) This Act may be cited as the Cannabis Act, 2020.

(2) This Act shall come into force on such date as the Minister may, by Order, appoint and the Minister may appoint different dates for the coming into force of different Parts or sections of this Act.

##### **2. Interpretation.**

(1) In this Act, unless the context otherwise requires

“Anti-Terrorism Act” means the Anti-Terrorism Act, Cap. 4.02;

“Audit Act” means the Audit Act, Cap. 20.01;

“Authority” means the Medicinal Cannabis Authority established under Part II;

“authorised pharmacist” means a person who meets the prescribed requirements to be registered to dispense medicinal cannabis in accordance with the provisions of this Act or Regulations made pursuant to this Act;

“Board” means the Board of the Authority established under section 8;

“cannabis” has the meaning assigned to it in the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act;

“cannabis material” means

- (a) cannabis;
- (b) cannabis resin; and
- (c) any other raw material derived from cannabis;

“cannabis resin” means the separate resin, whether crude or purified, obtained from any plant of the genus cannabis;

“caregiver” means

- (a) a person who is designated as a caregiver by a patient who is not a minor, under section 40;
- (b) a person or Committee appointed by an order of the Court, on behalf of a patient who suffers from a mental disorder; or
- (c) the parent or guardian of a minor who is a patient;

“Chairperson” means the Chairperson of the Board;

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 24;

“close familial connection” means a relationship with a parent, spouse, sibling or issue;

“Confidential Relationships Act” means a Confidential Relationships Act, Cap.21.02;

“dispense” means supplying of drugs on or in accordance with a prescription given by a medical doctor;

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

“Drug Inspector” means the person appointed as the Drug Inspector in accordance with the provisions of this Act;

“Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act” means the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, Cap.9.08;

“identification card” means the document issued by a medical doctor to a patient or caregiver, as applicable, who is registered in accordance with section 40, which

- (a) attests to the validity of the identity of the patient or caregiver to whom the card is issued; and

- (b) authorises the patient or caregiver, subject to the provisions of this Act, to obtain, possess, store, administer or use medicinal cannabis;

“inspector” means

- (a) a member of the Police Force, not below the rank of Corporal; or
- (b) a person appointed as an inspector by the Authority pursuant to section 53;

“licence” means a licence issued to an applicant by the Authority in accordance with section 51;

“licensee” means a person to whom a licence has been issued under this Act;

“medicinal cannabis” means -

- (a) cannabis cultivated for medicinal purposes;
- (b) cannabis material manufactured for medicinal purposes; or
- (c) a medicinal cannabis product manufactured or obtained for medicinal purposes, in accordance with a licence issued pursuant to this Act or Regulations made pursuant to this Act;

“medicinal cannabis product” means a substance, compound, preparation or mixture that is produced or manufactured from cannabis material for the treatment of a qualifying medical condition;

“medical certificate” means a document submitted by a medical doctor to the Authority, on behalf of a patient, pursuant to section 35;

“medical doctor” means a doctor who is registered to practice medicine under the Medical Act, Cap. 9.15;

“Minister” means the Prime Minister;

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

“nurse” has the meaning assigned to it in the Nurses and Midwives (Registration) Act;

“Nurses and Midwives (Registration) Act” means the Nurses and Midwives (Registration) Act, Cap. 9.17;

“Organised Crime (Prevention and Control) Act” means the Organised Crime (Prevention and Control) Act, Cap. 4.22;

“patient” means a person who suffers from a qualifying medical condition;

“pharmacy” means a pharmacy that is licensed under this Act or Regulations made pursuant to this Act, to dispense medicinal cannabis;

“place of worship” means a registered place of worship approved by the Authority, as a place of worship for the purposes of this Act;

“Proceeds of Crime Act” means the Proceeds of Crime Act, Cap. 4:28;

“public place” includes an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, including

- (a) all commercial, agricultural and industrial zoned lands and properties;
- (b) bars, drinking places, restaurants and clubs;
- (c) tourist establishments, hotels and guesthouses;
- (d) schools and all other educational institutions;
- (e) hospitals whether publicly or privately operated;
- (f) churches or other religious establishments except as is permitted under the Act or any other law;
- (g) correctional facilities whether publicly or privately operated;
- (h) public transportation;
- (i) community centres;
- (j) roads, highways and thoroughfares;
- (k) Government offices; and
- (l) other places or buildings of all types, accessible to the public;

“qualifying medical condition” means an illness or condition that is likely to result, or continue to result in, a significant reduction in the quality of life of a person, whether from the symptoms of the illness or condition or from treatment for the symptoms of the illness or condition, including any of the following

- (a) pain associated with cancer;
- (b) severe and treatment resistant nausea and vomiting due to chemotherapy;
- (c) human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS);
- (d) Parkinson’s disease;
- (e) multiple sclerosis;
- (f) severe intractable epilepsy;
- (g) damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
- (h) post-traumatic stress disorder;
- (i) rheumatoid arthritis or any similar chronic autoimmune inflammatory disorder with severe or debilitating conditions;

- (j) autism;
- (k) glaucoma;
- (l) sickle cell anaemia;
- (m) anxiety;
- (n) sleep disorders;
- (o) chronic pain;
- (p) Alzheimer’s disease;
- (q) Crohn’s disease;
- (r) Hepatitis B;
- (s) Dravet’s syndrome;
- (t) Depression; and
- (u) any other illness or condition declared by the Minister, by Order published in the Gazette, to be a qualifying medical condition;

“supply” includes to cultivate, manufacture, store, transport, sell, purchase, dispense, import or export medicinal cannabis;

“visiting qualifying patient” means a person who is

- (a) not ordinarily resident in Saint Christopher and Nevis; and
- (b) in possession of a document that certifies that the person is suffering from a qualifying medical condition and that is issued in accordance with the laws of another country or a state or province of another country.

### **3. Objects of Act.**

The objects of this Act are to establish the Medicinal Cannabis Authority in order to provide for the lawful access to medicinal cannabis as an alternative treatment for persons who are suffering from a qualifying medical condition and to provide for a comprehensive licensing scheme to regulate the cultivation, supply, possession, production and use of medicinal cannabis.

## **PART II MEDICINAL CANNABIS AUTHORITY**

### **4. Establishment of Authority.**

(1) There is hereby established, for the purposes of this Act, a body to be known as the Medicinal Cannabis Authority.

(2) The Authority shall be a body corporate and shall have perpetual succession and a common seal, which shall be judicially and officially noted and shall have the power to sue and be sued in its own name and to hold and dispose of property.



