

MEDICINAL CANNABIS INDUSTRY BILL, 2019

EXPLANATORY MEMORANDUM

The This Bill would provide for

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

PART IPRELIMINARY

- Clause 1:** provides a short tile 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.
- 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 the Board to keep the Minister up to date on how the Authority is functioning;
- Clause 11:** 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 12:** provides for public servants to be seconded to the Authority if this is necessary.
- Clause 13:** makes it clear that the Board cannot vary the remuneration paid under the Act.

- Clause 14:** states the functions of the Chief Executive Officer.
- Clause 15:** imposes a strict duty of secrecy and confidentiality on the staff and people involved with the Board or the Authority.
- Clause 16:** offers protection from personal liability for the staff of the Authority or members of the Board or Tribunal.
- Clause 17:** states how the Authority is to be funded.
- Clause 18:** provides a limitation on the statutory powers of the Authority, as the Authority can only borrow money with the approval of the Minister.
- Clause 19:** provides for the Government to guarantee loans where this is required.
- Clause 20:** requires that the Authority keeps proper accounts.
- Clause 21:** requires the submission of monthly statements to the Accountant- General.
- Clause 22:** provides for Auditor-General to be the auditor of the Authority.
- Clause 23:** provides for the Authority and the Board to be subject to the *Public Finance Management Act, 2019*.
- Clause 24:** 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 25:** provides for the use of medicinal cannabis under a strict regime which will be fully prescribed in regulations.
- Clause 26:** restricts the amount of medicinal cannabis a patient may have at one time.
- Clause 27:** provides for the medical practitioner to keep medical records of all patients given medicinal cannabis so they can be properly monitored. This information is usually kept by a medical practitioner and shall remain confidential but the Authority will be entitled to statistical information which does not identify a patient beyond usage of medicinal cannabis, impact of the usage medicinal cannabis, condition and gender.
- Clause 28:** 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 not receiving their medication and necessary care.
- Clause 29:** provides for the manner by which medicinal cannabis will be dispensed, and this will be by pharmacy or therapeutic facility 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 30:** gives the categories of licences which will exist in the industry.
- Clause 31:** gives details about each type of licence and makes it clear that a single person may have multiple licences to build their business.
- Clause 32:** makes provision for the kind of person who can apply for a licence.
- Clause 33:** provides for conditions to attached to licences where this may be required.
- Clause 34:** provides for the duration of each kind of licence and makes it clear that renewal is not automatic so that the performance of the person granted the licence can be assessed. This does not alter the usual renewal procedure or business productivity or growth but serves as a form of legal notification to prevent a person developing a legitimate expectation or proprietary right to renewal which can create legal complications in event that a person is a person whose licence should not be renewed because that person is in contravention of the Act or in breach of the granted licence.
- Clause 35:** makes it an offence to be involved in the medicinal cannabis industry without a licence.
- Clause 36:** provides for suspension or revocation of a licence where this may be necessary.
- Clause 37:** makes a declaration that a person acting under this Act or under a licence issued thereunder is not subject to criminal liability for the authorised activities under the Act.

PART V: BARBADOS MEDICINAL CANNABIS APPEALS TRIBUNAL

- Clause 38:* establishes a Tribunal to hear matters under the Act.
- Clause 39:* outlines the basic procedure for going before the Tribunal.

PART VI: OFFENCES

- Clause 40:* provides for certain general offences.
- Clause 41:* provides the penalty for these general offences.

PART VI: MISCELLANEOUS

- Clause 42:* provides for detailed regulations to be made to ensure proper regulation of the use of medicinal cannabis.
- Clause 43:* provides for the *Schedules* to be amended by order.
- Clause 44:* provides for consequential amendments.
- Clause 45:* provides for the Act come into operation on a date to be fixed by Proclamation.