ANTIGUA AND BARBUDA



THE CANNABIS REGULATIONS, 2019

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ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, 2019
2019, No. 17

THE CANNABIS REGULATIONS made in exercise of the powers contained in section 64 of the Cannabis Act, 2018.

1. Short title
These Regulations may be cited as the Cannabis Regulations, 2019.

2. Interpretation
The following definitions of terms shall apply to all rules promulgated pursuant to these Regulations and the Antigua and Barbuda Cannabis Act 2018, unless the context requires otherwise—

"administrative hold'' means a restrictive hold being placed on a licensee's medicinal cannabis, medicinal cannabis infused product or sacramental cannabis;

"advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation, visual, oral, or written, to induce directly or indirectly any person to patronize a particular medicinal cannabis business, or to purchase any particular medicinal cannabis goods and includes marketing, but does not include packaging and labelling;

"alarm installation company" means a person engaged in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing a security alarm system within a licenced premises;

"applicant" means a person that has submitted an application pursuant to these rules that was accepted by the Antigua and Barbuda Medicinal Cannabis Authority for review and is waiting to be approved or denied by the Antigua and Barbuda Medicinal Cannabis Authority;

"Authority" means the Antigua and Barbuda Medicinal Cannabis Authority which is a Government Agency responsible for the administration, implementation and management of the Cannabis Act, 2018 and these Regulations and is created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, processing, extraction, import, export, testing, research, distribution, and sale of medicinal cannabis goods and cannabis for sacramental purposes and to monitor all financial and money transactions regarding these;

"authorized patient" means a person in possession of an authorized recommendation and medicinal patient identification card;

"authorized medical practitioner" means any medicinal doctor, veterinarian or dental surgeon that is authorized by the Authority to issue an authorized medicinal cannabis recommendation to a patient;

"batch number" means any distinct and unique group of numbers, letters, or symbols, or any combination thereof, assigned by a medicinal cannabis cultivation operation, medicinal cannabis processing and extraction operation or medicinal cannabis-infused products manufacturer to a specific harvest batch or production batch of medicinal cannabis goods;

"board" means the members comprising of the Antigua and Barbuda Medicinal Cannabis Authority;

"cannabinoid" means a class of diverse chemical compounds found in the human body, where they are known as endo-cannabinoids, as well as in plants, where they are known as phyto-cannabinoids that act on cannabinoid receptors in various human cell types altering neurochemicals and producing various effects;

"cannabinoid profile" refers to the varied amounts of each type of cannabinoid of an individual strain of medicinal cannabis;

"cannabis" means, except in the expression "resin" or "cannabis resin", any part or portion of the plant known as cannabis sativa, and in whatever form, its preparations, resin, derivatives and similar synthetic preparations;

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

"CBD" means a non-psychoactive active molecule in cannabis called cannabidiol;

"Chain of Custody or (COC) form" means the electronic or written format that shall be issued and maintained within the Antigua and Barbuda Tracking System;

"Chief Executive Officer" means the person appointed to that post pursuant to section 33 of the Cannabis Act, 2018.

"child-resistant" means special packaging that is designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly, is opaque so that the product cannot be seen from outside the packaging, is re-sealable for any product intended for more than a single use or containing multiple servings, and is labelled properly as required by Part X of these Regulations;

"container" means the sealed package in which medicinal cannabis or a medicinal cannabis infused product is placed for sale to an authorized patient and that has been labelled according to the requirements set forth in the Regulations Part X made pursuant to these Regulations;

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

“cultivation site” means a licenced premises or location where cannabis is germinated, cloned, planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs;

“delivery” means the commercial transfer of medicinal cannabis goods to an authorized patient or caregiver through the transport of such to the authorized patient or caregiver’s authorized, listed place of residence;

"denied applicant" means any person whose application for licensure pursuant to these Regulations has been denied;

"Division" means the Medicinal Cannabis Inspectorate Division convened pursuant to the Cannabis Act 2018;

"edible medicinal cannabis infused product" means any medicinal cannabis infused product that is intended to be consumed orally, including but not limited to, any type of food, drink, or pill;

"exit package" means a sealed container or package provided at the retail point of sale, in which any medicinal cannabis goods already within a container are placed for transport to point of consumption;

“Final Authority Order” means an order of the Medicinal Cannabis Authority issued in accordance with these Regulations and the Cannabis Act 2018, that is issued following an Authority decision and may be subject to review by the Appeals Tribunal;

“flower” means the gametophytic or reproductive state of Cannabis in which the plant is in a light cycle intended to produce female flowers, trichomes, and cannabinoids characteristic of usable Medicinal Cannabis;

“good cause” means substantial grounds or a legal sufficient reason to take a certain action;

“good moral character” means an individual with a personal history demonstrating honesty, fairness, and respect for the rights of others and for the law;

"harvest batch" means a specifically identified quantity of processed medicinal cannabis that is uniform in strain, cultivated using the same herbicides, pesticides, fungicides and nutrients and harvested at the same time;

"identification badge" means the picture identification badge that a licensee shall have visible at all times during operations pursuant to these Regulations that does not include the actual licence granted by the Authority;

"identity statement" means the name of the business as it is commonly known and used in any allowed advertising materials;

"immature plant" means a cannabis plant that is not in a stage of flowering;

"individual occupational licence" means a licence granted to an individual whose occupation is within the medicinal cannabis industry and includes a medicinal cannabis business owner licence, a manager's licence, a special dispensing licence and a staff licence;

"labelling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product;

"law enforcement" means any member of the Royal Police Force of Antigua and Barbuda or any other branch of the State of Antigua and Barbuda's protective services;

"licence" means a licence granted to an individual or entity by the Authority pursuant to these Regulations;

"licensee" means any person or entity licenced or registered pursuant to the Cannabis Act, 2018 or these Regulations, which includes, but is not limited to, a manager or staff licensee;

"licenced premises" means the premises specified in an application for a licence pursuant to these Regulations that are owned or in legal possession of the licensee and within which the licensee is authorized to cultivate, manufacture, process, extract, distribute, sell, or test medicinal cannabis or medicinal cannabis infused product in accordance with the provisions of these Regulations;

"limited access area" means a building, room, or other contiguous area upon the licenced premises where medicinal cannabis is grown, cultivated, stored, weighed, packaged, or processed for sale, under control of the licensee;

"limit of detection" or "Lod" means the smallest concentration of an analyte that can be reliably measured by an analytical procedure;

"limit of quantitation" or "LoQ" means the smallest concentration of an analyte that can be reliably measured by an analytical procedure and where some predefined goals for bias or impression are met and the LoQ may be equivalent to the LoD or it may be a higher concentration;

"local licensing authority" means, but is not limited to, the entities referred to in subregulation (2) of Regulation 11;

"medicinal cannabis" means cannabis that is grown and sold pursuant to the Cannabis Act, 2018 and these Regulations and includes seeds, immature plants, mature plants and includes all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including cannabis concentrate, that is cultivated, manufactured, distributed, or sold by a licensed medicinal cannabis establishment, but does not include fiber produced from stalks, oil or cake made from the seeds of the plant, sterilized seeds of the plant which is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product;

"medicinal cannabis business manager licence" means an occupational licence for an individual who performs duties that are essential to the medicinal cannabis business operation and has the responsibility to manage such duties and shall include, but are not limited to, managers and any supervisory employees but does not include an owner or staff and may be used interchangeably with the term "manager licence" in these Regulations;

"medicinal cannabis business owner licence" means an individual occupational licence for an individual who qualifies as an owner pursuant to Regulation 56 of these Regulations;

"medicinal cannabis business staff licence" means an individual occupational licence for an individual who performs duties that support a medicinal cannabis business operation and include every employee of a medicinal cannabis business who does not possess either an owner license, a manager license, or a Special Dispensing License and may be used interchangeably with the term "staff licence" within these Regulations;

"medicinal cannabis cultivation licence" means a licence which may be issued to allow for the germination, cloning, growing, harvesting, drying, trimming, curing or packaging of medicinal cannabis;

"medicinal cannabis cultivation operations" means engaging in the cultivation of cannabis for medicinal purposes;

"medicinal cannabis dispensary" means an entity that is licensed pursuant to these Regulations to operate a business that sells medicinal cannabis to authorized patients or authorized caregivers, but is not a caregiver;

“medicinal cannabis dispensary licence” means a licence which may issued to allow for activities related to the dispensing and sale of medicinal cannabis goods;

“medicinal cannabis dispensary operations” means engaging in the storing and providing of medicinal cannabis to authorized patients and caregivers;

“medicinal cannabis extract, isolate or concentrate” means the resin extracted from cannabis in its crude form, distilled to isolated form or recombined to concentrate form;

“medicinal cannabis goods” means all medicinal cannabis, medicinal cannabis extracts, resin, non-infused medicinal cannabis products and medicinal cannabis-infused products and may be used interchangeably with any of these within these Regulations;

“medicinal cannabis import or export licence” means a licence which may be issued per transaction, to allow for the importation or exportation of medicinal cannabis goods and which will follow the international narcotics control board Regulations regarding controlled substances export and import procedures, with the addition of phytosanitary certification and other agriculture documents for medicinal cannabis plant material;

“medicinal cannabis import and export operations” means engaging in the importing and exporting of medicinal cannabis;

“medicinal cannabis infused products manufacturer licence” means a licence which may be issued to allow for activities relating to the production and manufacturing of medicinal cannabis products, including but not limited to, edibles and other derivative products, but does not include the extraction of medicinal cannabis;

“medicinal cannabis infused products manufacturer operations” means engaging in the manufacturing of medicinal cannabis infused products;

“medicinal cannabis lounge licence” means a licence which may be used to establish an authorized place for patients to medicate;

“medicinal cannabis lounge operation” means engaging in the operation of a medicinal lounge for approved patient use of medicinal cannabis;

"medicinal cannabis processing and extraction licence" means a licence which may be issued to allow for the processing and extraction of raw medicinal cannabis material into concentrated or isolated products;

"medicinal cannabis processors and extraction operations" means engaging in the processing and extraction of medicinal cannabis;

"medicinal cannabis testing facility" means an entity licensed and certified where the analytical information is determined and certification of the safety and potency of medicinal cannabis or medicinal cannabis infused products is carried out;

"medicinal cannabis testing facility licence" means a licence which may issued to allow for the quantitative and qualitative analysis and testing of medicinal cannabis

"medicinal cannabis testing facility operations" means engaging in the quantitative and qualitative analysis and testing of medicinal cannabis;

"medicinal cannabis transport licence" means a licence which may be issued to allow for the transport of medicinal cannabis by a licensed Medicinal Cannabis Business Operation;

"medicinal cannabis transport operations" means engaging in the transporting of medicinal cannabis;

"medicinal cannabis research and development licence" means a licence which may be issued to allow for the conduct of scientific research relating to the development of medicinal cannabis knowledge and therapeutic products;

"medicinal cannabis research and development operations" means engaging in the research and development of medicinal cannabis;

"medicinal cannabis special dispensing licence" means a licence which may be issued to a person that is certified by the Authority to dispense medicinal cannabis at an authorized medicinal cannabis dispensary;

"minor'' means a person who is under the age of eighteen years;

"monitoring" means the continuous and uninterrupted attention to potential alarm signals that could be transmitted from a security alarm system located at a medicinal cannabis business licenced premises, for the purpose of summoning law enforcement to the premises during alarm conditions;

"monitoring company" means a person in the business of providing monitoring services for a medicinal cannabis business.

"Non-Prescribable Medicinal Cannabis" means Medicinal Cannabis and its derivatives and products that exists in a form whereby the exact dosage cannot be quantified and standardized and therefore may not be prescribed, but shall solely be recommended by an Authorized Medical Professional and shall solely be dispensed at licensed medicinal cannabis dispensary and shall include all extractions and raw medicinal cannabis extracts or medicinal cannabis flowers;

"notice of denial" means a written statement from the Authority, articulating the reasons or basis for denial of a licence approval;

"order to show cause" means a document or a notice from the Authority actioned against a licensee's licence whilst granting the licensee and opportunity to give reason for his action;

"owner" means the person or persons whose beneficial interest in the licence is such that they bear risk of loss other than as an insurer and have an opportunity to gain profit from the operation or sale of the establishment where each individual owner shall have a licence and includes any other entity that qualifies as an owner pursuant to Regulation 56 of these Regulations;

"person" means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof except that "person" does not include any governmental organization;

"point of sale system" means an electronic system within the Antigua and Barbuda Tracking System that is able to track all inventory, transactions, employee details, hold multiple accounts; in this case for owner, licensee and the Authority;

"premises" means the designated structure or structures, or land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. the premises shall be a contiguous area and shall only be occupied by one licensee;

"Prescribable Medicinal Cannabis" means those derivatives and infused products of Medicinal Cannabis that exists in a form whereby exact dosage can be quantified and standardized and therefore may be prescribed by a medical professional and shall not include raw medicinal cannabis extracts, psychoactive cannabinoids or medicinal cannabis flowers;

"production batch" means a group of medicinal cannabis infused product or non-infused medicinal cannabis product created from a production run of medicinal cannabis;

"propagation" means the reproduction of medicinal cannabis plants by seeds, clones, tissue culture or grafting;

"Regulations" means the Cannabis Regulations made pursuant to the Cannabis Act 2018;

"respondent" means a person who is licensee who has been issued a notice of offence or violation by the Authority;

"restricted access area" means a designated and secure area within a licenced premises in a medicinal cannabis dispensary where medicinal cannabis and medicinal cannabis infused product are sold, processed for sale, displayed for sale, and where an individual without a valid patient identification card is not permitted;

"Sacramental cannabis cultivation licence" means a licence which may be issued to allow for the germination, cloning, growing, harvesting, drying, trimming, curing or packaging of sacramental cannabis in excess of four (4) plants;

"Sacramental cannabis cultivation operations" means engaging in the cultivation of more than four (4) plants of cannabis for Sacramental purposes;

"Sacramental cannabis dispensary" means an entity that is licensed pursuant to these Regulations to operate a business that dispenses sacramental cannabis to authorized members of the religion on a non-profit basis;

"Sacramental cannabis dispensary licence" means a licence which may issued to allow for activities related to the dispensing and non-profit sale of sacramental cannabis;

"Sacramental cannabis dispensary operations" means engaging in the storing and providing of sacramental cannabis to authorized members of the religion;

"Sacramental Transport Licence" means a licence which may be issued to allow for the transport of sacramental cannabis in excess of fifteen (15) grams;

"Sacramental cannabis transport operations" means engaging in the transporting of sacramental cannabis;

"sample" means any medicinal cannabis goods provided for testing or research purposes to a medicinal cannabis testing facility for analysis and qualification;

"security alarm system" means a device or series of devices, intended to summon law enforcement personnel during, or as a result of, an alarmed condition or emergency situation, where such devices may include, but may not be limited to the following—

(a) a hard-wired system or systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audible, visual, or electronic signal;
(b) motion detector;
(c) pressure switch;
(d) duress alarm which is a silent system signal generated by the entry of a designated system into the arming station to indicate that the user is disarming under duress;
(e) panic alarm system where an audible system signal is transmitted to indicate an emergency situation; or
(f) a hold-up alarm system where a silent system signal is transmitted to indicate that a robbery is in progress;

"smoke" means to inhale, exhale, burn, combust, vaporize or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form an includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any orally used device for the purpose of circumventing the prohibition of smoking in a place;

"strain" means any individually named strain of a cannabis plant differentiated from another by its genotype or phenotype;

"taxes" mean the Antigua and Barbuda Sales Tax or the Export or Import Duties levied on the sale or export of medicinal cannabis, medicinal cannabis derivatives or medicinal cannabis-infused products;

"terpene" means the variety of flavour molecules or flavonoids in cannabis, which also produce therapeutic effects;

"THC" means the active psychoactive molecule of medicinal cannabis called tetrahydrocannabinol with many healing properties;

"unrecognizable" means cannabis plant material rendered indistinguishable as cannabis;

"Unique Identifier or (UID)" means the unique alphanumeric code assigned by the Authority through the Antigua and Barbuda Tracking Systen;

"vegetation" means the sporophytic or non-sexual state of the cannabis plant during which plants do not produce resin or flowers and are bulking up to a desired production size before flowering;

"violation" means, when used within these Regulations, in the context of violation of the provisions of these Regulations or violation of any law, is equivalent in meaning to the contravention of the provision of these Regulations or any law.

"volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

(2) The provisions of the Misuse of Drugs Act, Cap. 283, the Money Laundering Prevention Act 1996, the Proceeds of Crime Act 1993, the Pharmacy Act 1995, the Medical Practitioners Act 2009, or the Medical Act Cap. 269 shall not prohibit, or otherwise restrict or render unlawful, the cultivation, processing, extraction, distribution, import, export, research, possession and use of cannabis in accordance with the provisions of these Regulations or the Cannabis Act 2018.

(3) Nothing within these Regulations shall be construed or understood to amend, repeal, affect, restrict, or pre-empt any of the following—

(a) laws making it unlawful to drive or operate a vehicle, boat, vessel, or aircraft, while under the influence of, or impaired by, cannabis or cannabis products;
(b) cannabis products, or cannabis accessories to a person younger than 18 years of age;
(c) laws prohibiting a person younger than 18 years of age from engaging in any of the actions or conduct otherwise permitted under these Regulations;
(d) laws providing that it would constitute negligence or professional malpractice to undertake any task while impaired from using, in any way, cannabis or cannabis products;
(e) the rights and obligations of public and private employers to maintain a drug free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display or transportation of cannabis in the workplace, or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with Antigua and Barbuda Law;
(f) the ability of a local government agency to prohibit or restrict any of the actions or conduct otherwise permitted under these Regulations within a building owned, leased, or occupied by a government agency;
(g) the ability of an individual or private entity to prohibit or restrict any of the actions or conduct otherwise permitted under these Regulations on the individual's or entity's privately owned property; or
(h) these Regulations do not require a governmental, private, or any other health insurance provider or health care service plan to be liable for a claim for reimbursement for medicinal cannabis or for the medicinal use of cannabis.

(4) The word "days" as used in these rules means calendar days.

PART I

THE MEDICINAL CANNABIS AUTHORITY

3. The Authority

(1) The Authority has the power, duty, purpose, responsibility, and jurisdiction to regulate Sacramental cannabis activity that requires authorisation as specified in these Regulations and medicinal cannabis activity as provided in these Regulations.

(2) A person who is a member of the Authority or of any appointed Appeals Tribunal shall not—

(a) receive any commission or profit, directly or indirectly, from any person applying for or receiving a licence or permit or from any licensee in an appeal process, under these Regulations;
(b) engage in or have any interest in the sale or any insurance covering a licensee's business or premises;
(c) engage or have any interest in the sale of equipment for use upon the premises of a licensee engaged in any authorized cannabis activity;
(d) knowingly solicit any licensee for the purchase of tickets for benefits or contributions for benefits;
(e) knowingly request any licensee to donate or receive money, or any other thing of value, for the benefit of any person whatsoever; or
(f) be a part of any consideration or decision process regarding an application or appeal in which he has any level of ownership or financial interest.

(3) The Authority shall consider the protection of the public to be the highest priority for all licensing authorities in exercising licensing, regulatory, and disciplinary functions under these Regulations and if at any time the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(4) The Authority shall have the power to create, issue, deny, renew, discipline, suspend, or revoke licences for, sacramental cultivation of more than four plants, possession of more than fifteen (15) grams, sacramental transportation, sacramental storage that is related or unrelated to cultivation activities, sacramental dispensing, and dispensing of cannabis and cannabis products at exempt events.

(5) The Authority shall have the power to create, issue, deny, renew, discipline, suspend, or revoke licences for all medicinal cannabis business operations including cultivation, processing,

infused product manufacture, transportation, storage, lounge, research, testing, and all sale of cannabis and cannabis products within Antigua and Barbuda.

(6) The Authority shall be responsible for approving any laboratory prior to it carrying out any test or analysis in accordance with these Regulations.

(7) The Authority shall have the power to collect fees in connection with activities it regulates concerning cannabis.

(8) The Authority shall create rules and Regulations as may be necessary to implement, administer and enforce its duties under these Regulations which shall be consistent with the purposes and intent of the control, monitoring, regulating and taxation of the medicinal use of Cannabis.

(9) The Authority may make or cause to be made such investigation as it considers necessary to carry out its duties under these Regulations and the Cannabis Act, 2018.

(10) The Authority shall sequentially number and consider for approval, materially complete applications in the order they were submitted to, and officially received by the Authority.

(11) The Authority shall carry out all administrative duties with regards to the application process for sacramental authorizations and the final approval of such applications shall be determined by the Minister of Government responsible for Legal Affairs.

(12) The Authority may issue general guidelines to licensees to take reasonable steps to prevent cannabis products being used in a manner which will contravene any provision of the Proceeds of Crime Act 1993 and to prevent cannabis products entering an unregulated cannabis market.

(13) All monies received by the Medicinal Cannabis Authority shall be paid into a special fund of the consolidated fund.

4. Authority guided by Fair Practice

These Regulations shall be necessary to achieve the purposes of the Cannabis Act 2018, based on best available evidence, and shall mandate only commercially feasible procedures, technology, or other requirements, and shall neither unreasonably restrain or inhibit the development of alternative procedures or technology to achieve the same substantive requirements, nor shall such Regulations make compliance so onerous that the operation under a medicinal cannabis business licence is not worthy of being carried out in practice by a reasonably prudent businessperson.

5. Authority reports to Cabinet

(1) The Authority shall prepare and submit to the Cabinet an annual report on the Authority's activities, in compliance with the Cannabis Act, 2018 and post the report on the Authority's

designated internet web site or any other website authorized by the Minister of Government responsible for Legal Affairs and the report shall include, but may not be limited to, the following information for the previous fiscal year—

(a) the amount of funds allocated and spent by the Authority for cannabis licensing, enforcement, and administration;
(b) the number of licences, by license category that have been issued, renewed, denied, suspended or revoked;
(c) the average time for processing licence applications by licence category;
(d) the number of appeals from the denial of licences or other disciplinary actions taken by the authority and the average time spent on these appeals;
(e) the number of complaints submitted by citizens or entities regarding licensees;
(f) the number and type of enforcement activities conducted by the Authority and by any local law enforcement agencies; and
(g) the number, type, and amount of penalties, fines, and other disciplinary actions taken by the Authority.

(2) The Authority shall provide a report to the Cabinet regarding the state of the medicinal cannabis market in Antigua and Barbuda within the first publication of the reports and shall identify any statutory changes necessary to ensure that the implementation of these Regulations do not—

(a) allow unreasonable restraints on competition by creation or maintenance of unlawful monopoly power by any person or entity holding a valid licence to conduct cannabis business activities;
(b) perpetuate the presence of an illegal market for cannabis or cannabis products in or out of the state of Antigua and Barbuda;
(c) encourage the use of cannabis or cannabis products by a minor or any other person to misuse the use of cannabis or cannabis products;
(d) encourage the illegal diversion of cannabis or cannabis products out of the regulated system to the unregulated market;
(e) result in an excessive concentration of licensees in a given part of Antigua and Barbuda;
(f) present an unreasonable risk of a minor being exposed to cannabis or cannabis products; or
(g) result in violations of any environmental protection laws.

6. Notices given by the Authority

Where a notice of the Authority is required by these Regulations to be given, the notice may be signed by the Chief Executive Officer of the Authority or an authorized employee of the Authority.

7. Licensee Authorized

(1) The actions of a licensee, its employees, and its agents are not unlawful and shall not be an offence subject to arrest, prosecution, or other sanction under Antigua and Barbuda law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under law if they are—

(a) permitted pursuant to a licence issued by the Authority; and
(b) conducted in accordance with the requirements adopted pursuant to these Regulations.

(2) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, or its agents, as permitted pursuant to a medicinal cannabis business licence, are not unlawful under Antigua and Barbuda law and shall not be an offence subject to arrest, prosecution, or other sanction under the law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under law.

8. Duties of Employees of the Authority

(1) The Authority may delegate an act related to the day-to-day operation of the Inspectorate Division to the Chief Executive Officer.

(2) The Chief Executive Officer may authorize investigators and employees of the Inspectorate Division to perform tasks delegated from the Authority.

(3) The Chief Executive Officer and Division inspectors shall have all the powers of any peace officer to the extent permitted by these Regulations to—

(a) investigate violations or suspected violations of these Regulations and any rules promulgated pursuant to it;
(b) make arrests, with the involvement of a law enforcement officer, with or without warrant, for any violation of these Regulations, any rules promulgated pursuant to it, any other laws or Regulations pertaining to medicinal cannabis in this Antigua and Barbuda, or any criminal law of this country, if, during an officer's exercise of powers or performance of duties pursuant to these Regulations, probable cause exists that a crime related to such laws is committed;
(c) serve all warrants, summons, administrative citations, notices or other processes relating to the enforcement of laws regulating medicinal cannabis goods;
(d) assist or aid any law enforcement officer in the performance of his or her duties upon such law enforcement officer's request or the request of other local officials having jurisdiction;
(e) inspect, examine, or investigate any licenced premises where medicinal cannabis or medicinal cannabis infused product is or are to be grown, stored, cultivated, manufactured, processed, extracted, exported, imported, tested, distributed, or sold, and any books and records in any way connected with any licenced activity;
(f) require any licensee, upon demand, during business hours or at any time of apparent operation, to permit an inspection of the licenced premises, cannabis equipment,

cannabis accessories, books and records, and to permit the testing of or examination of medicinal cannabis or medicinal cannabis infused product;

(g) require applicants to submit complete and current applications and fees and other information the Division considers necessary to make licensing decisions and approve material changes made by the applicant or licensee;

(h) conduct investigations into the character, criminal history, and all other relevant factors related to suitability and eligibility of all licensees and applicants for medicinal cannabis licences and such other persons with a direct or indirect interest in an applicant or licensee, as the Authority may require; and

(i) exercise any other power or duty authorized by law.

9. Requirement for inspections and investigations, searches, and additional activities

(1) Applicants and licensees shall—

(a) cooperate with employees of the Authority and inspectors of the Division who are conducting inspections or investigations relevant to the enforcement of laws and rules related to these Regulations;

(b) not interfere with, obstruct or impede a member of the Authority or an investigator of the Inspectorate Division from exercising their duties under the provisions of these Regulations and all rules promulgated pursuant to it, which shall include, but may not be limited to—

(i) threatening force or violence against an employee of the Authority or an inspector of the Division, or otherwise endeavouring to intimidate, obstruct, or impede employees or inspectors of the Division, their supervisors, or any peace officers from exercising their duties and the term "threatening force" shall include the threat of bodily harm to such individual or to a member of his or her family;

(ii) denying employees or inspectors of the Division access to a licenced premises during business hours or times of apparent activity;

(iii) providing false or misleading statements, documents or records;

(iv) failing to timely produce requested books and records required to be maintained by the licensee; or

(v) failing to timely respond to any other request for information made by a Division employee or inspector in connection with an investigation of the qualifications, conduct or compliance of an applicant or licensee.

(2) The Authority may apply to a magistrate for a restraining order to place a hold on medicinal cannabis or a medicinal cannabis infused product to prevent the destruction of evidence, diversion or other threats to public safety, while permitting a licensee to retain its inventory pending further investigation, where—

(a) during an investigation or inspection of a licensee's licenced premises, a Division Inspector develops reasonable grounds to believe certain medicinal cannabis or medicinal cannabis infused product constitute evidence of acts in violation of these Regulations or otherwise constitute a threat to the public safety, the Division inspector may issue a notice of administrative hold of any such medicinal cannabis or medicinal cannabis infused product;

(b) the notice of an administrative hold shall provide a documented description of the medicinal cannabis or medicinal cannabis infused product to be subject to the administrative hold;

(c) following the issuance of a notice of administrative hold, the Inspectorate Division identifies the medicinal cannabis or medicinal cannabis infused product subject to the administrative hold;

(d) the licensee shall completely and physically segregate the medicinal cannabis or medicinal cannabis infused product subject to the administrative hold in a limited access area of the licenced premises under investigation, where it shall be safeguarded by the licensee;

(e) until the outcome of an investigation and any related disciplinary proceeding is established, the licensee is prohibited from selling, giving away, transferring, transporting, or destroying the medicinal cannabis or medicinal cannabis infused product subject to the restraining order;

(f) nothing herein shall prevent a licensee from the continued cultivation or harvesting of the medicinal cannabis subject to the administrative hold.

(g) all medicinal cannabis or medicinal cannabis infused product subject to an administrative hold shall be put into separate harvest batches; or

(h) following an investigation, the Inspectorate Division may lift the administrative hold, order the continuation of the administrative hold, or seek a Final Authority Order for the destruction of the cannabis.

(3) In a case where voluntary surrender of medicinal cannabis or medicinal cannabis infused product—

(a) a licensee, prior to a Final Authority Order and upon mutual agreement with the Authority, may elect to waive a right to a hearing and any associated rights, and voluntarily surrender any medicinal cannabis or medicinal cannabis infused product to the Division;

(b) a licensee may require the destruction of any medicinal cannabis or medicinal cannabis infused product at an authorised medicinal cannabis waste disposal entity; and

(c) the individual signing a statement of voluntary surrender on behalf of the licensee shall certify that the individual has authority to represent and bind the licensee.

10. Final Authority Order

(1) Where the Authority issues a Final Authority Order pursuant to these Regulations that mandates the destruction of part or all of the licensee's unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product, the licensee may—

(a) voluntarily surrender to the Division all of its unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product that are described in the Final Authority Order and if the licensee chooses to voluntarily surrender any amount of his cannabis plants or products—

(i) the licensee or his representative shall sign a statement swearing voluntary surrender of the unauthorized medicinal cannabis goods within 15 calendar days of the date of the Final Authority Order; and

(ii) the individual signing such statement of voluntary surrender on behalf of the licensee shall certify that the individual has authority to represent and bind the licensee; or

(b) take no action—

(i) where the licensee does not either voluntarily surrender its unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product as set forth in subregulation (1)(a) of this Regulation, then the Division will enter the licenced premises and seize, for authorised destruction, the unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product that are the subject of the Final Authority Order; and

(ii) The Division will only take such action if the Authority has not notified the Division within 15 days of receiving notice from the Office of the Director of Public Prosecutions, that the subject unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product constitutes evidence in a criminal proceeding such that it should not be destroyed;

(c) appeal the Final Authority Order to the Appeals Tribunal.

(2) Where a Final Authority Order to destroy unauthorized medicinal cannabis or an unauthorized medicinal cannabis infused product is made—

(a) the fifteen (15) day period referred to in subregulation (1)(b)(ii) of this Regulation, shall include holidays and weekends;

(b) during the period of time between the issuance of the Final Authority Order and the destruction of unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product, the licensee shall not sell, destroy, or otherwise let any unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product that is subject to the Final Authority Order leave the licenced premises unless specifically authorized by the Authority or a court of competent jurisdiction;

(c) the licensee shall not cultivate, water, or otherwise care for any unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product that is subject to the

Final Authority Order during the period of time between the issuance of the Final Authority Order and the destruction of the unauthorized medicinal cannabis or unauthorized medicinal cannabis infused product, unless the Authority otherwise orders; and

(d) the Director of Public Prosecutions may inform the Authority that part of the prohibited cannabis is needed for evidence and the Authority shall segregate such prohibited cannabis to be used for evidence purposes as directed by the Director of Public Prosecutions.

DIVISION 1 -LOCAL LICENSING AUTHORITY, AND LAW ENFORCEMENT PROCEDURES

11. Local Licensing Authorities and Law Enforcement Conditional Approval of Applications

(1) The Authority shall distribute a copy of all new medicinal cannabis business, sacramental cultivation and sacramental dispensary applications to the relevant local licensing authorities.

(2) The local licensing authorities referred to in subregulation (1) of this Regulation, shall include but may not be limited to the following—

(a) the Ministry of Health;
(b) the Antigua and Barbuda Fire Department;
(c) the Development Control Authority;
(d) the Royal Police Force of Antigua and Barbuda;
(e) the Antigua and Barbuda Land Registry;
(f) the Medical Council;
(g) the Pharmacy Council; or
(h) the Medical Board.