**5. Powers, functions, duties of the Authority.**

(1) The Authority shall –

- (a) develop policies, procedures and guidelines to ensure that medicinal cannabis is available to patients in a safe and efficient manner;
- (b) regulate the cultivation, supply, possession and use of medicinal cannabis;
- (c) review medical certificates submitted by medical doctors on behalf of a patient in accordance with this Act;
- (d) register patients and caregivers accordingly;
- (e) subject to subsection (2), issue licences and other in accordance with the provisions of this Act and Regulations made under to this Act;
- (f) develop enforcement procedures in relation to the inspection of premises that are operated by licensees in order to ensure compliance with the provisions of this Act or any Regulations made under to this Act;
- (g) appoint sub-committees to assist it in the carrying out of its functions under the Act;
- (h) establish and maintain an electronic database to include information relating to patients, medical doctors, licensees, medical certificates and identification cards and to provide for the electronic tracking of the cultivation, supply, possession and use of medicinal cannabis in accordance with this Act or Regulations made under to this Act;
- (i) establish and maintain a confidential register of patients and caregivers, in accordance with Part III and such other registers as may be prescribed;
- (j) provide for the distribution of educational materials and conduct training programmes in relation to the development of medicinal cannabis;
- (k) perform such other functions assigned to it under this Act or any other enactment; and
- (l) do anything or enter into any arrangement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

(2) Cabinet may, acting on the recommendation of the Board of the Authority, approve the issue of licences or other authorisations under this Act or Regulations made pursuant to this Act.

(3) In performing the functions specified in subsection (1) , the Authority may –

- (a) formulate standards and prescribe codes of practice to be observed by licensees or other persons involved in the medicinal cannabis industry;
- (b) charge fees for services provided by or on behalf of the Authority;
- (c) facilitate scientific research in respect of medicinal cannabis and where applicable, apply the results of such research in the development of the medicinal cannabis industry;

- (d) do all such things as the Authority considers necessary or expedient for the purpose of carrying out its functions.

## **6. Ministerial directions.**

The Minister may, acting on the advice of Cabinet, give to the Authority, directions of a general character as to the policy to be followed by the Authority in the performance of its functions, as appear to be necessary in the public interest, and the Authority shall give effect to these directions.

## **7. Exercise of functions of the Authority.**

The exercise of the functions of the Authority under this Act may be carried out by the Board, the Chief Executive Officer, or a member of staff or agent of the Authority.

### ***Establishment of Board***

## **8. Board of Directors.**

- (1) For the purposes of this Act, there is hereby established a Board of the Authority.
- (2) The Board shall be appointed by the Cabinet and shall consist of
  - (a) the following *ex officio* members
    - (i) the Minister of Agriculture or his nominee;
    - (ii) the Minister of Health or his nominee;
    - (iii) the Minister of Finance or his nominee;
    - (iv) the Minister of Trade or his nominee;
    - (v) the Attorney General or his nominee;
    - (vi) the Commissioner of Police or his nominee;
    - (vii) the Comptroller of Customs or his nominee.
  - (b) four other persons, who shall be appointed members of the Board, drawn from among the following disciplines or groups namely, medicine, law, engineering, scientific research, business, land development and agriculture or other appropriate disciplines.
- (3) The appointed members of the Board shall be persons appearing to Cabinet to be of integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling their functions pursuant to the provisions of this Act.

## **9. Functions of the Board.**

- (1) Subject to the provisions of this Act, the Board shall be responsible for the policy, strategic direction and governance of the Authority.
- (2) In performing its functions, the Board shall
  - (a) monitor the administrative operations of the Authority;
  - (b) submit recommendations to the Cabinet, in relation to the issuing of licences and other authorisations;

- (c) advise the Minister on matters of general policy relating to the management and development of an efficient and regulated medicinal cannabis industry;
- (d) ensure that the Authority receives and manages its funds in a prudent manner; and
- (e) do all such things as the Board reasonably considers necessary or expedient for the purpose of carrying out its functions under this Act.

(3) The Board may establish committees of the Board in order to assist the Board in effectively and efficiently performing its functions.

#### **10. Election of Chairperson and Deputy Chairperson.**

Cabinet shall elect a Chairperson and a Deputy Chairperson of the Board from among the appointed members.

#### **11. Leave of absence and temporary appointments.**

(1) Cabinet may, on the application of any member of the Board, grant to the member, leave of absence for a period not exceeding three months.

(2) Cabinet may direct a member of the Board to proceed on leave of absence if the member has been charged with

- (a) an offence under the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, the Proceeds of Crime Act, the Organised Crime (Prevention and Control) Act, the Anti-Terrorism Act or any offence that is similar to any such offence in another country; or
- (b) any offence involving fraud or dishonesty.

(3) In the case of the absence or inability of any member of the Board to carry out his functions, the Cabinet may appoint a person to act temporarily in the place of the member; so however that, such appointment shall be made in the same manner and from the category of persons as would be required in the case of the original appointment.

#### **12. Tenure of office.**

(1) The appointment of a member of the Board shall be evidenced by instrument in writing and such instrument shall state the tenure of office of the member, which period shall not exceed three years.

(2) A member of the Board shall be eligible for re-appointment.

#### **13. Publication in *Gazette*.**

The appointment, resignation, termination of appointment or death of a member of the Board and every change thereof, shall be published in the *Gazette*.

#### **14. Vacancy in membership.**

(1) A vacancy in the membership of an appointed member shall occur

- (a) on the death, resignation or termination of the appointment of a member;

- (b) on the absence of a member from three consecutive meeting of the Board, unless the absence therefrom is approved by the chairperson; or
- (c) on the expiration of the term specified in the instrument of appointment of the member.

(2) If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another appointed member, so however that, such appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

### **15. Resignation.**

(1) An appointed member of the Board, other than the Chairperson, may at any time, resign his office by instrument in writing, addressed to the Cabinet and transmitted through the Chairperson, and from the date of receipt by the Cabinet of such instrument, the person shall cease to be a member of the Board.

(2) The Chairperson may, at any time resign his office by instrument in writing addressed to the Cabinet and such resignation shall take effect as from the date of receipt by the Cabinet of that instrument.

### **16. Disqualification from membership of the Board.**

A person shall not become, or continue to be, a member of the Board if the person

- (a) is suffering from a mental disorder;
- (b) becomes permanently unable to perform his functions by reason of ill-health;
- (c) is an undischarged bankrupt; or
- (d) has at any time been convicted of an offence under the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, the Proceeds of Crime Act, the Organised Crime (Prevention and Control) Act, the Anti-Terrorism Act or any offence that is similar to any such offence in another country or any offence involving fraud or dishonesty.

### **17. Termination of appointment of member.**

Cabinet may, at any time, terminate the appointment of a member if that member

- (a) is disqualified from membership pursuant to section 16;
- (b) has engaged in or is engaging in conduct which, in the opinion of the Cabinet, disqualifies the member from holding office on the Board;
- (c) has engaged in or is engaging in activities that are reasonably considered to be prejudicial to the interest of the Authority;
- (d) fails to carry out the functions of his office as specified by or under this Act.

