

EXPLANATORY MEMORANDUM

The This Bill would provide for

- (a) the regulation of the handling of medicinal cannabis in Barbados;
- (b) the establishment of a Barbados Medicinal Cannabis Licensing Authority, and a Barbados Medicinal Cannabis Licensing Board;
- (c) the issuing of licences for the handling of medicinal cannabis; and
- (d) related matters.

PART IPRELIMINARY

- Clause 1:** provides a short title for citing the Act.
- Clause 2:** defines certain words which are to guide the interpretation of the Act.

PART II: BARBADOS MEDICINAL CANNABIS AUTHORITY

- Clause 3:** establishes the Authority as a statutory corporation to facilitate the regulation and building of a medicinal cannabis industry in Barbados.
- Clause 4:** states the functions of the Authority.
- Clause 5:** provides a Board appointed by the Minister to manage the Authority.
- Clause 6:** states the functions of the Board.

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- Clause 7:* provides for the Board to delegate certain functions to the Chief Executive Officer of the Authority.
- Clause 8:* provides for members of the Board to disclose their interest in any contractual or related matter which falls to be considered by the Board and where such a disclosure is made that Board member cannot participate in the deliberation or the decision taken by the Board.
- Clause 9:* makes provision for the Minister to request written information on the operation of the Authority and to give direction where this is required in the public interest, so the Minister can ensure that the Authority is acting in the best interest of the citizens of Barbados.
- Clause 10:* provides for a chief Executive Officer to manage the day to day operations of the Authority, and for the Authority to have the staff it will need.
- Clause 11:* provides for public servants to be seconded to the Authority if this is necessary.
- Clause 12:* makes it clear that the Board cannot vary the remuneration paid under the Act.
- Clause 13:* states the functions of the Chief Executive Officer.
- Clause 14:* imposes a strict duty of secrecy and confidentiality on the staff and people involved with the Board or the Authority.
- Clause 15:* offers protection from personal liability for the staff of the Authority or members of the Board.

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- Clause 16:** states how the Authority is to be funded.
- Clause 17:** provides a limitation on the statutory powers of the Authority, as the Authority can only borrow money with the approval of the Minister.
- Clause 18:** provides for the Government to guarantee loans where this is required.
- Clause 19:** requires that the Authority to keeps proper accounts.
- Clause 20:** requires the submission of monthly reports to the Accountant-General.
- Clause 21:** provides for Auditor-General to be the auditor of the Authority.
- Clause 22:** provides for the Authority and the Board to be subject to the *Public Finance Management Act, 2019*.
- Clause 23:** requires the Board to submit annual report giving a detailed assessment on how the Authority functioned over the year.

PART III: ACCESS TO MEDICINAL CANNABIS

- Clause 24:** provides for the use of medicinal cannabis under a strict regime which will be fully prescribed in regulations.
- Clause 25:** restricts the amount of medicinal cannabis a patient may have at one time.

Clause 26: provides for the medical practitioner to keep medical records of all patients given medicinal cannabis so they can be properly monitored.

Clause 27: provides for caregivers, as many patients may not be able to get their medication on their own. It also provides for the regulation of the kind of person who can be a caregiver to reduce the likelihood of patient being abused.

Clause 28: provides for the manner by which medicinal cannabis will be dispensed by pharmacy or dispensary and provides for the kind of information which must accompany medicinal cannabis issues to a patient.

PART IV: LICENSING THE SUPPLY OF MEDICINAL CANNABIS

Clause 29: gives the categories of licences which will exist in the industry.

Clause 30: gives details about each type of licence and makes it clear that a single person may have multiple licences to build their business operations.

Clause 31: makes provision for the kind of person who can apply for a licence.

Clause 32: provides for conditions to attached to licences where this may be required.

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- Clause 33:** provides for the duration of each kind of licence and makes it clear that renewal is not automatic so that the performance of licensee can be assessed.
- Clause 34:** makes it an offence to be involved in the medicinal cannabis industry without a licence.
- Clause 35:** provides for suspension or revocation of a licence where this may be necessary.
- Clause 36:** makes a declaration that a person acting under this Act or under a licence issues thereunder is not subject to criminal liability for the authorised activities under the Act.

PART V: CANNABIS APPEALS TRIBUNAL

- Clause 37:** establishes a Tribunal to hear matter under the Act.
- Clause 38:** outlines the basic procedure for going before the Tribunal.

PART V: OFFENCES

- Clause 39:** provides certain general offences.
- Clause 40:** provides the penalty for these general offences.

PART VI: GENERAL PROVISIONS

- Clause 41:** provides for detailed regulations to be made to ensure proper regulation of the use of medicinal cannabis.
- Clause 42:** provides for the Schedules to be amended by order.
- Clause 43:** provides for consequential amendments.

Clause 44: provides for the Act come into operation on a date to be fixed by Proclamation.