(3) The Authority shall notify the relevant local licensing authority when an application for a medicinal cannabis business, sacramental cultivation or sacramental dispensary is either approved or denied and shall include, but may not be limited to—

(a) new medicinal cannabis business or sacramental applications;
(b) renewal medicinal cannabis business or sacramental applications;
(c) change of location applications;
(d) transfer of ownership applications;
(e) premises modification applications;
(f) transport applications; or
(g) any other application form created by the Authority.

(4) A licence issued or renewed by the Authority for a medicinal cannabis business, sacramental cultivation or sacramental dispensary shall be conditioned upon relevant local licensing authority approval of the application.

12. Local Licensing Authority and Law Enforcement Protocol for a medicinal cannabis business or a Sacramental Cannabis Operation

(1) A local licensing authority shall notify the Authority, in writing, of whether an application for a medicinal cannabis business complies with laws governing the relevant local authority, and whether the application is approved or denied based on that review and where a local licensing authority—

(a) makes any written findings of fact, a copy of those written findings shall be included with the notification; and
(b) has prohibited the operation of a medicinal cannabis business, it shall inform the Authority, in writing, of such prohibition.

(2) A local licensing authority may authorize not more than two persons to inspect a medicinal cannabis business during business hours, for the purpose of inspection or investigation.

(3) Nothing in these Regulations shall be construed to limit the powers of any local licensing authority as established by these Regulations or otherwise by law.

(4) Nothing in these Regulations shall be construed to limit the ability of the Royal Police Force of Antigua and Barbuda or any local law enforcement agency to investigate unlawful activity in relation to a medicinal cannabis business or an authorized sacramental cannabis operation and such entities shall have the ability to conduct an international criminal history check of an applicant or licensee during an investigation of unlawful activity related to medicinal cannabis or a medicinal cannabis business and shall include, but is not limited to, inspecting and investigating a medicinal cannabis business or an authorized sacramental cannabis operation for any illegal activity.

PART II

RELIGIOUS AND SACRAMENTAL AUTHORIZATIONS

13. Application for sacramental authorization by the Authority

(1) A person, organization, or religious group, who is member of a religion which proposes to use cannabis for religious purposes, as a sacrament in adherence to a religious practice of the religion, shall apply to the Minister of Government responsible for Legal Affairs, through the Authority, in the prescribed manner, to be authorized to cultivate more than four (4) cannabis plants

for religious purposes, to authorize a sacramental dispensary or to have the proposed place of worship authorized for the purposes of the Cannabis Act, 2018.

(2) An application under subregulation (1) of this Regulation, shall include, but may not be limited to—

(a) the name, address and contact information of the person or persons, group or organisation that is applying to the Authority;
(b) the name, address and contact information of one or more persons appointed as leaders of the religious body;
(c) the address of the place of worship of the religion;
(d) a survey plan of the land on which cannabis for use in accordance with the Cannabis Act, 2018 and these Regulations, is to be cultivated; and
(e) the proposed arrangements for the transportation of the cannabis from the land on which it is proposed to be cultivated, to the place of worship or to the sacramental dispensary.

14. Application for place of worship authorization by the Authority

(1) Cannabis may be used as a religious sacrament at an authorized place of worship and a person, organization, or religious group, who is a member of a religion which proposes to use cannabis, as a sacrament in adherence to a religious practice of the religion, shall apply to the Minister of Government responsible for Legal Affairs, through the Authority, in the prescribed manner, or to have the proposed place of worship authorized for the purposes of the Cannabis Act, 2018 and these Regulations.

(2) An application under this Regulation shall include, but not be limited to—

(a) the name, address and contact information of the individual, religious group, or organisation that is applying;
(b) the name, address and contact information of one or more persons appointed as leaders of the religious body;
(c) the address of the place of worship of the religion; and
(d) a survey plan of the land on which the proposed place of worship is to be approved.

15. Application for sacramental cultivation authorization by the Minister

(1) A person, organization of persons or religious group who is a member of a religion which proposes to cultivate more than four (4) cannabis for sacramental purposes, may cultivate cannabis at a premises authorized as a sacramental cultivation premises by the Minister of Government responsible for Legal Affairs and shall apply to the Authority, in the prescribed manner, to have the proposed cultivation premises authorized for the purpose of sacramental cultivation.

(2) An application made under this Regulation shall include, but may not be limited to the following required information—

(a) the name, address and contact information of one or more individuals, group or organisation that is applying;
(b) the name, address and contact information of the individuals appointed as leaders of the religious body;
(c) the address of the proposed cultivation premises;
(d) a survey plan of the land on which the proposed cultivation premises is to be approved;
(e) a premises diagram as specified in Regulation 37;
(f) a cultivation plan as specified in Regulation 38;
(g) an operation plan as specified in Regulation 40; and
(h) a security plan as specified in Regulation 93.

(3) A religious body shall cultivate the amount of cannabis authorized by the Minister of Government responsible for Legal Affairs and in a manner authorized by that Minister, upon lands subject to such inspections and recommendations, as that Minister and the Authority may consider necessary, to ensure compliance with the provisions of the Cannabis Act 2018 and these Regulations.

(4) Sacramental cultivation operations shall not be mandated to utilize the Antigua and Barbuda Tracking System.

(5) Sacramental cultivation operations shall advise the Authority as to the number of plants being cultivated at any time and shall correspond with the Authority to ensure that a Division Inspector is present during each harvest to verify and record the wet weight of the cannabis of each harvest batch and to be present to verify and reconcile the batch dry weight of the cannabis upon completion of drying and curing processes.

(6) The Authorized Sacramental cultivation operation and each of its harvest batches shall be inspected by the Division to ensure compliance with the Regulations and that tracking and monitoring standards are met and upheld.

(7) Every authorized sacramental cultivation operation and its harvest batch may cultivate up to the authorized prescribed amount of cannabis to be used by religious adherents within a ten month period after each harvest batch.

(8) Any cannabis that is not used ten (10) months after the harvest of that particular batch of cannabis shall be destroyed at an authorized cannabis waste disposal facility in adherence with Regulation 96 and 97 and shall be at the cost of the licensee.

(9) Cannabis from a sacramental cultivation operation that exceeds fifteen (15) grams shall only be transported from the authorized sacramental cultivation operation to a sacramental dispensary or to an authorized place of worship and shall be accompanied by a sacramental transport authorization as specified in Regulation 17.

(10) Sacramental cultivation operations shall—

(a) have at a minimum, complete perimeter fencing around the Authorised premises;

(b) employ video surveillance and recording of the Authorised premises;

(c) have secure entrances and exits using proper locking methods; and

(d) take reasonably prudent steps to ensure that cannabis plants being cultivated on the premises remains unseen or not viewable by the public.

16. Application for sacramental dispensary authorization by the Authority

(1) Sacramental dispensaries may be authorized by the Minister of Government responsible for Legal Affairs, through the Authority, as a place where registered adherents of authorized religious associations are allowed to obtain cannabis for religious purposes.

(2) An Application made under this Regulation shall include, but may not be limited to—

(a) the name, address and contact information of one or more individuals, religious group or organisation that is applying;
(b) the name, address and contact information of one or more individuals appointed as leaders of the religious body;
(c) the address of the proposed sacramental dispensary;
(d) a survey plan of the land on which the proposed sacramental dispensary is to be approved;
(e) a premises diagram as specified in Regulation 37;
(f) an operations plan as specified in Regulation 40; or
(g) a security plan as specified in Regulation 93.

(3) Sacramental dispensaries shall—

(a) follow all rules guiding medicinal cannabis dispensary operations as found within these Regulations;
(b) only operate as non-profit organizations and shall be registered as such;
(c) only dispense to persons registered as adherents to Rastafarian associations;
(d) dispense no more than fifteen (15) grams to any single adherent; and
(e) keep all records as prescribed by the Authority.

17. Application for sacramental transport authorization by the authority

(1) A person who uses cannabis for religious and sacramental use which exceeds fifteen (15) grams shall only be transported from the authorized cultivation operation to a sacramental dispensary or to an authorized place of worship and only when accompanied by a Sacramental Transport Authorization from the Authority.

(2) An application under this Regulation shall include, but may not be limited to—

(a) the name, address and contact information of one or more individuals, group or organisation who applies to the Authority;
(b) the name, address and contact information of one or more individuals appointed as a leader or leaders of the religious body;
(c) the driver information as specified by Regulation 114;
(d) all vehicle information as specified in Regulation 113;
(e) all vehicle storage requirements as specified in Regulation 113; and
(f) a security plan as specified in Regulation 93;

(3) All authorized sacramental transport shall meet the requirements and guidelines set forth in Regulation 110.

18. Taxes on sacramental operations

A sacramental cannabis operation authorized by the Authority shall operate as a part of a religious organization and shall be exempt from Taxes.

19. Approval of application for a religious body

(1) Where the Minister of Government responsible for Legal Affairs is satisfied that a religious body will comply with the provisions of the Cannabis Act, 2018 and these Regulations, he shall approve the application and cause to be published in the Gazette, an Order—

(a) authorizing—
(i) the body or group of persons as a religious organization that is authorized to cultivate more than four (4) cannabis plants, possess more than fifteen (15) grams, transport, dispense and use cannabis for religious purposes at an exempt event in accordance with the provisions of these Regulations;
(ii) the place of worship of the religious body, as a place of worship where the members of the religion are authorized to cultivate, possess, and use cannabis for religious purposes in accordance with the provisions of these Regulations;
(iii) the sacramental dispensary, as a place where the members of the religion are authorized to obtain cannabis for religious purposes in accordance with the provisions of these Regulations;

(b) designating the lands, as lands to be used for the cultivation of cannabis for religious purposes in accordance with the provisions of the Cannabis Act, 2018; and

(c) authorizing the members of the religion to use cannabis for religious purposes, at a place of worship, in accordance with the provisions of the Cannabis Act, 2018 or pursuant to Regulation 10, at an event declared by Order of the Minister of Government responsible for Legal Affairs to be an exempt event for the purposes of the Cannabis Act, 2018.

PART III

MEDICAL PROFESSIONALS AND PATIENT ACCESS

20. Authorized medical professional

(1) Notwithstanding the provisions within the Medical Practitioners Act 2009 and the Medical Act Cap. 269, a medical doctor, veterinary surgeon or registered dentist may recommend non-prescribable medicinal cannabis and such persons who intend to recommend and issue an authorised recommendation for non-prescribable medicinal cannabis, shall complete a minimum required set of continuing medical education courses on medicinal cannabis with topics that may include, but may not be limited to the endocannabinoid system and contraindications to use, that shall be mandated and provided by the Authority or the Medical Council, to be authorized to issue official recommendations for medicinal cannabis.

(2) Notwithstanding the provisions within the Pharmacy Act 1995, a registered pharmacist shall complete a minimum required set of continuing medical education courses on medicinal cannabis with topics that may include, but may not be limited to, the endocannabinoid system and contraindications to use, that shall be mandated and provided by the Authority or the Medical Council, to be authorized to dispense—

(a) prescribable medicinal cannabis, at a registered pharmacy, which shall not require a special dispensing license; or

(b) non-prescribable medicinal cannabis, at a licensed medicinal cannabis dispensary, which shall require a special dispensing license and shall follow all guidelines within these Regulations regarding such.

(3) An authorized medical professional shall be registered by the Authority.

(4) An authorized medical professional shall discuss potential risks and benefits of non-prescribable medicinal cannabis use to the patient and determine if any negative or potentially unsafe cannabis-drug interaction, cannabis-disease interaction, or any drug-cannabis-disease interaction may occur in the patient before issuing an authorised recommendation to the patient.

(5) An authorised medical professional shall utilise a Medicinal Cannabis Patient Evaluation Form that is issued by the Authority or by the Antigua and Barbuda Medical Council.

21. Continuing Medical Education (CME) Requirements

(1) Continuing Medical Education (CME) courses shall be issued by the Antigua and Barbuda Medical Council or another institute, authorized by the Minister of Government responsible for Health, that issues current accredited coursework.

(2) Notwithstanding the provisions within the Medical Practitioners Act 2009 and the Medical Act Cap. 269, Medical practitioners shall complete the continuing medical education requirements specified in subregulation (4) of this Regulation to be authorized to issue medicinal cannabis recommendations.

(3) Individuals applying for a special dispensing licence shall complete the continuing medical education requirements specified in subregulation (4) of this Regulation to be authorized to dispense medicinal cannabis at an authorized medicinal cannabis dispensary.

(4) The continuing medical education requirements shall be accredited by a recognized accrediting body which shall be no less than 3 total accredited hours every two years and shall include the following general course topics or course outlines—

(a) the Endocannabinoid System;
(b) administration or Dosing of Medical Cannabis;
(c) contraindications to use which includes cannabis-drug interaction and drug-cannabis-disease interaction coursework;
(d) complications of medicinal cannabis use; and
(e) potential side effects of medicinal cannabis use.

(5) Notwithstanding the provisions within the Medical Practitioners Act 2009 and the Medical Act Cap. 269, a medical practitioner shall complete the continuing medical education requirements to qualify to receive one or more authorized medicinal cannabis recommendation booklets from the Authority.

(6) Notwithstanding the provisions within the Pharmacy Act 1995, A pharmacist registered under the Pharmacy Act 1995 shall complete the continuing medical education requirements specified in subregulation (4) of this Regulation to be authorized to dispense prescribable medicinal cannabis at a pharmacy, or to dispense non-prescribable medicinal cannabis at a licensed medical cannabis dispensary.

(7) The continuing medical education requirements shall be completed before an applicant applies for a special dispensing licence from the Authority and certificates shall be provided with the application.

22. Medicinal Cannabis Prescription

(1) Prescriptions may be issued for prescribable medicinal cannabis by a medical practitioner that is not authorized by the Authority to issue medicinal cannabis authorised recommendations and such prescriptions shall be filled solely at a pharmacy that is registered under the Pharmacy Act 1995.

(2) Nothwithstanding the provisions of the Pharmacy Act 1995, Delta-9-tetrahydrocannabinol (THC), specifically, but not solely in its isolated form or as an active pharmaceutical ingredient (API) form, which is a highly psychoactive substance, shall not be sold at any pharmacy that is registered under the Pharmacy Act 1995 and when traded in bulk quantity, or a quantity of more than ten (10) kilograms, shall be sold to licensed pharmaceutical producers.

(3) A patient shall disclose to the medical professional all drugs and pharmaceuticals that he is currently using or is prescribed to use and any known, past or present disease or illness.

(4) Medical professionals shall discuss potential risks and benefits of prescribable medicinal cannabis use to the patient and determine if any negative or potentially unsafe cannabis-drug interaction, cannabis-disease interaction or any drug-cannabis-disease interaction may occur in the patient before issuing a prescription for prescribable medicinal cannabis.

23. Authorized medicinal cannabis recommendation

(1) An authorized medicinal cannabis recommendation for non-prescribable medicinal cannabis shall only be issued by a medical professional that is authorised under the Cannabis Act 2018 and shall only be filled at a medicinal cannabis dispensary that is licensed under the Cannabis Act 2018 and these Regulations.

(2) An authorised medicinal cannabis recommendation for non-prescribable medicinal cannabis referred to in subregulation (1), shall include, but may not be limited to—

(a) the name and address of the patient and the name of the patient's caregiver where applicable;

(b) the patient's medical condition;

(c) the name or seal of the authorized medical professional; and

(d) the authorized recommendation's unique identifier.

(3) A medicinal cannabis dispensary shall not dispense cannabis to a patient who does not possess an authorized medicinal cannabis recommendation.

(4) The Authority shall issue one or more numbered and authorized counterfoil medicinal cannabis recommendation booklets, as approved by the Minister of of Government responsible for Health, to an authorized medical professional for the medical professional to issue to his qualifying patient to obtain, store and use medicinal cannabis.

(5) Every page within an authorized recommendation booklet she shall be entered into the Antigua and Barbuda Tracking System.