**18. Proceedings and meetings of the Board.**

(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such times and on such days as the Board shall determine.

(2) Notwithstanding subsection (1), the Chairperson shall call a meeting, in writing, if requested to do so by at least five members.

(3) The Chairperson, or in the case of the inability of the Chairperson to act, the Deputy Chairperson, shall preside at all meetings of the Board, and when so presiding the Chairperson, or the Deputy Chairperson shall have a casting vote in any case where the voting is equal.

(4) In the case of the Chairperson and Deputy Chairperson being absent from or unable to act at any meeting, members of the Board present at the meeting shall elect one of their members to act as Chairperson at that meeting.

(5) A quorum of the Board shall be five members.

(6) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member of the Board.

(7) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(8) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed as soon as practicable at a subsequent meeting of the Board.

(9) All documents and decisions of the Board may be signified under the hand of the Chairperson, the Deputy Chairperson or any other member authorised by the Chairperson.

**19. Seal of the Authority.**

(1) The seal of the Authority shall be authenticated by the signature of the Chairperson or any or the Chief Executive Officer or by another member of the Board authorised by the Chairperson to act on behalf of the Board.

(2) All documents, other than those required by law to be under seal, and all decisions of the Board may be signified under the hand of the Chairperson, or any other member of the Board or the Chief Executive Officer authorised to act in that behalf.

**20. Remuneration.**

There shall be paid to the Chairperson, the Deputy Chairperson and other members of the Board, such remuneration, whether by way of salaries or travelling or other allowances, as the Cabinet may determine.

**21. Committees of the Board.**

(1) The Board may appoint such committees, for any general or special purposes, with which the Board may be concerned, as in the opinion of the Board would be better regulated and managed by means of a committee.

(2) A committee appointed pursuant to subsection (1) may include persons who are not members of the Board or employees of the Authority and the appointment of any such persons shall be subject to the approval of the Cabinet.

## **22. 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 forthwith disclose the nature of his interest to the other members of the Board, and the disclosure shall be recorded in the minutes of the next meeting of the Board, and the member shall not take part in any deliberation or decision of the Board with respect thereto.

(2) A disclosure made by a member of the Board under subsection (1), to the effect that he is a director or shareholder of, or has a significant economic relationship with, a specific company, firm or other entity or is to be regarded as interested in any contract which is made with the company, firm or other entity, shall for the purposes of subsection (1), be a sufficient disclosure of his interest in relation to any contract so made.

(3) A member of the Board need not attend in person at a meeting of the Board in order to make a disclosure that he is required to make under this section, if the member takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at the next meeting held after the disclosure is made.

## **23. Reports to Minister.**

(1) The Board shall submit to the Minister an annual report relating generally to the execution of its functions and may, at any time, submit a report relating to any particular matter or matters which, in the Board's opinion, require the special attention of the Cabinet.

(2) Notwithstanding subsection (1), the Board may at anytime, be required by the Minister to submit a report to Cabinet in respect of any matter or activity in which the Authority is involved under this Act.

### *Administration*

## **24. Appointment of Chief Executive Officer.**

(1) Subject to the provisions of this section, there shall be a Chief Executive Officer of the Authority who shall be appointed by the Board, subject to the approval of the Cabinet.

(2) Subject to subsection (4), the Chief Executive Officer shall be a person who possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by the person under this Act.

(3) A person who would not be eligible to be appointed as a member of the Board by virtue of section 16 shall not be eligible to be appointed as the Chief Executive Officer.

(4) A person shall not be appointed as Chief Executive Officer unless the Board is satisfied that the person is a person of integrity, capable of exercising diligence, sound judgment and impartiality in carrying out his functions.

(5) Subject to the subsection (6), the Chief Executive Officer shall hold office for a period of three years and shall be eligible for re-appointment.

(6) The Board, may, subject to the approval of the Cabinet, terminate the appointment of the Chief Executive Officer for the inability of the Chief Executive Officer to discharge the functions of his office, whether arising from

- (a) infirmity of the body or mind,
- (b) dereliction of duty,
- (c) misbehaviour,
- (d) circumstances where he becomes an undischarged bankrupt,
- (e) circumstances where he is convicted of an offence under the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, the Proceeds of Crime Act, the Organised Crime (Prevention and Control) Act, the Anti-Terrorism Act or any offence that is similar to any such offence in another country or any offence involving fraud or dishonesty or for any other cause.

## **25. Functions of the Chief Executive Officer and delegation of such functions.**

(1) The Chief Executive Officer shall be responsible for the day to day management of the affairs of the Authority which shall include the following

- (a) coordinating the functions of the Authority;
- (b) the taking of any administrative and managerial actions as are necessary and appropriate for the effective implementation of this Act and any Regulations made under this Act;
- (c) assigning personnel as may be necessary to ensure that applications for licences and other authorisations are submitted to Cabinet for approval within the prescribed period after the making thereof;
- (d) assigning personnel to ensure that medical certificates are recorded;
- (e) ensuring the timely implementation of the decisions and directions of the Board;
- (f) submitting quarterly reports to the Board in relation to the activities of the Authority, in such manner as may be approved by the Board;
- (g) preparing the budget of the Authority and submitting the same to the Board for approval;
- (h) implementing operational policies and procedures in relation to the functions of the Authority; and
- (i) performing such other functions as may be assigned to the Chief Executive Officer by the Board or under this Act or any other enactment.

(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) The Chief Executive Officer may, in writing, subject to the approval of the Board, delegate any of his functions, save and except the power of delegation in relation to the performance of any of the duties conferred on him by, or under this Act, to a person specified in the instrument of delegation.

(4) A delegation under subsection (3) shall not prevent the exercise of the powers or the performance of the duties by the Chief Executive Officer.

## **26. Appointment and employment of employees of the Authority.**

(1) For the proper carrying out of the functions of the Authority, the Board may appoint and employ, to any office of the Authority, such employees, at such remuneration and on such terms and conditions as the Board considers necessary.

(2) Notwithstanding subsection (1), a salary in excess of such rate as may be prescribed shall not be made to any officer, without the approval of Cabinet.

(3) The Board shall consult with the Minister in establishing the qualifications for the various offices established within the Authority.

## **27. Obligation of secrecy.**

(1) Subject to the provisions of the Confidential Relationships Act, every person having an official duty or being employed 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 course of the performance of his duties or otherwise.

(2) A person to whom information is communicated by a person in subsection (1) shall regard and deal with the information as secret and confidential.

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

(4) Notwithstanding subsections (1) and (2) a person may disclose information in any of the following circumstances

- (a) pursuant to an order of the Court;
- (b) to any person or to an employee of the Authority, as he is so authorised; or
- (c) where disclosure is permitted under any other enactment.