(6) The authorized medicinal cannabis recommendation for non-prescribable medicinal cannabis information listed in subregulation (2) shall be considered "confidential and personal information" within the meaning of the Regulation 28 of Medical Practitioners Act 2009 and shall

not be disclosed by a licensee except as necessary for authorized employees of the Authority to perform official duties pursuant to these Regulations.

24. Medicinal cannabis patient identification card

(1) The Authority shall—

(a) establish and maintain a program for a medicinal cannabis patient identification card, hereafter referred to as an identification card, to be issued to any qualified patient in possession of an authorized recommendation; and

(b) produce and issue an identification card to a qualified patient or authorized caregiver in possession of an authorized recommendation who collects such card on behalf of a qualified patient.

(2) An identification card shall be issued to each authorized patient in possession of an authorized recommendation or to an authorized caregiver.

(3) An identification card shall either be issued at—

(a) an authorized medicinal cannabis dispensary for a first-time card applicant; or
(b) at the office of the Authority for a first-time identification card applicant, renewals or replacements of such card.

(4) The types of cards that shall be issued pursuant to these Regulations are as follows—

(a) a medicinal cannabis patient identification card that identifies an authorized patient to engage in the medical use of cannabis;
(b) a medicinal cannabis caregiver identification card that identifies the authorized patient's designated Authorized caregiver, where applicable; or
(c) a medicinal cannabis visiting patient identification card that identifies an authorized patient who is a non-citizen, whether that patient is in possession of a medicinal cannabis recommendation from Antigua and Barbuda or a valid medical recommendation from another State.

(5) The identification cards referred to in subregulation (4) of this Regulation, shall contain information identifying the names or addresses of patients, their medical conditions, or the names of their caregivers, received and contained in the records of the Authority, shall be considered confidential medical information and shall not be disclosed except in accordance with the performance of Division inspectors authorized pursuant to these Regulations.

(6) An identification card shall contain —

(a) a user identification number of the applicant that corresponds to the identifier on the authorized recommendation, which shall be entered into the Antigua and Barbuda Tracking System;
(b) the date of expiration of the identification card;
(c) the name of the authorized patient; and

(d) photo identification of the authorized patient.

(7) Where there is a designated primary caregiver, a separate identification card shall be issued to the authorized patient's designated primary caregiver, and shall include a photo identification of the caregiver;

(8) An identification card shall be valid for a period not exceeding one year from the date of issuance and shall be renewed in the same manner in which it was issued providing that the Authority approves the renewal.

(9) The Authority shall verify all new information and may verify any other information that has not changed when the renewal period of an identification card, referred to in subregulation (8) of this Regulation, has expired.

(10) The application or renewal fee for a medicinal cannabis patient identification card, charged by the Authority, shall not exceed one hundred dollars.

25. Requirements for medicinal cannabis patient identification card

(1) A person who seeks an identification card shall pay the fee of one hundred dollars and shall provide information to the Authority or to a medicinal cannabis dispensary authorized by the Authority to issue identification cards and in the circumstances—

(a) for a citizen, the person shall provide—
(i) the name of the person and proof of his or her residency within the State of Antigua and Barbuda;
(ii) A Government-issued photo identification card, such as, but is not limited to, a national driver's licence or passport of the person or of the designated primary caregiver; and
(iii) an authorized recommendation by the authorized medical practitioner stating that the person has been diagnosed with a medical condition where the medicinal use of cannabis is appropriate; or

(b) for a non-citizen, the person shall provide—
(i) the name of the person and the address where he or she resides;
(ii) the person's address within Antigua and Barbuda where he or she temporarily resides, or in the case of a cruise ship tourist or a vessel temporarily visiting, state the name of the cruise ship or the vessel which brought the person to the State and the port of entry where he or she entered the State;
(iii) the length of stay within the State of Antigua and Barbuda;
(iv) the person's passport, country, name and passport number; and
(v) an authorized recommendation for medicinal cannabis use from the person's home State or from an authorized medical professional within Antigua and Barbuda.

26. Maintenance of confidential register

(1) The Authority shall maintain a confidential patient register of all patients who are registered and issued medical cannabis patient or caregiver identification cards in accordance with these Regulations.

(2) The Authority may share the information contained in the confidential 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 authorized 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 subregulation (2) of this Regulation, a patient's name and other identifying information, medical condition and caregiver identity 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 in the Cannabis Act 2018 and these Regulations.

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

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

(6) An authorized patient whose records are sought to be disclosed shall be contacted before the disclosure of the records.

(7) Within 24 hours of receiving any request to disclose the name or address of a patient, their medical condition, or the name of their primary caregiver, the Authority shall contact the patient and inform the patient of the request and if the request was made in writing, a copy of the request.

(8) Notwithstanding any other Act, neither the Authority or any local Authorities, shall disclose, nor shall they be ordered by agency or court to disclose, the names or addresses of any authorized patient, their medical conditions, or the names of their primary caregivers, sooner than the tenth day after which the authorized patient has been contacted.

27. Authorized patient

(1) A person in possession of an authorized medicinal cannabis recommendation from an authorized medical practitioner and an authorized medicinal cannabis patient identification card, shall be regarded as an authorized patient under these Regulations.

(2) Notwithstanding the provisions of the Misuse of Drugs Act, Cap. 283, an authorized patient may—

(a) purchase medicinal cannabis goods from an authorized medicinal cannabis dispensary;

(b) possess, in public, only within a sealed exit package as specified by Regulation 199 of these Regulations, no more than two ounces or fifty-seven grams of medicinal cannabis flower or fourteen grams of medicinal cannabis extract or non-infused medicinal cannabis product;

(c) transport, only within a sealed exit package as specified by Regulation 199 of these Regulations, no more than two ounces or fifty-seven grams of medicinal cannabis flower or fourteen grams of medicinal cannabis extract or non-infused medicinal cannabis product;

(d) store medicinal cannabis goods within their private residence, within its sealed, childproof containers; or

(e) use medicinal cannabis goods—

(i) within the private residence of the authorized patient, once such use does not contradict the terms of the authorized patient's tenancy agreement or with permission from the landlord of the property, where applicable; or

(ii) within a licenced medicinal cannabis lounge.

(3) Notwithstanding subregulation (2)(e) of this Regulation—

(a) an authorized patient who is a student and who is duly authorized and required to be under the influence of psychoactive medicinal cannabis goods during regular school hours, shall be allowed to do so by the school or educational institute, and shall be allowed, only if absolutely necessary, to medicate on the compound, but only using oral, rectal or topical methods of use that shall not include smoking or vaporization; or

(b) an authorized patient who is a working adult and who is duly authorized and required to be under the influence of psychoactive medicinal cannabis goods during regular work hours, may be allowed to do so by the employer—

(i) if the authorized patient, while under the influence of psychoactive medicinal cannabis goods while on the job, could not in any way cause any form of public harm, whether or not it is already so stated in the authorized patient's job description;

(ii) if such condition is not explicitly prohibited by the authorized patient's job type or description;

(iii) if the authorized patient, while under the influence of psychoactive medicinal cannabis goods while on the job, could not in any way cause any form harm to the type of work for which the authorized patient is responsible or negatively interfere with the work ability of the authorized patient; or

(iv) if the authorized patient is allowed, by the employer, to be under the influence of psychoactive medicinal cannabis goods while on the job, the authorized patient shall also be allowed, only if absolutely necessary, to medicate on the compound, but only using oral, rectal or topical methods of use that shall not include smoking or vaporization.

(4) These Regulations do not prohibit a prison, correctional facility, or other penal institution in which prisoners reside or persons under arrest are detained, from permitting a prisoner or a person under arrest who has a medicinal cannabis recommendation and a patient identification card, to use cannabis, provided through a caregiver, for medicinal purposes under circumstances that will not endanger the health or safety of other prisoners or the security of the facility and that the medicinal cannabis shall not be consumed through either smoking or vaporization methods.

(5) An authorized patient shall not—

(a) sell or engage in any commercial trade of medicinal cannabis goods unless he is duly licenced to do so by the Authority;
(b) allow the use of medicinal cannabis goods by a non-authorized patient;
(c) use medicinal cannabis goods in public, outside of the specifications of this Regulation; or
(d) purchase in any one transaction, transport, or possess in public, more than two ounces or fifty-seven grams of medicinal cannabis flower or fourteen grams of medicinal cannabis extract or non-infused medicinal cannabis product.

(6) An authorized patient who contravenes this Regulation is liable on summary conviction to a fine of one thousand dollars or immediate revocation of such patient's medical identification card by the Authority and such patient shall be prevented from obtaining a medical identification card for a period of no more than two years from the date of revocation of such card.

28. Caregiver

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

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

(3) Subject to these Regulations, a person shall not be a caregiver for more than two patients, unless such person is the parent or legal guardian of the authorized patients.

(4) Unless a proposed caregiver is the parent of an authorized patient who is a minor, a caregiver shall not be—

(a) a person who has been charged or convicted of an offence under—
(i) the Misuse of Drugs Act, Cap. 283;
(ii) the Proceeds of Crime Act 1993;
(iii) the Money Laundering (Prevention) Act 1996;
(iv) the Pharmacy Act 1995; or
(v) any other relevant enactment prescribed by the Minister of Government responsible for Legal Affairs by Order; or
(b) a person who has a history of substance abuse;

(c) a medicinal cannabis business;
(d) a person under the age of twenty-one, unless that person is a parent of an authorized patient who is a minor, in which case that parent shall be at least eighteen years of age;
(e) where a parent of an authorized patient, who is a minor, is also a minor, the responsibility of caregiver shall be issued to the adult legal guardian; or
(f) a person convicted under the Pharmacy Act 1995 for any illegal sale, distribution, export or import of prescription drugs or pharmaceuticals.

(5) Pursuant to subregulations (1) and (2), where a patient designates a caregiver or is a minor, the medical practitioner shall issue a special caregiver authorisation and the caregiver's information shall be input into the Antigua and Barbuda Cannabis Tracking system.

(6) The caregiver shall be required to give proof of consent to undertake the immediate care and safety of the patient and may be authorized to assist the patient in obtaining and administering medicinal cannabis and will be authorized to obtain, possess and store medicinal cannabis on behalf of the authorized patient.

(7) Where a person applying for an identification card lacks the capacity to make medical decisions, the application may be made by the person's legal representative, including, but not limited to—

(a) a conservator with authority to make medical decisions;
(b) an attorney-in-fact under a durable power of attorney for health care or surrogate decision maker authorized under another advanced health care directive; or
(c) any other individual authorized by statutory or decisional law to make medical decisions for the person.

(8) The legal representative described in subregulation (7) of this Regulation, may also designate in the application an individual, including himself or herself, to serve as a primary caregiver for the person, provided that the individual meets the definition of a primary caregiver.

(9) A person or legal representative submitting the written information and documentation on behalf of a patient shall retain a copy thereof.

29. Changing of caregiver

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

(2) Where an authorized caregiver receives a notice issued by the Authority under subregulation (1) of this Regulation, the caregiver shall, within five days of such receipt, return his medicinal cannabis patient identification card to the Authority.

(3) An authorised patient who possesses an identification card shall within five days, notify the Authority of any change in his designated primary caregiver, where applicable.

(4) If a patient's medicinal cannabis patient identification card expires, the identification card of the caregiver of that patient shall simultaneously expire.

30. Exemption from Criminal Liability

(1) Subject to the requirements of these Regulations, the individuals specified in subregulation (3) of this Regulation, shall not be subject, to criminal liability.

(2) This Regulation does not authorize an individual to smoke or otherwise consume cannabis in public, nor shall anything in this Regulation authorize any individual or group to cultivate or distribute cannabis for profit unless otherwise authorized by this unless otherwise authorized by the Cannabis Act 2018 and these Regulations.

(3) Subregulation (1) of this Regulation shall apply to—

(a) a qualified patient or a person with an identification card who transports or processes no more than two ounces or fifty-seven grams of medicinal cannabis flower or fourteen grams of medicinal cannabis extract or non-infused medicinal cannabis product for his personal medical use;

(b) a designated primary caregiver who transports, possesses, administers or delivers, no more than two ounces or fifty-seven grams of medicinal cannabis flower or fourteen grams of medicinal cannabis extract or non-infused medicinal cannabis product to his authorized patient, for medical purposes;

(c) an individual who provides assistance to a qualified patient or a person with an identification card, or his designated primary caregiver, in administering medicinal cannabis to the qualified patient or person or acquiring the skills necessary to administer cannabis for medical purposes to the qualified patient; or

(d) a primary caregiver who receives compensation for actual expenses, including reasonable compensation incurred for services provided to an eligible qualified patient or person with an identification card to enable that person to use cannabis under these Regulations, or for payment for expenses incurred in providing those services, or both, shall not, on the sole basis of that fact, be subject to prosecution or punishment under these Regulations.

31. Drug paraphernalia

(1) (a) For the purposes of this Regulation, "drug paraphernalia" means all equipment, products and materials of any kind which are designed for use or marketed for use for ingesting, inhaling, or otherwise introducing into the human body a controlled substance; and

(b) "marketed for use" means advertising, distributing, offering for sale, displaying for sale, or selling in a manner which promotes the use of drug paraphernalia.

(2) Notwithstanding the provisions of the Misuse of Drugs Act, Cap. 283, drug paraphernalia used exclusively for the purpose of consumption of medicinal cannabis goods shall be allowed for import, sale, manufacture and use.

(3) Except as authorized by law, no person shall maintain or operate any place of business in which medicinal cannabis paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless such drug paraphernalia is completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of eighteen years not accompanied by a parent or legal guardian are excluded and each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia is kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded and shall not enter.

(4) Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which medicinal cannabis paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of eighteen years to enter, be in, remain in or visit such room or enclosure unless that minor person is accompanied by a parent or legal guardian.

(5) Unless authorized by law, no person under the age of eighteen years shall enter, be in, remain in, or visit any room or enclosure in any place of business in which medicinal cannabis paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred, or given away unless accompanied by one of his or her parents or by his or her legal guardian.

(6) A pharmacist, medical practitioner or medicinal cannabis dispensary may sell or furnish medicinal cannabis paraphernalia.

(7) A manufacturer, wholesaler, importer or retailer dealing with medicinal cannabis paraphernalia shall first notify the Authority and seek written approval.

(8) A person who contravenes a provision of this Regulation shall be liable upon summary conviction to a fine of one thousand (1000) dollars or to imprisonment for a term not exceeding three (3) months.

PART IV

MEDICINAL CANNABIS BUSINESS

APPLICATIONS, FEES AND LICENSING

32. Medicinal cannabis business operations

(1) The Authority shall authorize, regulate, track, monitor and licence the following medicinal cannabis business operations to enable medicinal cannabis goods to be produced, tested, processed and obtained for use in accordance with the Cannabis Act 2018—

(a) medicinal Cannabis Cultivation Operations meaning licenced entities engaging in the cultivation of cannabis for medicinal purposes;
(b) Medicinal Cannabis Processors Operations meaning licenced entities engaging in the processing and extraction of medicinal cannabis;
(c) medicinal Cannabis Infused Products Manufacturer Operations meaning licenced entities engaging in the manufacturing of medicinal cannabis products;
(d) medicinal Cannabis Testing Facility Operations meaning licenced entities engaging in the quantitative and qualitative analysis and testing of Medicinal Cannabis;
(e) medicinal Cannabis Dispensary Operations meaning licenced entities engaging in the storing and providing of medicinal cannabis to authorized patients and caregivers;
(f) medicinal Cannabis Lounge Licence meaning licenced entities engaging in the operation of a medicinal lounge for approved patient use of medicinal cannabis;
(g) medicinal Cannabis Transport Operations meaning licenced entities engaging in the transporting of medicinal cannabis;
(h) medicinal Cannabis Research and Development Operations meaning licenced entities engaging in the research and development of medicinal cannabis; and
(i) medicinal Cannabis Export and Import Operations meaning licenced entities engaging in the importing and exporting of medicinal cannabis.

33. General restrictions on business licensees and standards requirements

(1) A person shall not engage in the cultivation, processing, testing, dispensing, infused product manufacture, transport, export and import or use medicinal cannabis for any other purpose unless the person is the holder of the relevant licence specified under Regulation 35 of these Regulations.

(2) A person who contravenes subregulation (1) of this Regulation commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding seventy-five thousand dollars or to imprisonment for a term not exceeding two (2) years.

(3) Any cannabis produced and supplied in Antigua and Barbuda shall meet such standards for international trade including, but is not limited to, GMP, GPP, Fair trade, Global GAP, Euro GAP, GAP, HACCP and such other standards as may be specified by the Authority.

(4) Except as provided in subregulation (5) of this Regulation, subregulation (6) of Regulation 36 and Regulation 54 of these Regulations, a person may apply for and be issued more than one licence under these Regulations.

(5) An applicant or licensee shall apply for, and if approved, shall obtain, a separate licence for each premises location or address where it engages in commercial cannabis activity.

(6) A licensee shall not sell, offer or provide alcoholic beverages or tobacco products on or at any premises licenced under the Regulations, however, a licensee may sell, offer, or provide a cannabis product that is an alcoholic beverage, including, but is not limited to, an infusion of medicinal cannabis or cannabinoids into an alcoholic beverage.

(7) It shall not be a contravention of any law for an agent of a licensing authority to possess, transport, or obtain cannabis or cannabis products as necessary to conduct activities reasonably related to the duties of the Authority.

34. Types of Licenses

(1) Medicinal Cannabis shall be regulated in accordance with any of the following licences provided that all conditions attached thereto, and the requirements of the Cannabis Act 2018 and these Regulations are complied with—

(a) a Medicinal Cannabis Cultivation Licence, which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of medicinal cannabis;
(b) a Medicinal Cannabis Dispensary Licence, which shall be issued to allow for the dispensing of medicinal cannabis to authorized patients or caregivers;
(c) a Medicinal Cannabis Lounge Licence, which shall be used to establish an authorized place for patients to medicate;
(d) a Medicinal Cannabis 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;
(e) a Medicinal Cannabis Processing and Extraction Licence, which shall be issued to allow for the processing and extraction of raw medicinal cannabis material into concentrated or isolated products;
(f) a Medicinal Cannabis Infused Products Manufacturer Licence, which shall be issued to allow for activities relating to the processing and manufacturing of medicinal cannabis products, including but not limited to, edibles and other derivative products, but does not include the extraction of Medicinal Cannabis;
(g) a Medicinal Cannabis Transport Licence, which shall be issued to allow for the transport of medicinal cannabis;

(h) a Medicinal Cannabis Research Licence, which shall be issued to allow for the conduct of scientific research relating to the development of medicinal cannabis; and

(i) a Medicinal Cannabis Import or Export licence, which will follow the International Narcotics Control Board Regulations regarding controlled substances export and import procedures, with the addition of phytosanitary certification and other agriculture documents for medicinal cannabis plant material.

(2) A person who is granted a licence pursuant to the Cannabis Act 2018 and these Regulations, shall not transfer or assign his licence to another person or entity or cause or permit another person or entity to use the licence.

(3) Any purported transfer or assignment of a licence shall be null and void unless authorized by the Authority.

(4) Notwithstanding, section 9 of the Misuse of Drugs Act Cap 283, a person who imports or brings into, or exports from the state of Antigua and Barbuda any cannabis or cannabis-infused products except under and in accordance with a licence, and into or from port or place, authorized by the Authority, shall be guilty of an offence against the Misuse of Drugs Act Cap 283.

35. Medicinal cannabis business application

(1) An application for a licence shall be complete and accompanied by the required fees which may be accepted and processed by the Authority.

(2) Where an application is complete, but further information is required before it can be fully processed, the applicant shall provide the additional requested information within the time frame given by the Authority in order for the application to be acted on in a timely manner and to be considered complete.

(3) An application shall include all attachments or supplemental information required by the forms supplied by the Authority.

(4) An application shall be accompanied by a full remittance for the whole amount of the application fees as specified in Regulation 73 of these Regulations.

(5) An applicant or its authorized agent shall provide a surety bond as specified in Regulation 42 of these Regulations.

(6) The applicant shall prove to the Authority that all tax returns related to a medicinal cannabis business and proposed premises have been timely filed and are up to date.

(7) An applicant or an owner of a medicinal cannabis business shall be tax compliant and hold a Tax Compliance Certificate issued by the Inland Revenue Department.

(8) The Authority may refuse to accept an incomplete application.

(9) An application for any licence authorizing a medicinal cannabis business shall be completed on forms prescribed by the Authority.

(10) Applications submitted to the Authority may include, but may not be limited to, new business premises, renewals, transfers of ownership, change of locations or premises modifications.

(11) Complete applications that are submitted to the Authority, shall be numbered and considered for approval in the order in which they were received by the Authority.

(12) A medicinal cannabis applicant shall be over 21 years of age.

36. Medicinal cannabis business – Application Requirements for a License

(1) An application for a licence authorizing a medicinal cannabis business shall be completed on forms prescribed by the Authority.

(2) An application for a new medicinal cannabis business license shall include, but may not be limited to the following—

(a) an application fee for each medicinal cannabis business, individual or premises as specified in Regulation 73 of these Regulations—

(i) for an applicant who is an individual, the applicant shall provide both the first and last name of the individual;

(ii) for an applicant who is a business entity, the applicant shall provide the legal business name of the applicant;

(b) suitable evidence of proof of lawful presence or residence, where applicable;

(c) proof of good moral character and reputation;

(d) information concerning financial and management associations and financial interests of other persons in the business as defined in Regulation 57 of these Regulations and—

(i) if the applicant for any licence pursuant to these Regulations is a corporation or limited liability company, it shall submit with the application the names, mailing addresses, and owner's background forms of all of its principal officers, directors, and owners, plus, a copy of its articles of incorporation or articles of organization and evidence of authorization to do business within this country and each applicant shall submit the names, mailing addresses, and background information of all persons owning any of the outstanding or issued capital stock, or of any persons holding a membership interest; or

(ii) if the applicant for any licence pursuant to this Regulation is a partnership, it shall submit with the application the names, mailing addresses, and owner's background information of all of its partners and a copy of its partnership agreement;

(e) Inland Revenue Department tax payment information and Tax Compliance Certificate for all entities and locations or premises to be licenced;

(f) proof of funds documentation to adequately cover the total proposed project;

(g) source of funds documentation for every investment or capital expenditure;

(h) proof of sufficient surety bond, where applicable, as defined in Regulation 42 of these Regulations;

(i) a location diagram, where applicable, as defined in Regulation 37 subregulation (3)(a) of these Regulations;
(j) a premises diagram, as defined in Regulation 37 of these Regulations, detailing accurate floor plans, electrical plans, ventilation plans, monitoring system plan and security plan for the premises to be licenced;
(k) evidence that the applicant has the legal right to occupy and use the proposed location and that the proposed location complies with these Regulations;
(l) evidence that the proposed premises is in compliance with these Regulations;
(m) the deed, lease, contract, or other document governing the terms and conditions of occupancy of the premises licenced or proposed to be licenced;
(n) the type of licence as specified in Regulation 34 of these Regulations, for which the applicant is applying;
(o) whether the applicant has been denied a licence or has had a licence suspended or revoked by the Authority and the applicant shall provide the type of licence applied for, the reason for denial and the date of denial;
(p) the physical address of the premises—
    (i) if the Authority is unable to confirm that the address provided is valid, then the applicant shall provide a document that confirms the physical address of the premises;
    (ii) such a document may include a utility bill, deed, or title;
(q) the mailing address for the applicant, if different from the premises address;
(r) the telephone number for the applicant and for the premises;
(s) the website address and email address of the applicant's business where applicable;
(t) contact information for the applicant's designated primary contact person including the name, title, phone number, and email address of the individual;
(u) a list of every business name the applicant is operating under including the address where such business is located;
(v) the applicant shall also supply the following financial information—

    (i) a list of funds belonging to the applicant held in savings, chequing, or other accounts maintained by a financial institution and the applicant shall provide, for each account, the financial institution's name, the financial institution's address, account type, account number, and the amount of money in the account;
    (ii) a list of loans made to the applicant and for each loan, the applicant shall provide the amount of the loan, the date of the loan, terms of the loan, the security provided for the loan, and the name, address, and phone number of the lender;
    (iii) a list of investments made into the applicant's medicinal cannabis business and for each investment, the applicant shall provide the amount of the investment, the date of the investment, terms of the investment, and the name, address, and phone number of the investor;
    (iv) a list of all gifts of any kind given to the applicant for its use in conducting medicinal cannabis business activity and for each gift, the applicant shall

provide the value of the gift or description of the gift, and the name, address, and phone number of the provider of the gift;

(v) a complete list of every individual who has a financial interest in the commercial medicinal cannabis business as defined in Regulation 57 of these Regulations, who is not an owner as defined in Regulation 56 of these Regulations;

(vi) whether the applicant or any of its partners have declared bankruptcy within the last five (5) years in the state of Antigua and Barbuda or any other jurisdiction;

(w) a complete list of every owner as defined in Regulation 56 of these Regulations and each individual named on this list shall submit the following information—

(i) the full name of the owner;
(ii) the owner's title within the applicant entity;
(iii) the owner's date of birth and place of birth;
(iv) the owner's individual tax compliance certificate;
(v) the owner's mailing address;
(vi) the owner's telephone number, which may include a number for the owner's home, business, or mobile telephone;
(vii) the owner's email address;
(viii) the owner's current employer;
(ix) the percentage of the ownership interest held in the applicant entity by the owner;
(x) whether the owner has an ownership or a financial interest as defined in Regulations 56 and 57, respectively, of these Regulations in any other commercial medicinal cannabis business licenced under the Cannabis Act, 2018;
(xi) a copy of the owner's government-issued identification, which may include a document issued by a federal, state, county, or municipal government that includes the name, date of birth, height, gender, and picture of the person, such as a driver's licence, national identification or passport;

(x) a detailed description of the owner's convictions and a conviction within the meaning of this Regulation means a plea or verdict of guilty or a conviction following a plea of nolo contendere or such convictions dismissed under law of the state of Antigua and Barbuda law or any other State law, shall be disclosed and for each conviction, the owner shall provide the following—

(i) the date of conviction;
(ii) dates of incarceration, if applicable;
(iii) dates of probation, if applicable;
(iv) dates of parole, if applicable;
(v) a detailed description of the offence for which the owner was convicted;
(vi) a statement of rehabilitation for each conviction which is to be written by the owner and may contain evidence that the owner would like the Authority to consider that demonstrates the owner's fitness for licensure;

(vii) supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, dated letters of reference from employers, instructors, or professional counsellors that contain valid contact information for the individual providing the reference;

(y) where applicable, a detailed description of any administrative orders or civil judgements for violations of labour standards, any suspension of a medicinal cannabis business licence, revocation of a medicinal cannabis business licence, or sanctions for unlicenced medicinal cannabis activity by the Authority or law enforcement, against the applicant or a business entity in which the applicant was an owner, pursuant to the Cannabis Act 2018, but preceding the date of the application; and

(z) attestation to the following statement—

"Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of the licence, or revocation of a licence issued";

(3) Nothing in this Regulation shall limit the Authority's ability to request additional information it considers necessary or relevant to determining an Applicant's suitability for licensure.

(4) Failure to provide such additional information by the requested deadline may result in denial of the application.

(5) All applications to reinstate a licence shall be considered applications for new licences and this includes, but is not limited to—

(a) licences that have been expired for more than 90 days;
(b) licences that have been voluntarily surrendered; and
(c) licences that have been revoked.

(6) An owner of, or financial interest holder in, a medicinal cannabis testing facility licence under the Cannabis Act 2018 and these Regulations is prohibited from being or becoming an owner of, or financial interest holder in, any other type of medicinal cannabis business license or operation, for any other activity, except testing, as authorized under these regulations and a person that holds a medicinal cannabis testing facility licence shall not employ an individual who is also employed by any other medicinal cannabis business licensee that does not hold a medicinal cannabis testing facility licence.

(7) Except as provided in Regulation 54 of these Regulations, a person may apply for and be issued more than one medicinal cannabis business licence, except in the case of a Medicinal Cannabis Testing Facility Licence, under these Regulations, provided the licenced premises are separate and distinct.

(8) Each applicant or licensee shall apply for, and if approved, shall obtain, a separate licence for each location where it engages in commercial cannabis activity.

37. Premises Diagram

(1) An applicant shall submit to the Authority, with the application, a complete and detailed diagram of the proposed premises which shall be used by the Authority to determine whether the premises meets the requirements under these Regulations and the Cannabis Act 2018.

(2) The Authority shall deny an application if the premises does not qualify for licensure pursuant to these Regulations.

(3) The premises diagram shall—

(a) show the boundaries of the property and the proposed premises to be licenced, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, washrooms, windows, and doorways, and shall include a brief statement or description of the principal activity to be conducted therein;

(b) show and identify areas of medicinal cannabis business activities applicable to the business operations, that will take place within the proposed location and premises, which shall include but may not be limited to, the following—

(i) storage;
(ii) batch sampling;
(iii) loading or unloading of shipments;
(iv) packaging and labelling;
(v) customer sales;
(vi) loading for deliveries;
(vii) extraction and processing;
(viii) cultivation, including information specified in subregulation 7 of this Regulation;
(ix) medicinal cannabis waste disposal;
(x) regular waste disposal or any special non-cannabis waste disposal required by the Ministry of Health;

(c) show reception areas;

(d) identify restricted access areas and limited access areas;

(e) identify waste disposal areas and show a cannabis waste disposal plan;

(f) identify an emergency exit plan;

(g) show security plan, which shall include but may not be limited to—

(i) number and placement of security personnel;
(ii) number and placement of cameras;
(iii) identification of approved off site monitoring company to be used by the applicant;
(iv) identification of lock types and placement of locks;
(v) fencing or perimeter security diagram, where applicable;
(vi) identification of secure reception areas;

(h) show electrical plan, which shall include but may not be limited to—

(i) electrical capacity of premises;
(ii) forms of electrical current to be used;
(iii) wiring diagram;
(iv) identification of type of components used;
(v) number and placement of ballasts;
(vi) number and placement of Lights;
(vii) backup electrical system inclusive of emergency lighting and generator system;
(viii) generator type;
(ix) number and placement of electrical outlets;

(i) show ventilation plan where applicable, which shall include but may not be limited to—
(i) identification and placement of all ducting;
(ii) type and placement of fresh air system to be applied;
(iii) type and placement of extraction system to be applied;
(iv) type and placement of air filtration or cleaning system to be applied;
(v) type and placement of air condition systems to be applied;

(j) be to scale; and
(k) be in black and white print.

(4) Where the proposed premises referred to in subregulation (1) consists of only a portion of a property, the diagram shall be labelled indicating which part of the property is the proposed premises and what the remaining property is used for.

(5) Where the proposed premises consists of only a portion of a property that will contain two or more licenced premises, the diagram shall clearly show the designated entrances and walls under the exclusive control of the applicant for the premises, as well as the designated entrances and walls for each additional premises and shall also show all proposed common or shared areas of the property, which may include but may not be limited to, lobbies, bathrooms, hallways, and break-rooms.

(6) Where the proposed premises referred to in subregulation (1) is located on a portion of a property that also includes a residence, the diagram shall clearly show the designated buildings for the premises and the residence and shall have written consent of the owner of the residence regarding the medicinal cannabis business operating on the property.

(7) If the proposed premises will be a medicinal cannabis cultivation operation, in addition to the requirements of subregulations (1) through (6) of this Regulation, the applicant shall also provide a complete detailed diagram which shall include, but may not be limited to, the following—

(a) the measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas;
(b) clone or seedling areas;
(c) nutrient storage areas;
(d) immature plant areas;
(e) flowering plant areas;

(f) harvest and processing areas;
(g) drying and curing areas;
(h) roads;
(i) water crossings;
(j) points of diversion;
(k) water storage and delivery system;
(l) temperature control systems;
(m) humidity control systems;
(n) carbon dioxide systems;
(o) complete electrical plan;
(p) ventilation system;
(q) fire suppression plan; and
(r) all other facilities and infrastructure related to the cultivation.