## **28. Protection from liability.**

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

### ***Financial Provisions, Accounts and Reports***

## **29. Funds and resources of the Authority.**

(1) The funds and resources of the Authority shall consist of



- (a) such sums as may, from time to time, be placed at the disposal of the Authority by Parliament; and
- (b) all other sums and property, which may, in any manner, become payable to or vested in the Authority in respect of any matter incidental to its functions.

(2) The expenses of the Authority, including the remuneration of members of the Board and employees and agents of the Authority shall be paid out of the funds of the Authority and thereafter all remaining revenues received in respect of any matter incidental to the functions of the Authority shall be paid into the Consolidated Fund within such period as may be specified by the Minister responsible for finance, in writing.

(3) The Authority shall, with the approval of the Minister responsible for finance, direct that such percentage of sums received from licences and other authorisation fees be applied for the following purposes

- (a) the strengthening of social programmes related to drug abuse prevention and treatment;
- (b) the training of licensees, medical doctors, nurses, pharmacists, other health care practitioners and other professionals, in the supply and use of medicinal cannabis;
- (c) the funding of scientific and medical research relating to medicinal cannabis;
- (d) the providing of assistance to persons including applicants for and holders of a traditional cultivator's licence in relation to compliance with the provisions of this Act;
- (e) the re-forestation of lands that were under cannabis cultivation prior to the commencement of this Act;
- (f) the provision of assistance to authorised medical practitioners in respect of the production of a patient identification card;
- (g) such other purposes, as may be determined by the Authority, after consultation with the Minister.

### **30. Accounts and audit of the Authority.**

(1) The Authority shall keep proper accounts and records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to internationally accepted accounting principles.

(2) The accounts of the Authority shall be audited annually by the Director of Audit or by an auditor appointed by the Authority with the approval of the Director of Audit.

(3) Pursuant to the provisions of the Audit Act, the Director of Audit shall be entitled at all times to examine the accounts of the Authority.

### **31. Annual reports.**

(1) The Authority shall, within six months after the end of each financial year or within such longer period, as the Minister may on special circumstances approve, cause

to be made and transmitted to the Minister, a report dealing generally with the activities of the Authority during the preceding financial year.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the auditor's report thereon, to be laid in the National Assembly.

### **32. Estimates and operating plan.**

The Authority shall in each financial year, before a date specified by the Minister, submit to the Minister for his approval, the following

- (a) estimates of income and expenditure for the ensuing financial year; and
- (b) an operating plan for that year as to the projects to be promoted or sponsored, or both, by the Authority, the operational framework within which the Authority shall carry out its functions, and such other matters as the Minister may require.

### **33. Returns, etc.**

The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to activities of the Authority, and shall afford him facilities for verifying such information in such manner and at such times as the Minister may reasonably require.

## **PART III ACCESS TO MEDICINAL CANNABIS**

### **34. Authorisation for prescribing medicinal cannabis.**

(1) The Authority may grant an authorisation to a medical doctor to prescribe medicinal cannabis upon the submission by the medical doctor to the Authority –

- (a) a copy of the medical doctor's valid practising certificate; and
- (b) a copy of the documentation of training and experience of the medical doctor in relation to the administering of medicinal cannabis, as required by the Authority.

(2) Pursuant to subsection (1), a medical doctor shall apply for and obtain authorisation from the Authority, prior to prescribing medicinal cannabis.

(3) Subject to the provisions of this Act, a patient is hereby authorised under this Act to obtain, possess, store and use medicinal cannabis, if the medical doctor prescribes medicinal cannabis, issues an identification card and medical certificate to the patient.

### **35. Submission of medical certificate by medical doctor.**

(1) A medical doctor shall submit to the Authority and Drug Inspector, on behalf of a patient, a copy of the medical certificate and identification card issued to the patient for record keeping.

(2) Pursuant to subsection (1), a medical certificate shall not be granted to a patient, unless

- (a) the patient has been under the care of the medical doctor for the treatment of a qualifying medical condition;
- (b) the medical doctor, in completing his detailed assessment of the patient has conducted all the appropriate diagnostic or physical examinations that are sufficient to determine that the patient is suffering from a qualifying medical condition;
- (c) the medical doctor has explained the potential risks and benefits of the use of medicinal cannabis to
  - (i) the patient; or
  - (ii) the patient and the caregiver, in the case where the patient has designated a caregiver or the patient is a minor;
- (d) the patient may receive therapeutic or palliative care from the use of medicinal cannabis; and
- (e) the potential benefits of the use of medicinal cannabis would likely outweigh the health risks to the patient.

**36. Information to be included in medical certificate.**

(1) Subject to section 38(6), a medical certificate shall be in the prescribed form and shall contain the following particulars-

- (a) the name, address, nationality and date of birth of the patient;
- (b) a statement that the medical doctor is satisfied that the patient has a qualifying medical condition;
- (c) sufficient information, in accordance with section 35(2), to confirm that the patient has been under the care of the medical doctor;
- (d) a medical plan prepared by the medical doctor which outlines the on-going assessment and follow up care of the patient;
- (e) whether the patient has a history of substance abuse;
- (f) whether the patient is terminally ill;
- (g) any requirement or limitation concerning the appropriate form of medicinal cannabis to be prescribed, and limitation on the duration of use, if applicable;
- (h) proof of identity of the patient;
- (i) the name, address and telephone number of the medical doctor; and
- (j) the date of issuance of the medical certificate.

(2) In addition to the particulars specified under subsection (1), a medical doctor shall submit to the Authority at the time of submission of the medical certificate a copy of a valid practising certificate of the medical doctor.

(3) Subject to section 38 (7), a medical certificate submitted to the Authority, shall be accompanied by the prescribed fee and shall be signed by the medical doctor and the patient to whom the medical certificate relates.

- (4) The medical doctor shall
- (a) submit a copy of the medical certificate to the Authority and the Drug Inspector;
  - (b) issue a copy of the medical certificate to the patient; and
  - (c) file the original medical certificate on the health care record of the patient.

(5) A medical doctor who makes a false statement on a medical certificate commits an offence under this Act and may have his authorisation to prescribe medicinal cannabis suspended or revoked and may be subject to disciplinary action as a medical professional in accordance with the law.

### **37. Keeping of records.**

A medical doctor shall maintain a record of all medical certificates that he has submitted to the Authority in accordance with the provisions of this Part and such record shall be subject to review by the Authority and Drug Inspector, upon request.

### **38. Caregivers.**

(1) Subject to the provisions of this section, a patient may designate a person who has responsibility for the immediate care and safety of the patient, as caregiver, to assist him in obtaining and administering medicinal cannabis.

(2) A patient who is a minor shall have a caregiver, who shall be either a parent or legal guardian of the minor.