38. Cultivation plan requirements

(1) The cultivation plan to accompany the application for each cultivation licence shall include all of the following—

(a) a detailed premises diagram showing all boundaries and dimensions in feet of the following proposed cultivation areas to scale—
(i) canopy areas, including aggregate square footage if the canopy areas are non-contiguous;
(ii) one or more areas that shall be separated by identifiable boundaries shall be clearly described and labelled in the premises diagram and the boundary shall be identified and labelled on the diagram and at no time during the licenced period may any portion of a cannabis plant extend over the boundary;
(iii) areas outside of the canopy where only immature plants shall be maintained;
(iv) designated pesticide and other agricultural chemical storage areas;
(v) designated packaging areas;
(vi) designated composting areas, if the licensee will compost on site;
(vii) designated secured areas for cannabis waste;
(vii) a designated limited access area for harvested cannabis storage;
(viii) common use areas, such as hallways, bathrooms, or break rooms where such area or areas may be shared by multiple licensees;
(b) for indoor and mixed-light type cultivation operations, a lighting diagram with the following information shall be included—
(i) location of lights in a canopy-covered area;
(ii) location of ballast areas;
(iii) proposed cooling and ventilation;
(iv) electrical diagram of the property or premises completed by a certified electrician;

(v) maximum wattage, or wattage equivalent, of each light.

(c) a pest management plan which shall include, but not be limited to, the following—

(i) product name and active ingredients of all pesticides to be applied to cannabis during any stage of plant growth;

(ii) integrated pest management protocols, including chemical, biological, and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site;

(iii) A signed attestation that states the applicant shall contact the Authority regarding requirements for legal use of pesticides on cannabis prior to using any of the active ingredients or products included in the pest management plan and shall comply with all pesticide Regulations.

(2) A cannabis waste management plan meeting the requirements pursuant to these Regulations.

39. Cultivation plan for nursery licence

(1) The cultivation plan for nursery licences shall include the following information—

(a) a detailed premises diagram showing all boundaries and dimensions, in metric foot, of the following one or more proposed areas to scale—

(i) areas which shall contain only immature plants;

(ii) areas designated to research and development which may contain mature plants;

(iii) areas designated to seed production which may contain mature plants;

(iv) areas designated to pesticide and other agricultural chemical storage;

(v) areas designated to composting if the licensee will compost on-site; and

(vi) areas designated to secure cannabis waste;

(b) a pest management plan that shall include, but not be limited to, the following—

(i) product name and active ingredients of all pesticides to be applied to cannabis at any time;

(ii) integrated pest management protocols, including chemical, biological, and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site; and

(iii) a signed attestation that states the applicant shall contact the Authority regarding requirements for legal use of pesticides on cannabis prior to using any of the active ingredients or products included in the pest management plan and shall comply with all pesticide Regulations.

(2) A nursery licensee producing seed for distribution shall tag all plants pursuant to Regulation 100 of these Regulations, and all products, except seed, derived from these plants are prohibited from entering the commercial medicinal distribution chain.

(3) A cannabis waste management plan pursuant to Regulation 97 of these Regulations.

40. Operating procedures plan

A licensee application shall include a detailed description or plan of the applicant's operating procedures which shall include, but may not be limited to the following—

(a) transportation procedures;
(b) cultivation procedures;
(c) extraction and processing procedures;
(d) inventory procedures;
(e) monitoring and tracking procedures
(f) quality control procedures;
(g) security procedures;
(h) medicinal cannabis waste management procedures;
(i) delivery procedures;
(j) safety procedures.

41. Landowner approval

(1) Where the applicant is not the landowner of the real property upon which the premises is located, the applicant shall provide to the Authority—

(a) a document from the landowner or the landowner's agent that states that the applicant has the right to occupy the property and acknowledges that the applicant may use the property for the commercial medicinal cannabis activity for which the applicant is applying for licensure; or
(b) a copy of the rental or lease agreement which acknowledges that the applicant may use the property for the commercial medicinal cannabis activity for which the applicant is applying for licensure.

(2) Where the occupier of the land referred to in subregulation (1) is a trustee, the landowner approval shall come from the person that holds equitable title in the real property.

(3) Where the applicant is the landowner of the real property upon which the premises is located, the applicant shall provide to the Authority a copy of the title or deed to the property.

42. Surety bond

(1) An applicant shall provide proof of having obtained a surety bond of at least ten thousand Eastern Caribbean Dollars payable to the Authority to ensure payment of the cost incurred for the destruction of medicinal cannabis goods necessitated by a violation of the Cannabis Act, 2018 or the Regulations adopted thereunder or failure of testing or standards protocol.

(2) Money used from the Bond paid by a licensee, toward the costs of medicinal cannabis goods destruction, shall be replaced by the licensee if that licensee is allowed by the Authority to continue operations.

43. Additional information where necessary

(1) Every applicant shall provide any additional information requested by the Authority to process and fully investigate the application.

(2) Where additional information referred to in subregulation (1) is requested by the Authority, such additional information shall be provided to the Authority no later than seven days of the request unless otherwise specified by the Authority.

(3) The burden of proving an applicant's qualifications for licensure rests at all times with the applicant.

(4) An Applicant's failure to provide the requested evidence or information by the Authority deadline may be grounds for denial of the application.

44. Information shall be provided truthfully

(1) An applicant shall submit information to the Authority in a full, faithful, truthful, and fair manner.

(2) The Authority may recommend denial of an application where the applicant has made intentional or purposeful misstatements, omissions, misrepresentations, or untruths in the application or in connection with the applicant's background investigation.

(3) The type of conduct referred to in subregulation (2), may be considered as the basis for additional administrative action against the applicant and it may also be the basis for criminal charges against the applicant.

45. Accessibility of application forms

All application forms supplied by the Authority and filed by an applicant for a licence, including attachments, additional information and any other documents associated with the investigation, shall be accessible by the Authority and any local licensing authorities, for a purpose authorized by these Regulations or for any other law enforcement purpose.

46. Applicant bears burden of proof to meets licensing requirements

(1) An applicant shall at all times during the application process be capable of establishing that he is qualified to hold a licence.

(2) Where an applicant does not cooperate with the Authority during the application phase, such as, but is not limited to the circumstances where the Authority requests additional evidence of suitability and the applicant is unable to furnish such evidence by a date requested, the applicant's application may be rejected.

47. Voluntary withdrawal of application

(1) The Authority and applicant may mutually agree to allow the voluntary withdrawal of an application for licensing in lieu of an application rejection proceeding.

(2) An applicant shall first submit a notice to the Authority requesting the voluntary withdrawal of the application and with the understanding that he was not obligated to request the voluntary withdrawal and that any right to a hearing in the matter is waived once the voluntary withdrawal is approved.

(3) The Authority will consider the request along with any circumstances at issue with the application in making a decision to accept the voluntary withdrawal.

(4) The Authority may at its discretion grant the request without prejudice or deny the request.

(5) The Authority will notify the Applicant of its acceptance of the voluntary withdrawal and the terms thereof.

(6) If the Applicant agrees to a voluntary withdrawal granted without prejudice, then the Applicant is not eligible to apply again for licensing or approval until after expiration of one year from the date of such voluntary withdrawal.

48. Rejection of an application

(1) The Authority shall have the right to reject an application for any reason.

(2) Where an application is rejected, the application fees minus a twenty-five percent processing fee shall be returned to the applicant within sixty days.

(3) The Authority shall reject the application for licensure or renewal of a licence if any of the following conditions apply—

(a) where an applicant or business he is associated with, has the purpose or intent, in whole or in part, of transporting, cultivating, processing, extracting, testing, or distributing cannabis or cannabis infused products before receiving prior licences from all relevant authorities;
(b) where an applicant is statutorily disqualified from holding a licence;
(c) where there are already applications approved for the number of allowed operations within an area or within the state of Antigua and Barbuda;
(d) where either the applicant, or the premises for which a licence is applied, does not qualify for licensure under these Regulations;
(e) failure or inability to comply with any of the provisions of these Regulations, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow, water quality and fish and wildlife;
(f) failure to provide information required by the Authority;
(g) where the applicant, or any of its officers, directors, or owners has been convicted of an offence that is substantially related to the qualifications, functions, or duties of the

business or profession for which the application is made, except that if the Authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a licence, and granting the licence would not compromise public safety, the Authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a licence based on the evidence found through the review;

(h) in determining which offences are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the Authority shall include, but not be limited to, the following—

(i) violent indictable conviction;

(ii) a serious indictable conviction;

(iii) a indictable conviction involving fraud, deceit, or embezzlement;

(iv) a indictable conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor;

(v) except as provided for in subregulations (a) and (g)(iv) of this Regulation, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for rejection of a licence;

(vi) a conviction for any controlled substance offence subsequent to licensure shall be grounds for revocation of a licence or rejection of the renewal of a licence;

(i) where an applicant, or any of its officers, directors, or owners, has been sanctioned by the Authority for unauthorized commercial cannabis activities or has had a cannabis licence suspended or revoked in the three years immediately preceding the date the application is filed with the Authority.

(4) An applicant may appeal a rejection pursuant to these Regulations as specified in Part XIII of these Regulations.

49. Approval of an application

(1) Where the Authority approves an application, the application fees will be processed and the applicant will be informed by written post or via electronic mail and is expected to produce all licensing fees, as specified in Regulation 74, to the Board within thirty days of the applicant being informed of the approval.

(2) Where the applicant fails to pay all licensing fees to the Board within this time-frame specified in subregulation (1), the approval will become void and fifty percent of the application fees shall be refunded to the Applicant.

(3) Where the applicant cannot be contacted for any reason via post, electronic mail or phone, the approval will become void after 90 days and no application fees will be refunded.

(4) In approving an application, other factors may be considered such as the following—

(a) where the Authority grants an approval and issues a provisional licence before the relevant local licensing authorities grants its authorizations, the licence will be conditioned upon local licensing authority approval and such a condition shall not be viewed as a denial pursuant to these Regulations; or
(b) if a local licensing authority fails to approve or deny an application, the provisional licence will be revoked;
(c) an applicant is prohibited from operating a medicinal cannabis business prior to obtaining all necessary licences or approvals from both the Authority and any relevant local licensing authority.

(5) When the Applicant submits all licence fees, a provisional licence, as defined in Regulation 50 of these Regulations, will be granted, to give the approved applicant the time to complete the proposed location and facility construct, which shall meet all guidelines and pass all inspections, as specified by these Regulations, before it is granted a medicinal cannabis business licence and allowed to begin operation.

50. Provisional Licence

(1) Where the Authority approves an application for a medicinal cannabis business licence, a provisional licence shall be granted to the Applicant by the Authority.

(2) A provisional licence is granted to give the approved applicant the necessary time to complete the proposed project that is approved in the application and the approved applicant shall meet or exceed all requirements, guidelines, rules and obligations as specified within these Regulations, before receiving a medicinal cannabis business licence.

(3) Provisional licences shall be valid for one year starting from its issuance to the approved applicant—

(a) if the approved applicant requires more than the validity period of the provisional licence to complete the proposed project, he may apply, in writing to the Authority, and no later than 30 days before the expiration of the provisional licence, for an extension to the provisional licence;
(b) if the Authority is satisfied that the approved applicant has been diligent in the attempt to complete the proposed project and does require more time to be ready for inspections, the Authority may grant an extension to the provisional licence; or
(c) if the Authority finds that the approved applicant has been neglectful in the attempt to complete the proposed project, upon the approved applicant's request for an extension to the provisional licence, the Authority may refuse the request for an extension, revoke the provisional licence and revoke the approval of the application as specified in Regulation 51 of these Regulations.

(4) A provisional licence—

(a) shall only be considered part of the process of approval and does not constitute nor guarantee an approved medicinal cannabis business licence;
(b) shall not be made public through any form of media, notice, advertising or publication; and
(c) shall not be used to gain any financial interest, investment, compensation, increase in private or publicly traded stock in any form, to the proposed medicinal cannabis business or to any other business, company, corporation, individual or entity owned by the applicant or any of the persons considered owners of the proposed medicinal cannabis business.

(5) An approved applicant or any owner of the proposed medicinal cannabis business found to be in contravention of this subregulation shall be guilty of an offence against these Regulations and shall have its provisional licence and approved application revoked.

51. Licence revocability and eligibility

(1) A licence issued by the Authority to a medicinal cannabis business constitutes a revocable privilege.

(2) A medicinal cannabis business licence, a provisional licence or an approved application issued by the Authority, that is revoked, shall not be refunded any fees and any owner, entity or applicant involved may not re-apply for a medicinal cannabis business licence for three (3) years after such revocation.

(3) An applicant shall submit a complete application to the Authority before it will be accepted or considered.

(4) An applicant shall consult with the Authority to confirm whether the proposed medicinal cannabis business licence, location or premises is eligible for authorization.

52. Medicinal cannabis business-process for renewing a licence

(1) The Authority will send a notice for licence renewal 90 days prior to the expiration of an existing licence by post or electronic mail to the licensee's mailing address or email address that is recorded on the Applicant's file.

(2) A licensee may apply for the renewal of an existing licence no less than 30 days prior to the licence's expiration date and such application shall be accompanied by the renewal fees specified in Regulation 75 of these Regulations.

(3) Where the licensee, refer to subregulation (2), files a renewal application during the 30 day period prior to expiration, the licensee shall provide a written explanation detailing the

circumstances surrounding the late filing accompanied by the late renewal fees specified in Regulation 75 of these Regulations.

(4) Where the Authority accepts the application, then it may elect to administratively continue the licence beyond the expiration date while it completes the renewal licensing process.

(5) An application for renewal will only be accepted if it is accompanied by the requisite renewal fees, as specified in Regulation 75 of these Regulations.

(6) Failure to receive a notice for licence renewal does not relieve a licensee of the obligation to renew all licences as required.

(7) If a licence is not renewed before its expiration the following conditions shall apply as follows—

(a) a licence is immediately invalid upon expiration if the licensee has not filed a late renewal application and remitted all of the required fees; and
(b) the licensee shall not operate the medicinal cannabis business;

(8) Where a licensee files a late application with the Authority within the 30 day period after the expiration of the licence, the licensee shall provide a written explanation detailing the circumstances surrounding the late filing accompanied by the special late renewal fees specified in Regulation 75 of these Regulations and the Authority may administratively continue the licence from the date the late application was received until it can complete its renewal application process and investigate the extent to which the licensee operated with an expired licence to calculate penalty fines as specified in Regulation 217 of these Regulations.

(9) Where a Licensee files a renewal application after 30 days from date of expiration of the licence, the renewal application shall be treated as a new licence application.

53. Excessive concentration

(1) In determining whether to grant or deny a licence for a medicinal cannabis business, the Authority shall consider if an excessive concentration exists in the area where the licensee will operate.

(2) For the purposes of this Regulation, "excessive concentration" applies when one of the conditions as follows exist—

(a) the ratio of medicinal cannabis business licensees to a populated area within the country exceeds the ratio of similar establishments to the same population area in the county in which the applicant premises is to be located—

(i) similar establishments shall include medical pharmacies within the country as an initial guide to the number of medicinal cannabis dispensary licences are granted;

(ii) the number of approved medicinal cannabis cultivation operations, extraction and processing operations and infused product manufacture operations licenced to supply the domestic market, shall be in direct consideration of and guided by, the number of medicinal cannabis dispensaries approved; or

(b) where approval of the application would unduly oversaturate the regulated market so as to perpetuate the illegal market for medicinal cannabis goods.

(3) The Authority shall calculate the ratios described in subregulation (2)(a) of this Regulation once every six months using the most current available data.

(4) The Authority's consideration of whether to grant or deny a licence shall be based upon the most recent ratio calculated by the Authority on the date of the Authority's decision.

(5) The existence of an excessive concentration shall not be considered in determining whether to grant, deny, or extend a provisional licence under Regulation 50 of these Regulations.

(6) The applicant may provide reliable evidence establishing, to the satisfaction of the Authority, that a denial of a licence would unduly limit the development of the regulated market so as to perpetuate the illegal market for medicinal cannabis goods.

54. Monopolization

(1) A person or entity shall not monopolize, or attempt to monopolize, or to combine or conspire with any person or entity, to monopolize any part of the trade or commerce related to medicinal cannabis business or goods.