(3) A person who is under the age of eighteen shall not be designated as a caregiver.

(4) A caregiver shall not be a person who

- (a) has been convicted of an offence under
  - (i) the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act;
  - (ii) the Proceeds of Crime Act;
  - (iii) the Organised Crime (Prevention and Control) Act;
  - (iv) the Anti-Terrorism Act;
  - (v) any other relevant enactment prescribed by the Minister, by order; or
- (b) has a history of substance abuse.

(6) Pursuant to subsections (1) and (2), where a patient designates a caregiver or is a minor, the medical doctor shall, in addition to the particulars outlined in section 36, include the following additional particulars on the medical certificate-

- (a) the name, address and date of birth of the caregiver;
- (b) proof of identity of the caregiver; and
- (c) a recent police record of the caregiver.

(7) In addition to the particulars outlined in subsection (6), the caregiver shall be required to sign the medical certificate as proof of his consent to undertake the immediate care and safety of the patient and to assist the patient in obtaining and administering medicinal cannabis.

### ***Regulation of Place of Worship***

#### **39. Regulation of use of medicinal cannabis at a place of worship.**

(1) Medicinal cannabis may be used at a registered place of worship for spiritual healing, upliftment or edification in accordance with the provisions of this Act or Regulations made under the Act.

(2) A place of worship shall be registered in the prescribed manner.

### ***Issuance of Identification Cards***

#### **40. Identification cards.**

(1) Pursuant to the provisions of this Part, a medical doctor shall issue an identification card to a patient and where applicable, a caregiver, in the prescribed form and the identification card shall contain the following information

- (a) the name of the holder of the identification card;
- (b) the designation as to whether the holder of the identification card is a patient or caregiver;
- (c) a random alphanumeric identification number that is unique to the holder of the identification card;
- (d) the date of issuance and expiration date of the identification card;
- (e) if the holder of the identification card is a caregiver, the random alphanumeric identification number of the patient whom the caregiver is registered to assist shall also be included on the identification card;
- (f) a photograph of the holder of the identification card; and
- (g) contact information of the Authority.

(2) An identification card that is issued under this Act to

- (a) a patient, shall authorise the patient to
  - (i) obtain medicinal cannabis as is specified in the prescription issued by a medical doctor; and
  - (ii) possess, store and use medicinal cannabis;
- (b) a caregiver, shall authorise the caregiver to
  - (i) obtain medicinal cannabis on behalf of the patient whom he is registered to assist; and
  - (ii) possess and store medicinal cannabis on behalf of, and administer medicinal cannabis to, the patient whom he is registered to assist.

(3) An identification card shall be valid for a period not exceeding one year, from the date of issuance or for such other period as may be prescribed.

(4) An identification card shall be renewed in the same manner in which it was issued.

(5) A person shall have his identification card on his person at all times whilst he is engaging in any activity involving medicinal cannabis.

#### **41. Procedures to be developed.**

The Authority may develop and implement procedures for the refusal to grant authorisations to a medical doctor to prescribe medicinal cannabis.

#### **42. Change in the name or address of patient or caregiver.**

(1) A patient or where applicable, a caregiver who has been issued with an identification card, shall notify the medical doctor, within two weeks, of any change in the name or address of the patient or caregiver.

(2) Upon notification of the change in subsection (1), the medical doctor shall without delay notify the Authority.

#### **43. Loss etc. of identification card.**

Where an identification card is lost, defaced or destroyed, the holder of the identification card shall forthwith notify the medical doctor.

#### **44. Changing of caregiver.**

(1) If a patient wishes to change his caregiver the patient shall notify the medical doctor as soon as practicable and the medical doctor shall without delay, revoke the registration of the caregiver and shall so notify the caregiver and the Authority.

(2) Upon receipt of the notice issued by the medical doctor under subsection (1), the caregiver shall, within five days of such receipt, return his identification card to the medical doctor.

### ***Dispensing medicinal cannabis and obligations of medical doctor***

#### **45. Issuing of prescription by medical doctor.**

(1) A medical doctor shall issue to the patient a prescription, in the prescribed form, for medicinal cannabis.

(2) A prescription issued under subsection (1) shall not exceed a thirty-day supply of individual doses, after which the patient shall be examined by the medical doctor prior to the issuance of any further prescription for medicinal cannabis.

#### **46. Dispensing of medicinal cannabis.**

(1) Only an authorised pharmacy and an authorised pharmacist may dispense medicinal cannabis to a patient and where applicable, a caregiver.

(2) Pursuant to subsection (1), an authorised pharmacist may lawfully dispense medicinal cannabis, only upon submission by a patient or where applicable, a caregiver, of a prescription and a valid identification card issued in accordance with the provisions of this Act.

(3) Upon dispensing medicinal cannabis to a patient or, where applicable, a caregiver, an authorised pharmacist shall provide to the patient or the caregiver a receipt which shall include all of the following

- (a) the name, address and the registration number assigned to the authorised pharmacy upon being licensed in accordance with the Regulations made pursuant to this Act;
- (b) the name, address and registration number assigned to the authorised pharmacist, upon being registered in accordance with the Regulations made pursuant to this Act;
- (c) the name, address and the random alphanumeric identification number which appears on the identification card of the patient;
- (d) in the case of a caregiver, the name, address and both random identification alphanumeric numbers which appear on the identification card of the caregiver;
- (e) the date on which the medicinal cannabis was dispensed;
- (f) any other requirement or limitation specified by the medical doctor in relation to the use of medicinal cannabis;
- (g) the quantity of medicinal cannabis that is dispensed.

(4) An authorised pharmacist shall enter the information referred to in subsection (3) in a register kept by him and established for that purpose, in the prescribed manner.

(5) An authorised pharmacist shall not dispense to a patient or where applicable, a caregiver

- (a) a quantity of medicinal cannabis greater than that which the patient or caregiver is permitted to obtain under a prescription; or
- (b) any form of cannabis prohibited under this Act or any other enactment.

(6) An authorised pharmacist shall conform to any requirement or limitation set by the medical doctor as to the form of medicinal cannabis that is required in relation to the patient and shall provide to a patient and where applicable, a caregiver, the following information

- (a) the lawful methods for using or administering medicinal cannabis in individual doses;
- (b) any potential danger stemming from the use of medicinal cannabis;
- (c) how to prevent or deter the misuse of medicinal cannabis by minors; and
- (d) any other information which the authorised pharmacist may consider to be relevant.

**47. Duties of medical doctor who prescribes medicinal cannabis.**

(1) A medical doctor who prescribes medicinal cannabis to a patient in accordance with this Act, shall notify the Authority, in writing within ninety days whether

- (a) the patient no longer suffers from the qualifying medical condition
- (b) medicinal cannabis is no longer proving to be therapeutic or palliative in the treatment of the patient for qualifying medical condition;
- (c) the patient is no longer under the care of the medical doctor; or
- (d) the patient has died.

(2) A medical doctor who fails to comply with subsection (1) may have his authorisation to prescribe medicinal cannabis suspended or revoked.

**48. Maintenance of confidential register.**

(1) The Authority shall maintain a confidential register of all persons who are registered and issued identification cards in accordance with this Act.

(2) The Authority may share the information contained in the register with such persons as may be prescribed and such information shall remain confidential and shall not be subject to disclosure to any person, save and except to employees who have been authorised by the Authority to access the information as necessary to perform the official duties of the Authority or such other persons as may be prescribed.

(3) Notwithstanding subsection (2), a patient's name and other identifying information contained in the confidential register shall be kept in the strictest of confidence and shall not be subject to disclosure save and except in accordance with the circumstances specified thereunder.

(4) Where the Authority needs to verify with any law enforcement agency whether an identification card is valid, the Authority shall do so without disclosing more information than is reasonably necessary in the circumstances.

(5) A person who discloses any information in the confidential register, which forms part of the confidential register commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months.

**PART IV****LICENSING THE SUPPLY OF MEDICINAL CANNABIS****49. Licensing system.**

The licensing system for medicinal cannabis shall be in the prescribed manner and shall provide for the following activities to enable medicinal cannabis to be obtained for use in accordance with this Act and shall be

- (a) the cultivation of cannabis for medicinal purposes;
- (b) the transporting of medicinal cannabis;



- (c) the manufacturing of medicinal cannabis products;
- (d) the dispensing of medicinal cannabis;
- (e) the sale of medicinal cannabis;
- (f) the use of medicinal cannabis at a registered place of worship;
- (g) the research and development of medicinal cannabis;
- (h) the importing of medicinal cannabis;
- (i) the exporting of medicinal cannabis;
- (j) the issuing of licences for the activities specified under paragraphs (a) to (i);  
and
- (k) the imposition and variation of conditions of licences.

#### **50. Prohibition against supply of medicinal cannabis without a licence.**

(1) A person shall not cultivate or supply medicinal cannabis for any of the purposes specified under section 49, unless the person is the holder of the relevant licence specified under section 51, issued in accordance with the Regulations made under this Part.

(2) Except where a person has received a licence and is in compliance with section 51, thereby being the holder of a licence or prescription issued in accordance with the law or regulations under this Act, a person contravenes subsection (1)

- (a) by cultivating, supplying or obtaining fifty-six grammes or less of medicinal cannabis and commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars;
- (b) by cultivating, supplying or obtaining more than fifty-six grammes of medicinal cannabis commits an offence and is liable on summary conviction to a fine not exceeding seventy-five thousand dollars or to imprisonment for a term not exceeding two years.

(3) All cannabis that is supplied in Saint Christopher and Nevis under this Act shall meet such standards for specified markets including, but not limited to, Good Manufacturing Practice, Good Pharmacy Practice, Fair trade, Global Good Agricultural Practice, Eurep Good Agricultural Practice, United States Department of Agriculture or United States Food and Drug Administration, Good Agricultural Practice Organic and such other standards as may be specified by the Authority from time to time.

#### **51. Types of licences.**

(1) Medicinal Cannabis shall be supplied in accordance with any of the following licences; provided that all conditions attached thereto and the requirements of this Act and any Regulations made pursuant to this Act are complied with

- (a) a cultivation licence, which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of medicinal cannabis;

- (b) a research licence, which shall be issued to allow for the conduct of scientific research relating to the development of medicinal cannabis;
  - (c) a testing facility licence, which shall be issued to allow for the qualitative and quantitative analysis and testing of medicinal cannabis to ensure that medicinal cannabis entering the market is safe;
  - (d) a manufacturer licence, which shall be issued to allow for activities relating to the extracting, processing and manufacturing of cannabis material and medicinal cannabis products, including but not limited to, edibles and other derivatives;
  - (e) a dispensing licence, which shall be issued to allow for the dispensing of medicinal cannabis to patients;
  - (f) an import licence, which shall be issued to allow for the importation of medicinal cannabis products and planting material from any country where it is legal so to do;
  - (g) an export licence, which shall be issued to allow for the exportation of medicinal cannabis to any country in keeping with the laws of any such country;
  - (h) a transport licence, which shall be issued to allow for the transport of medicinal cannabis;
  - (i) a traditional cultivator's licence, which shall be issued solely to a person who is a citizen of Saint Christopher and Nevis, to cultivate, harvest, dry, trim, cure or package medicinal cannabis where he is a qualifying person for the purposes of this Act and meets the requirements prescribed by Regulations made under this Act;
  - (j) a place of worship licence, which shall be issued to a registered place of worship to cultivate, harvest, dry, trim, cure, package or use medicinal cannabis in accordance with this Act or Regulations made under this Act; and
  - (k) a lounge licence, which shall be used to establish an authorised place for patients to medicate.
- (2) Subject to subsection (3), a person who is issued a licence pursuant to this Act or Regulations made pursuant to this Act, shall not transfer his licence to another person or cause or permit another person to use the licence.
- (3) Notwithstanding the provisions of subsection (2)
- (a) a licence may be transferred provided that the due diligence requirements which are stipulated under these Regulations are conducted in relation to the transferee, as the case may be, and the transferee meets the requirements for the issuance of the licence;
  - (b) a traditional cultivator's licence may be transferred to a person who is not a traditional cultivator
    - (i) where there exists a close familial connection with the transferee; or
    - (ii) in any other circumstances that the Authority considers appropriate.

(5) Any purported transfer of a licence, save and except in accordance with the provisions of this Act, shall be null and void.

(6) Applications for transfers of licences shall be made in the prescribed form and upon the payment of the prescribed fee and shall be considered by the Authority.

## **52. Protection from criminal liability.**

(1) The provisions of the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act shall not prohibit, or otherwise restrict or render unlawful, the supply, possession and use of medicinal cannabis by any person, in accordance with the provisions of this Act or Regulations made pursuant to this Act.

(2) A person is hereby authorised to undertake any activity under this Act and 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 or Regulations made pursuant to this Act.

## **PART V ENFORCEMENT**

### **53. Appointment of inspectors.**

(1) The Authority may appoint, in writing, inspectors for the purposes of all or any of the provisions of this Act and such appointment may be specified for a fixed period.

(2) Every inspector appointed in accordance with this section shall be furnished with an instrument of appointment and shall, when exercising any power conferred on him by this section, produce the instrument of appointment or a copy thereof.