(2) The Prime Minister of Antigua and Barbuda, with the approval of Cabinet, shall have the sole discretion whether to enforce this Regulation.

(3) A licensee or licenced entity or any of its owners found to be in contravention of this Regulation, has committed a serious offence against these Regulations and will be subject to licence revocation and complete asset seizure by the Authority.

(4) A licensee or licenced entity or any of its owners shall not—

(a) make a sale or contract for the sale of medicinal cannabis or medicinal cannabis infused products, or to fix a price charged therefor, or discount from, or rebate upon, that price, on the condition, agreement, or understanding that the authorized consumer or licenced purchaser thereof shall not use or deal in the goods, merchandise, machinery, supplies, commodities, or services of a competitor or competitors of the seller, where the effect of that sale, contract, condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of trade or commerce;

(b) sell any cannabis or cannabis products at less than cost for the purpose of injuring competitors, destroying competition, or misleading or deceiving purchasers or prospective purchasers;

(c) discriminate between different regions, communities, or cities or portions thereof, or between different locations in those regions, communities, or cities or portions thereof in Antigua and Barbuda, by selling or furnishing the same medicinal cannabis or medicinal cannabis infused products at a lower price in one region, community, or city or any portion thereof, or in one location in that region, community, or city or any portion thereof, than in another, for the purpose of injuring competitors or destroying competition;

(d) sell any cannabis or cannabis products at less than the cost thereof to such vendor, or to give away any article or product for the purpose of injuring competitors or destroying competition; or

(e) have ownership or financial interest, as explained in Regulations 56 and 57 of these Regulations, in more than twenty percent (20%), by number count, of the total number of medicinal cannabis business licences issued within Antigua and Barbuda.

(5) A person who, as director, officer, or agent of any firm or corporation, or as agent of any person, contravenes the provisions of this Part, or assists or aids, directly or indirectly, in that violation is responsible therefore equally with the person, firm, or corporation for which that person acts.

55. Protection of local stakeholders

(1) A licenced medicinal cannabis cultivation, extraction or infused products manufacturer business licensee shall not sell its medicinal cannabis goods to another licenced medicinal cannabis business in Antigua and Barbuda, of which it is an owner or has a financial interest in, as explained in Regulations 56 and 57 of these Regulations, for less than 10% net profit.

(2) A licenced medicinal cannabis cultivation, extraction or infused products manufacturer business licensee shall not sell or export its medicinal cannabis goods to another licenced medicinal cannabis business, of which it is an owner or has a financial interest in, as explained in Regulations 56 and 57 of these Regulations, for less than 10% net profit.

(3) A licenced medicinal cannabis cultivation, extraction or infused products manufacturer business licensee shall not sell or export its medicinal cannabis goods to another licenced medicinal cannabis business for less than 10% net profit.

56. Medicinal cannabis business - factors to consider when evaluating ownership of a licence

(1) An applicant for a medicinal cannabis business licence shall have at least minimum one individual who meets the definition of "owner" and who shall be licenced as a medicinal cannabis business licence owner as specified in Regulation 65 of these Regulations.

(2) Each owner shall submit the information required of owners under Regulations 36 and 64 of these Regulations.

(3) Each medicinal cannabis business licence shall be held by the owner or owners of the licenced establishment.

(4) The Authority may consider the following non-exhaustive list of elements when determining who is an owner—

(a) a person with any ownership interest in the person or entity applying for a licence or a licensee, unless the interest is solely a security, lien, or encumbrance;
(b) a trustee or a person who has control of the trust or the medicinal cannabis business that is held in trust;
(c) an individual entitled to a share of the profits of the medicinal cannabis business;
(d) an individual holding any of the capital stock or more than five percent (5%) of the publicly traded stock;
(e) an individual who will be participating in the direction, control, or management of the person or entity applying for a licence, or in the
medicinal cannabis business and such an individual shall include but may not be limited to, any of the following—

(i) a general partner of a medicinal cannabis business that is organized as a partnership;
(ii) a non-member director or managing director of a medicinal cannabis business that is organized as a limited liability company;
(iii) an officer or director of a medicinal cannabis business that is organized as a corporation;

(f) an individual who assumes responsibility for the licence and such an individual includes, but is not limited to, the following—
(i) an individual who is managing or directing the medicinal cannabis business in exchange for a portion of the profits;
(ii) an individual who assumes responsibility for the debts of the medicinal cannabis business;
(iii) an individual who is determining how any part of the cannabis business is operated;
(iv) an individual who is determining what cannabis goods the medicinal cannabis business shall cultivate, manufacture, extract, process, distribute, purchase, or sell;
(g) where an entity is determined to be an owner in a medicinal cannabis business, all entities and individuals with ownership in the entity shall be disclosed to the Authority and shall be considered owners of the medicinal cannabis business by the Authority for tracking and monitoring purposes and compliance with international guidelines which shall include—

(i) any entity or individual in a multilayer business structure, that has an ownership in the medicinal cannabis business, the Chief Executive Officer or members of the board of directors of the entity, as well as the Chief Executive Officer, members of the board of directors, partners, trustees and all persons that have control of a trust, and managing directors or non-member directors of the entity; and
(ii) each entity disclosed as having an ownership shall disclose the identities of all persons holding ownership or any financial interest until only individuals remain.

57. Financial interest in a medicinal cannabis business

(1) A financial interest means an agreement to receive a portion of the profits of a medicinal cannabis business, an investment into a Medicinal cannabis business, a loan provided to a Medicinal cannabis business, or any other equity interest in a Medicinal cannabis business except as provided in subregulation 6 of this Regulation.

(2) A person or entity that holds a financial interest in a medicinal cannabis business, except as provided for in subregulation 6 of this Regulation, is considered an owner as defined in Regulation 56 of these Regulations and these individuals shall be required to submit the information required of owners under Regulations 36 and 64 of these Regulations.

(3) For purposes of these Regulations, an agreement to receive a portion of the profits includes, but is not limited to, the following individuals—

(a) an employee who has entered into a profit share plan with the medicinal cannabis business;
(b) a landlord who has entered into a lease agreement with the medicinal cannabis business for a share of the profits;
(c) a consultant who is providing services to the medicinal cannabis business for a share of the profits;
(d) a person acting as an agent, such as an accountant or attorney, for the medicinal cannabis business for a share of the profits;
(e) a broker who is engaging in activities for the medicinal cannabis business for a share of the profits; or
(f) a salesperson who earns a commission.

(4) Where an entity has a financial interest in a medicinal cannabis business, then all individuals who are owners of that entity shall be considered financial interest holders and therefore owners of the medicinal cannabis business by the Authority for tracking and monitoring purposes and compliance with international guidelines and—

(a) this shall include all entities in a multi-layer business structure that has ownership in the medicinal cannabis business, the Chief Executive Officer or members of the board

of directors of the entity, partners, trustees and all persons that have control of a trust, and managing directors or non-member directors of the entity; and

(b) each entity disclosed as having a financial interest shall disclose the identities of all persons holding financial interests until only individuals remain.

(5) An entity, a partnership interest, limited or general, a joint venture interest, a licensing agreement, ownership of a share or shares in a corporation, or a limited liability company which is licenced, or having a secured interest in equipment, fixtures used directly in the manufacture or cultivation of medicinal cannabis or medicinal cannabis-infused product, equipment or inventory constitutes a direct financial interest.

(6) Notwithstanding subregulation (2) of this Regulation, the following persons or entities holding a financial interest that are not considered owners and are therefore not required to be listed on an application for licensure under Regulations 36 and 64 of these Regulations—

(a) a bank or financial institution whose interest constitutes a loan;

(b) persons whose only financial interest in the medicinal cannabis business is through an interest in a diversified mutual fund, blind trust, or similar instrument;

(c) persons whose only financial interest is a security interest, lien, or encumbrance on property that will be used by the medicinal cannabis business;

(d) persons who hold a share of common or publicly traded stock that is less than five (5) percent of the total shares in a publicly traded company or total public offering; or

(e) any person contracted to manage the overall operation of a licenced premises through a management company that is neither owned or partly owned by any applicant, person, entity or owner of the medicinal cannabis business nor is a shareholder in the Medicinal cannabis business and is therefore not considered an owner and—

(i) owners may hire managers, and managers may be compensated by salary;

(ii) a medicinal cannabis business licence may not be held in the name of the manager;

(iii) managers shall hold a manager's licence as defined in Regulation 67 of these Regulations.

58. Medicinal cannabis business - transfer of ownership and changes in a licenced entity

(1) An application for transfers of ownership or changes in a corporate entity or ownership structure regarding the addition of a new owner by a licenced medicinal cannabis business authorized pursuant to these Regulations shall be made upon forms prescribed by the Authority.

(2) An application for transfers of ownership or any change in a corporate entity or ownership structure regarding the addition of an owner by a licenced medicinal cannabis business shall include relevant application fees, as specified in Regulation 77 of these Regulations and application forms shall be complete in every required detail.

(3) Each Applicant for a transfer of ownership or changes in corporate entities or ownership structure regarding the addition of an owner by a licenced Medicinal cannabis business shall provide all the information required by Regulations 36 and 64 of these Regulations regarding the proposed new owners.

(4) Nothing in this Regulation shall limit the Authority's ability to request additional information or evidence it considers necessary or relevant to determining a new owner's suitability for licensure and failure to provide such additional information or evidence by the requested deadline may result in denial of the application.

(5) The Authority will not approve a transfer of ownership application without first receiving written notification and approval from the relevant local licensing authority or authorities as specified in Regulation 11 of these Regulations.

(6) If the proposed new owner for any licence pursuant these Regulations is a corporation or limited liability company, it shall submit with the application—

(a) the names, mailing addresses, and owner's background forms of all of its principal officers, directors, and owners;
(b) a copy of its articles of incorporation or articles of organization; and evidence of its authorization to do business within Antigua and Barbuda; and
(c) in addition, each Applicant shall submit the names, mailing addresses of all persons owning any of the outstanding or issued capital stock, or of any persons holding a membership interest.

(7) Where the applicant for a licence pursuant to these Regulations is a general partnership, limited partnership, limited liability partnership, or limited liability limited partnership, it shall submit with the application the names, mailing addresses, and owner's background information of all of its partners and a copy of its partnership agreement.

(8) A proposed transfer of partnership interest or any change in general or directing partners of any partnership holding a licence shall be reported and approved by the Authority and any relevant local licensing authority prior to such transfer or change.

(9) A proposed transfer of capital stock or any change in principal officers or directors of a corporation shall be reported to and approved by the Authority and any local licensing authority prior to such transfer or change.

(10) A proposed transfer of ownership or any change in directors of any limited liability company holding a licence shall be reported to and approved by the Authority and any relevant local licensing authority prior to such transfer or change.

(11) It shall be considered a licence violation affecting public safety if a licensee engages in any transfer of ownership without prior approval from the Authority and the relevant local licensing authority.

(12) The Authority shall not accept an application for transfer of ownership if the licence to be transferred is expired for more than thirty (30) days, is voluntarily surrendered, or is revoked.

59. Medicinal cannabis business - changing location of the licenced premises

(1) An owner or other authorized representative of a medicinal cannabis business shall make application to the Authority for permission to change location of its licenced premises.

(2) The application referred to in subregulation (1), shall—

(a) be made upon forms prescribed by the Authority;
(b) be complete in every detail and include remittance of all applicable fees;
(c) explain the reason for requesting such change;
(d) be supported by evidence that the application complies with any local licensing authority requirements;
(e) contain a report of the relevant local licensing authorities responsible for the location in which the medicinal cannabis business is to be situated, which shall demonstrate the approval of the local licensing authorities with respect to the new location.

(3) No change of location shall be permitted until after the Authority considers the application, and such additional information as it may require, and issues to the applicant a permit for such change and—

(a) the permit shall be effective on the date of issuance, and the licensee shall, within one hundred and twenty (120) days, change the location of its business to the place specified therein and at the same time cease to operate a medicinal cannabis business at the former location;
(b) at no time may a medicinal cannabis business operate or exercise any of the privileges granted pursuant to the licence in both locations;
(c) for good cause shown, the one hundred and twenty (120) day deadline may be extended for an additional ninety (90) days; and
(d) the permit shall be conspicuously displayed at the new location, immediately adjacent to the licence to which it pertains.

(4) No change of location will be allowed except to another approved zoned area within Antigua and Barbuda in which the licence as originally issued was to be exercised;

(5) The new proposed location and premises shall meet all guidelines and rules relevant to it as specified within these Regulations.

(6) An Applicant who intends to change location shall file a change of location application with the Authority and pay the requisite change of location application fee as specified in Regulation 73 of these Regulations.

60. Death, incapacity, or insolvency of a licensee

(1) In the event of the death, incapacity, receivership, assignment for the benefit of creditors or other event rendering one or more owners incapable of performing the duties associated with the licence, the owner or owners' successor in interest such as, but is not limited to, an appointed guardian, executor, administrator, receiver, trustee, or assignee, who shall notify the Authority in writing, within fourteen (14) calendar days.

(2) Where the successor in interest referred to in subregulation (1), intends to continue operations or cancel the existing licence, he shall submit to the Authority—

(a) the name of the successor in interest;
(b) the name of any owner for which the successor in interest is succeeding and the licence number;
(c) the phone number, mailing address, and email address of the successor in interest;
(d) documentation demonstrating that the owner or owners are within the capacity of performing the duties associated with the licence such as, but is not limited to, a death certificate or a court order; and
(e) documentation demonstrating that the person making the request is the owner or owner's successor in interest such as, but is not limited to, a court order appointing guardianship, receivership, a will or trust agreement.

(3) The Authority may give the successor in interest written approval to continue operations on the licenced business premises for a period of time specified by the Authority—

(a) if the successor in interest or another person has applied for a licence from the Authority for the licenced premises and that application is under review;
(b) if the successor in interest needs additional time to destroy or sell Medicinal cannabis goods; or
(c) at the discretion of the Authority.

(4) The successor in interest is held subject to all terms and conditions under which a state medicinal cannabis licence is held pursuant to the Cannabis Act 2018 and these Regulations.

DIVISION 1 - MEDICINAL CANNABIS INDIVIDUAL OCCUPATIONAL LICENCES

61. Individual occupational licence

(1) An individual shall be licenced by, or registered with the Authority before commencing any work activity at a medicinal cannabis business.

(2) A person who possesses, cultivates, manufactures, extracts, processes, tests, dispenses, sells, serves, transports or delivers medicinal cannabis goods or medicinal cannabis infused Product as permitted by privileges granted under a medicinal cannabis business licence shall have a valid Individual Occupational Licence.

(3) A person who has the authority to access or input accounting data other than a cashier into a Medicinal cannabis business point of sale system, or use the Antigua and Barbuda tracking system, shall have a valid Individual Occupational Licence.

(4) Individual Occupational Licences shall include the following—

(a) medicinal cannabis business owner's licence;
(b) medicinal cannabis business manager's licence;
(c) medicinal cannabis special dispensing licence; or
(d) medicinal cannabis staff licence.

(5) A person within a Restricted Access Area or Limited Access Area that does not have a valid Individual Occupational Licence shall be considered a visitor and shall be escorted at all times by a person who holds a valid Individual Occupational Licence.

(6) A Licensee who contravenes subregulation (5) 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 or to both a fine and imprisonment.

62. Individual occupational licence – identification badges

(1) An individual applying to obtain an Individual Occupational Licence shall obtain all Authority approvals as specified in Regulation 64 of these Regulations and obtain an Authority issued identification badge before commencing activities permitted by the Cannabis Act, 2018 and these Regulations.

(2) All identification badges shall remain the property of the Authority and all identification badges shall be returned to the Authority upon demand by the Authority.

(3) Identification badges for a medicinal cannabis business owner, a medicinal cannabis business manager or a medicinal cannabis special dispenser, shall be issued to the individual applicant directly by the Authority.

(4) Staff licences and staff identification badges shall—

(a) be issued by the Authority to the licenced medicinal cannabis business owner;
(b) be granted to approved staff by owner or manager licensee after ensuring all requirements are met;
(c) be registered with the Authority;
(d) be entered into the Antigua and Barbuda tracking system; and
(e) the Authority shall be informed of the issuance of a staff licence and termination of such staff licence via termination of employment within 10 days of issuance or termination.