(3) An inspector may, for the purposes of obtaining any information which may be required in relation to a matter under investigation under this Act

- (a) at all reasonable times, enter any premises or place or vehicle where there are reasonable grounds to believe that any trade, business or activity which is or may be subject to a licence under this Act, is being, or has been, carried on, or that documents relating to such trade, business or activity are kept and search and inspect the premises, place or vehicle and any documents that are on, at or in such premises, place or vehicle;
- (b) secure for later inspection any, or part of any, premises or place or any vehicle on, at or in which such documents are kept or there are reasonable grounds for believing that such documents are kept;
- (c) require any person who carries on such trade, business or activity or any person employed in such trade, business or activity to produce to him such documents and where the documents are kept in a non-legible form, to reproduce them in a legible form or to provide him with any information as the inspector may reasonably require in relation to any entry in such documents;
- (d) inspect and take copies of or extracts from any such documents, files, papers or electronic information system on, at or in the premises, place or vehicle,

including, in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form;

- (e) remove and retain such documents for such periods as may be reasonable for future examination, subject to a warrant being issued for that purpose by a Magistrate;
- (f) require any such person to give to the inspector any information which the inspector may reasonably require in respect of such trade, business or activity or in respect of the persons carrying on such trade, business or activity or employed in connection with such trade, business or activity;
- (g) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of the data equipment of any associated apparatus or material, to afford the inspector all reasonable assistance in relation to it and assist in the retrieval of information connected with the operation of such data equipment, apparatus or material;
- (h) summon, at any reasonable time, any other person employed in connection with such trade, business or activity to give to the inspector, any information which the inspector may reasonably require in relation to such trade, business or activity and to produce to the inspector any documents which are in the control of that other person;
- (i) have photographs and videos taken of anything on, at or in the premises, place or vehicle and remove the photographs from the place; and
- (j) inspect any vehicle relating to such trade, business or activity.

(4) An inspector shall not, other than with the consent of the occupier, enter a private dwelling unless he has obtained a warrant from the Magistrate under section 54.

(5) Where an inspector, in the exercise of his powers under this section, is prevented from entering any premises, place or vehicle, an application may be made for a warrant under section 54 authorising such entry.

(6) An inspector appointed under this section, when exercising any powers conferred on him by this Act, may be accompanied by such other persons as he considers necessary.

#### **54. Issue of warrant by Magistrate.**

(1) Without prejudice to the powers conferred on an inspector, if a Magistrate is satisfied, on the sworn statement of an inspector, that there are reasonable grounds for suspecting that there is information required by him under this section held on or at any, or part of any, premises or place or in any vehicle, the Magistrate may issue a warrant authorising an inspector, who for this purpose shall be a police officer above the rank of sergeant, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises, place or vehicle, if need be, by reasonable force, and exercise all or any of the powers conferred on an inspector under this Act.

(2) A person shall comply with any request or requirement of an inspector under this Act.

(3) A person who

- (a) obstructs or impedes an inspector in the exercise of a power under this section;
- (b) without reasonable excuse, refuses to comply with a request under this section; or
- (c) in purported compliance with such a request, knowingly or recklessly gives information that is false or misleading in a material respect;

commits an offence and is liable, on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding six months.

## **PART VI OTHER OFFENCES**

### **55. Prohibition.**

(1) Except in such manner as may be prescribed, a person shall not

- (a) sell or offer for free distribution, medicinal cannabis or any samples thereof at any convention, trade show, or at a public or private event;
- (b) operate, navigate, or be in actual physical control of any aircraft or boat whilst under the influence of medicinal cannabis;
- (c) knowingly make a misrepresentation to an inspector of any fact or circumstances relating to the use of medicinal cannabis.

(2) A patient or caregiver shall not knowingly obtain, seek to obtain, or have in their possession, individually or collectively, an amount of medicinal cannabis from an authorised pharmacy that would cause either the patient or the caregiver to exceed the prescribed amount that they are authorised to have in their possession as provided for in a prescription issued by a medical doctor.

(3) A patient or a caregiver shall not knowingly permit the unlawful use of an identification card by any person.

(4) A person who contravenes subsection (1), (2) or (3), commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years.

(5) A patient or caregiver who sells medicinal cannabis that is obtained under a prescription in this Act may, in addition to the penalty prescribed under subsection (4), have his identification card revoked.

### **56. Prohibitions relating to medical doctor.**

(1) A medical doctor shall not submit a medical certificate to the Authority for his benefit.

(2) A medical doctor who fails to comply with subsection (1) may have his authorisation to prescribe medicinal cannabis suspended or revoked.

### **57. General Penalty.**

A person who commits an offence under this Act or Regulations made under this Act, for which no other penalty is provided under this Act or the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding 3 years.

## **PART VII APPEALS**

### **58. Establishment of Appeals Tribunal.**

(1) For the purposes of this Act, there is hereby established an Appeals Tribunal.

(2) The provisions of the Schedule shall have effect as to the constitution and operation of the Appeals Tribunal and otherwise in relation thereto.

### **59. Appeals to the Appeals Tribunal.**

(1) A person who is aggrieved by a decision of the Authority or any other person acting in exercise of any function delegated under section 7 or 25, may appeal to the Appeals Tribunal by way of a notice of appeal within fourteen days of the date of the decision or within such longer period as the Appeals Tribunal may, in any special circumstance, allow.

(2) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, document or statement relevant to the appeal.

(3) A copy of the notice of appeal, together with copies of any correspondence, document or statement shall be served on the Authority.

(4) The Appeals Tribunal shall, within fourteen days of the receipt of a notice of appeal under subsection (1), request the Authority to furnish it with a statement in writing setting out the reasons for its decision and within fourteen days of receipt of the statement, a copy of the statement shall be served on the appellant.

(5) The Appeals Tribunal may order that any book, paper, document or statement, relating to the appeal which is in the possession of the Authority or any other person acting in exercise of any function delegated under section 7 or 25, or the person aggrieved be produced at the hearing of the appeal.

(6) The Appeals Tribunal shall cause all parties to the appeal to be informed

(a) of the date of the hearing of the appeal, which shall be within thirty days from the date on which the statement is served on the appellant pursuant to subsection (5);

(b) that they may appear themselves or be represented by their attorney-at-law; and

- (c) that they may summon witnesses in their case.
- (7) On hearing an appeal under this section, the Appeals Tribunal may
  - (a) dismiss the appeal and confirm the decision of the Authority;
  - (b) allow the appeal and set aside the decision of the Authority;
  - (c) vary the decision of the Authority; or
  - (d) direct that the matter be referred to the Authority.

## **PART VIII GENERAL PROVISIONS**

### **60. Regulations.**

(1) The Minister may make Regulations for or with respect to any matter that, by this Act, is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), Regulations made under this Act may make provisions for or with respect to

- (a) prescribing quality standards for the supply of medicinal cannabis and the systems for certification to meet the prescribed standards, which shall include standards specified under section 50;
- (b) prescribing fees;
- (c) without limiting paragraph (b), prescribing fees or levies to recover any compliance or administrative costs;
- (d) prescribing forms;
- (e) prescribing particulars or information to be included in any application for the issue of a licence or other authorisation or renewal thereof;
- (f) regulating, restricting or prohibiting premises, vehicles or equipment used or intended to be used for or in connection with the supply of medicinal cannabis;
- (g) regulating or prohibiting the transport of medicinal cannabis, including in relation to specific geographical areas or regions in Saint Christopher and Nevis;
- (h) matters to be considered by the Authority in relation to the suitability of premises for the supply of medicinal cannabis;
- (i) standards or requirements as to security of access to premises which supply medicinal cannabis;
- (j) requirements of signage at premises licensed in the prescribed manner and information to be displayed at those premises, or on equipment or vehicles used for or in connection with the supply of medicinal cannabis;
- (k) the manner in which inspections, searches, detentions and seizures under this Act are to be carried out;

- (l) documents to be kept in relation to medicinal cannabis;
  - (m) the sale, supply and safe custody, storage and security of medicinal cannabis;
  - (n) the procedure for dispensing medicinal cannabis to visiting qualifying patients;
  - (o) the zoning of designated areas to be used for or in connection with the supply of medicinal cannabis; and
  - (p) generally, any other matter or thing that is authorised or required to be prescribed or necessary to be prescribed to carry out this Act.
- (3) Regulations may also be made with respect to
- (a) prohibiting, regulating or controlling the supply, distribution, use, safe custody and storage of medicinal cannabis;
  - (b) preventing the improper use of medicinal cannabis;
  - (c) prohibiting or regulating the issuing of medical certificates;
  - (d) prohibiting or regulating the dispensing of medicinal cannabis by authorised pharmacists to patients;
  - (e) requiring persons engaged in the supply of medicinal cannabis to keep records and provide information in writing or otherwise;
  - (f) the custody, accumulation, destruction, disposal, use, supply and storage of medicinal cannabis, including, but not limited to
    - (i) the specifications of cupboards and other receptacles; and
    - (ii) the manner of storage of any form of medicinal cannabis;
  - (g) regulating the supply of medicinal cannabis to persons who have had a history of substance abuse;
  - (h) regulating and controlling the advertising by any person of medicinal cannabis, including the form and content of advertisements;
  - (i) the colouring of medicinal cannabis;
  - (j) prohibiting or regulating the supply of medicinal cannabis, whether by wholesale or by retail, or any class of products, unless the product or class of product is packaged in accordance with regulations and contains no more than a specified concentration of cannabinoids;
  - (k) the minimum size of packages or containers in which medicinal cannabis or any class of medicinal cannabis may be supplied or offered for supply;
  - (l) specifying the containers in which medicinal cannabis maybe supplied and prohibiting the use of those containers for other substances;
  - (m) labelling and specifying the particulars to be included in labels attached to containers of medicinal cannabis;
  - (n) the inspection of premises, other than residential premises, mobile facilities, stocks, records and any other documents relating to medicinal cannabis;



- (o) the administration and use of medicinal cannabis.
- (4) Regulations made under this Act may
  - (a) be of general or limited application;
  - (b) differ according to differences in place or circumstances;
  - (c) apply to different classes of person, licences, authorisations or product;
  - (d) confer powers or discretions or impose duties on the Authority, an inspector or any other specified person;
  - (e) exempt specified persons or things or classes of person or classes of thing from complying with all or any of the regulations
    - (i) whether unconditionally or on specified conditions; and
    - (ii) either wholly or to such an extent as is specified.

#### **61. Amendment of Schedule by Order.**

The Minister may, from time to time, by Order published in the Gazette amend, revoke or vary the provisions of a Schedule to this Act.

### **SCHEDULE**

**(Section 57)**

#### **Constitution and Procedure of Appeals Tribunal**

##### **1. Appointment of members.**

(1) The Appeals Tribunal shall consist of not less than three nor more than five members appointed by the Cabinet, being persons appearing to be knowledgeable and experienced in matters relating to medicinal cannabis, law, scientific research and finance.

(2) For the hearing of an appeal under this Act, the Appeals Tribunal may consist of one member sitting alone if the parties to the appeal agree.

##### **2. Temporary appointment.**

If the chairman or other member of the Appeals Tribunal is absent temporarily or unable to act, the Cabinet may appoint another person to act temporarily as chairman or such other member.

##### **3. Term of office.**

(1) Subject to the provisions of this Schedule, a member of the Appeals Tribunal shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment.

(2) Every member of the Appeals Tribunal shall be eligible for re-appointment, but no such member shall be appointed for more than six consecutive years.

(3) If any vacancy occurs in the membership of the Appeals Tribunal, the vacancy shall be filled by the making of another such appointment; however, the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

(4) Cabinet may, at any time, revoke the appointment of the chairman or any other member if it thinks it expedient so to do.

#### **4. Resignation.**

(1) Any member of the Appeals Tribunal other than the chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and transmitted through the chairman and from the date of the receipt by the Cabinet of such instrument such member shall cease to be a member of the Appeals Tribunal.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

#### **5. Publication of membership.**

The names of the members of the Appeals Tribunal as first constituted and every change in membership thereof shall be published in the Gazette.

#### **6. Authentication of documents.**

All documents made by, and all decisions of the Appeals Tribunal may be signified under the hand of the chairman or any member of the Appeals Tribunal authorised to act in that behalf.

#### **7. Procedure.**

(1) The Appeals Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Appeals Tribunal may determine.

(2) The chairman or any other person appointed to act temporarily as chairman shall preside at meetings of the Appeals Tribunal.

(3) Subject to sub-paragraph (1), the decisions of the Appeals Tribunal shall be by a majority of votes of the members and, in addition to an original vote, the chairman shall, have a casting vote in any case in which the voting is equal.

(4) The Appeals Tribunal, in consultation with of the Cabinet, may make rules to regulate its own proceedings.

(5) Proper records of all proceedings of the Appeals Tribunal shall be kept.

#### **8. Remuneration of members.**

There shall be paid to the chairman and other members of the Appeals Tribunal such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

**9. Protection of members.**

No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Appeals Tribunal in respect of an act done *bonafide* in pursuance or execution or intended execution of the provisions of this Act.

**10. Disclosure of interest.**

Any member of the Appeals Tribunal who has any interest, directly or indirectly, in any matter brought before the Appeals Tribunal shall

- (a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Appeals Tribunal; and
- (b) not be present during the deliberations of the Appeals Tribunal on the matter or take part in the decision of the Appeals Tribunal with respect thereto.

ANTHONY MICHAEL PERKINS  
*Speaker*

Passed by the National Assembly this 12<sup>th</sup> day of February, 2020.

SONIA BODDIE-THOMPSON  
*Clerk of the National Assembly*