63. Individual occupational licence - complete application required

(1) An application for a Medicinal Cannabis Individual Occupational licences authorized pursuant to these Regulations shall be made upon current forms prescribed by the Authority.

(2) An application submitted to the Authority for an Individual Occupational Licence shall include—

(a) medicinal cannabis business owner licence;
(b) transfers of ownership;
(c) special dispensing licence; or
(d) manager licence.

(3) A licence constitutes a revocable privilege.

(4) The burden of proving an applicant's qualifications for licensure rests at all times with the Applicant.

(5) An application shall be complete in every detail before it will be accepted or considered.

(6) An application shall include all attachments or supplemental information requested by the Authority.

(7) An application shall be accompanied by a full remittance for the whole amount of the application fee, licence fee, or other relevant fees.

(8) The Authority shall have the right to reject an application for any reason.

(9) The Authority shall reject an application for Good Cause.

(10) Where the application is rejected, application fees minus a 25% processing fee and the full licence fees, shall be returned to the Applicant within 60 days.

(11) The Authority shall reject the application for licensure or renewal of a licence where any of the following conditions apply—

(a) if an applicant is statutorily disqualified from holding a licence;
(b) if the applicant does not qualify for licensure under these Regulations;
(c) failure or inability to comply with any of the provisions of these Regulations;
(d) failure to provide information required by the Authority;
(e) the applicant has been convicted of an offence that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the Authority determines that the applicant is otherwise suitable to be issued a licence, and granting the licence would not compromise public safety, the Authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant and shall evaluate the suitability of the applicant to be issued a licence based on the evidence found through the review and when determining which offences are substantially related to the qualifications, functions, or duties of the business or

profession for which the application is made, the Authority shall include, but not be limited to—

(i) a violent indictable conviction;
(ii) a serious indictable conviction;
(iii) an indictable conviction involving fraud, deceit, or embezzlement;
(iv) an conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor;

(f) a prior conviction, where the sentence, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for rejection of a licence;
(g) a conviction for any controlled substance offence subsequent to licensure shall be grounds for revocation of a licence or rejection of the renewal of a licence;
(h) the applicant has been sanctioned by a licensing authority or from a national authority within another country for unauthorized commercial cannabis activities or has had a cannabis licence suspended or revoked in the three years immediately preceding the date the application is filed with the Authority;
(i) an applicant may appeal a rejection pursuant to these Regulations as specified in Part XIII of these Regulations;

(12) If the Authority approves an application, all application and licensing fees shall be processed and the applicant will be informed by written post or via Electronic mail.

(13) If the applicant cannot be contacted for any reason via post, electronic mail or phone, the approval will become void after 30 days and no application or licence fees will be refunded.

(14) An applicant shall provide any additional information required that the Authority may request to process and fully investigate the application and the requested additional information shall be provided to the Authority no later than seven days after the request unless otherwise specified by the Authority.

(15) An application form supplied by the Authority and filed by an applicant for a licence, including attachments, additional information and any other documents associated with the investigation, shall be accessible by the Authority, local licensing authorities, and any local law enforcement agency, for a purpose authorized by these Regulations or for any local law enforcement purpose.

64. Individual occupational licence - requirements for licence application

(1) General requirements for all application for new medicinal cannabis business Individual Occupational Licences are as follows—

(a) an applicant shall submit information to the Authority in a full, faithful, truthful, and fair manner;
(b) the Authority may reject an application where the applicant made intentional misstatements, purposeful omissions, misrepresentations, or untruths in the application or in connection with the applicant's background investigation and this type of conduct may be considered as the basis of additional administrative action against the applicant and it may also be the basis for criminal charges against the applicant; and
(c) the Applicant shall be at least 21 years of age.

(2) Each Applicant for a new licence shall provide, at the time of application, the following information—

(a) the first and last name of the applicant;
(b) suitable evidence of proof of lawful presence or residence, where applicable;
(c) proof of good moral character and reputation;
(d) the type of licence as specified in Subregulation 2 of Regulation 63 of these Regulations, for which the applicant is applying;
(e) whether the applicant has been denied a licence or has had a licence suspended or revoked by the Authority and the applicant shall provide the type of licence applied for, the reason for denial and the date of denial;
(f) the mailing address for the applicant;
(g) the telephone number for the applicant;
(h) the website address and email address of the applicant, where applicable;
(i) contact information for the applicant's designated primary contact person including the name, title, phone number, and email address of the individual;
(j) the applicant's date of birth and place of birth;
(k) the applicant's individual Tax Compliance certificate;
(l) the applicant's employer;
(m) a copy of the applicant's government-issued identification, which may include a document issued the state of Antigua and Barbuda or by a foreign state, county, municipal government or country that includes the name, date of birth, height, gender, and picture of the person, such as a driver's licence, voters identification card or passport;
(n) a detailed description of the applicant's convictions and a conviction within the meaning of this Regulation means a plea or verdict of guilty or a conviction following a plea of nolo contendere and convictions dismissed under any law within Antigua and Barbuda or under another jurisdiction's law shall be disclosed, and for each conviction, the owner shall provide the following—

(i) the date of conviction;
(ii) dates of incarceration, if applicable;
(iii) dates of probation, if applicable;

(iv) dates of parole, if applicable;
(v) a detailed description of the offence for which the owner was convicted;
(vi) a statement of rehabilitation for each conviction which is to be written by the owner and may contain evidence that the owner would like the Authority to consider that demonstrates the applicant's fitness for licensure, also, supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, dated letters of reference from employers, instructors, or professional counsellors that contain valid contact information for the individual providing the reference;

(o) attestation to the following statement—

"Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of the licence, or revocation of a licence issued";

(p) an applicant or licensee shall notify the Authority in writing of any indictable criminal charge and conviction on indictment against such person, pursuant to becoming licenced, within ten days of such person's arrest, indictable summons, and within ten days of the disposition of any arrest or summons and—

(i) failure to make proper notification to the Authority may be grounds for disciplinary action;
(ii) licensees shall cooperate in any investigation conducted by the Authority;
(iii) this duty to report includes, but is not limited to, deferred sentences or judgments that are not sealed;
(iv) if the inspectorate division lawfully finds a disqualifying event and an applicant asserts that the record was sealed, the Authority may require the applicant to provide proof from a court evidencing the sealing of the case.

65. Medicinal cannabis business owner licence

(1) An applicant for a medicinal cannabis business licence shall have at a minimum, one individual who meets the definition of "owner" under Regulation 2 and shall submit all information required by Regulation 64 of these Regulations and information required by Regulation 36 of these Regulations and who shall be licenced as a medicinal cannabis business owner.

(2) An applicant for a medicinal cannabis business owner licence shall submit all application and licence fees as specified in Regulations 77 and 78 of these Regulations.

(3) An owner of a medicinal cannabis business shall be licenced to conduct any business related to medicinal cannabis at any medicinal cannabis licenced premises.

(4) An owner that is not licenced shall not enter into a limited access area within a medicinal cannabis business unless accompanied by a licensee.

66. Medicinal cannabis special dispensing licence

(1) A medicinal cannabis special dispensing licence shall be granted to an individual applicant who shall engage in the activity of dispensing medicinal cannabis to authorized patients.

(2) An applicant for a medicinal cannabis special dispensing licence shall meet the following criteria in order to be licenced—

(a) either be a pharmacist registered under the Pharmacy Act, 1995, or, possess at least five (5) O'level CXC passes inclusive of chemistry and biology;
(b) complete and pass the required CME courses as specified in Regulation 21 of these Regulations;
(c) submit certificates of qualification specified in subregulations (2)(a) and (2)(b) of this Regulation with the application in addition to all specified requirements;
(d) submit all information required by Regulation 64 of these Regulations;
(e) an applicant for a medicinal cannabis special dispensing licence shall submit all application and licence fees as specified in Regulations 77 and 78 of these Regulations.

(3) A medicinal cannabis special dispensing licensee shall dispense medicinal cannabis solely to an authorized patient or caregiver and only at an authorized medicinal cannabis dispensary.

(4) A special medicinal cannabis dispensing licensee who contravenes subregulation (3) of this Regulation commits an offence and is liable on conviction in a Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months.

(5) A medicinal cannabis dispensary licensee shall be required to give preference to a pharmacist registered under the Pharmacy Act, 1995, for the special dispensing position and shall—

(a) communicate with the Pharmacy Council to locate any registered pharmacist that is seeking employment and is interested to apply for the position; and

(b) only in the absence of an interested registered pharmacist, seek to employ a special dispenser that qualifies under the Regulations but is not a qualified pharmacist; or

(c) where the licensee can show good cause not to hire an interested Pharmacist referred to in paragraph (b), and subject to the approval of the Authority, he may employ a special dispenser that qualifies under the Regulations but is not a qualified pharmacist.

67. Medicinal cannabis business manager licence

(1) A medicinal cannabis business manager's licence shall be granted to an individual applicant who shall manage the affairs of the licenced medicinal cannabis business.

(2) A medicinal cannabis business manager's licence applicant shall submit the following—

(a) all information required by Regulation 64 of these Regulations;

(b) a statement from a licenced medicinal cannabis business owner attesting to the proposed employment of the applicant as a manager of a licenced medicinal cannabis business that belongs to the owner that submits the statement;
(c) a copy of the licence of the medicinal cannabis business owner;
(d) a copy of the licence of the medicinal cannabis business; and
(e) all application and licence fees as specified in Regulations 77 and 78 of these Regulations.

68. Staff Licence

(1) A medicinal cannabis staff licence shall be granted to individuals who are employed by a licenced medicinal cannabis business but who is not an owner, manager or special dispensing licensee.

(2) The Authority shall issue staff licence to medicinal cannabis business owners to re-issue to employees meeting the requirements in subregulation (4) of this Regulation and submitting the information required by subregulation (5) of this Regulation.

(3) An owner of a medicinal cannabis business or cannabis business manager licensee pursuant to these Regulations shall be authorized to grant one or more staff licences and staff identification to the employees of such medicinal cannabis business.

(4) A staff licence and identification badge is a revocable privilege and owners shall ensure the following criteria are met before issuing a staff licence—

(a) the applicant's criminal history shall indicate that person to be of Good Moral Character;
(b) the applicant is at least twenty-one (21) years of age;
(c) an applicant can establish that he or she is currently a resident of Antigua and Barbuda;
(d) the applicant can establish that he or she is not a, police officer, or prosecuting officer, or an officer or employee of the Authority.

(5) Each Applicant for a staff licence shall provide to the relevant manager or owner licensee, at the time of application, the following information—

(a) the first and last name of the applicant;
(b) suitable evidence of proof of lawful presence or residence;
(c) proof of good moral character and reputation;
(d) whether the applicant has been denied a licence or has had a licence suspended or revoked by the Authority and the applicant shall provide the type of licence applied for, the reason for denial and the date of denial;
(e) the mailing address for the applicant;
(f) the telephone number for the applicant;
(g) the website address and email address of the applicant where applicable;

(h) contact information for the applicant's designated primary contact person including the name, title, phone number, and email address of the individual;
(i) the applicant's date of birth and place of birth; and
(j) a copy of the applicant's government-issued identification, which may include a document issued by the Government of Antigua and Barbuda that includes the name, date of birth, gender, and picture of the person, such as a driver's licence, national identification or passport.

(6) All application information regarding the approved applicant for a staff licence shall be submitted to the Authority by the owner or cannabis licence manager licensee no later than seven (7) days after the issuance of the staff licence to the approved applicant and shall be accompanied by the staff licence application fee as specified in Regulation 77 and the staff licence fee as specified in Regulation 78 of these Regulations.

(7) Each staff licence shall remain the property of the Authority and shall be returned to the Authority upon termination of employment of the licensee.

69. Individual occupational licence - process for renewing a licence

(1) A licensee may apply for the renewal of an existing licence no less than 30 days prior to the licence's expiration date and such application shall be accompanied by the renewal fees specified in Regulation 79 of these Regulations.

(2) Where the licensee files a renewal application within thirty (30) days prior to expiration, the licensee shall provide a written explanation detailing the circumstances surrounding the late filing accompanied by the late renewal fees specified in Regulation 79 of these Regulations and if the Authority accepts the application, then it may elect to administratively continue the licence beyond the expiration date while it completes the renewal licensing process.

(3) An application for renewal shall only be accepted if it is accompanied by the requisite renewal fees, as specified in Regulation 79 of these Regulations.

(4) Failure to receive a notice for licence renewal does not relieve a Licensee of the obligation to renew all licences as required.

(5) If a licence is not renewed before its expiration the following conditions will apply—

(a) a licence is immediately invalid upon expiration if the licensee has not filed a late renewal application and remitted all of the required fees;
(b) the licensee shall not operate any Medicinal Cannabis Occupational Activity;

(6) If a licensee files a late application with the Authority within thirty (30) days after the expiration of the licence, the licensee shall provide a written explanation detailing the circumstances surrounding the late filing accompanied by the special late renewal fees specified in Regulation 79 of these Regulations and the Authority may administratively continue the licence from the date the late application was received until it can complete its renewal application process and investigate

the extent to which the licensee operated with an expired licence to calculate penalty fines as specified in Regulation 217 of these Regulations.

(7) If a licensee files a renewal application after thirty (30) days from date of expiration of the licence, the application shall be treated as a new licence application.

70. Non-citizen investment

(1) The provisions of the Non-Citizens Land Holding Regulations Act shall be applicable to any non-citizen who is a director or shareholder of a company who invests in a medicinal cannabis business.

(2) A non-citizen holding a medicinal cannabis business licence pursuant to these Regulations—

(a) with company ownership between 30 percent and 79 percent owned by the foreign entity, shall issue to the Government a 15 percent risk-free perpetual equity ownership of that company; and
(b) with company ownership between 80 percent and 100 percent owned by the foreign entity, shall issue to the Government a 25 percent risk-free perpetual equity ownership of that company.

71. Factors considered when determining residency - medicinal cannabis business licence applicant

(1) In determining whether an individual Applicant for a Medicinal cannabis business licence is a resident, the Authority shall consider the following factors—

(a) "Primary Home" may mean—
(i) the location of an Applicant's principal or primary home or place of abode establish Antigua and Barbuda residency;
(ii) An Applicant's primary home is that home or place in which a person's habitation is fixed and to which the person, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of such absence;
(iii) a primary home is a permanent building or part of a building and may include, by way of example, a house, condominium, apartment, room in a house, or manufactured housing;
(iv) no rental property, vacant lot, vacant house or cabin, or other premises used solely for business purposes shall be considered a primary home;

(b) Reliable indicators that an applicant's primary home is in Antigua and Barbuda is—
(i) Evidence of business pursuits, place of employment, income sources, residence for income or other tax purposes, residence of parents, spouse and children, if any, leaseholds, titles of personal and real property, existence of any

other residences outside of Antigua and Barbuda, and the amount of time spent at each such residence;

(ii) any motor vehicle or vessel registration;

(c) Duly authenticated copies of the following documents may be taken into account—

(i) a current Driver's Licence with address;

(ii) recent bank statements;

(iii) voters identification card;

(iv) land deed or deeds;

(v) utility bills in applicants name with primary address;

(vi) Antigua and Barbuda Passport;

(vii) copies of recent income tax returns where an Antigua and Barbuda mailing address is listed as the primary address;

(viii) current voter registration cards;

(ix) current motor vehicle or vessel registrations;

(x) other public records evidencing place of abode or employment; and

(xi) other types of reliable evidence.

(2) The Authority will review the totality of the evidence, and any single piece of evidence regarding the location of a person's primary home will not necessarily be determinative.

72. Notification of criminal acts, civil judgments, administrative orders or health and safety issues after licensure

(1) A licensee shall ensure that the Authority is notified in writing of a criminal conviction of any owner, either by mail or electronic mail, within forty eight (48) hours of the conviction and the written notification to the Authority shall include the date of conviction, the court summary proceedings, the name of the court in which the licensee was convicted, and the specific offence or offences for which the licensee was convicted.

(2) A licensee shall ensure that the Authority is notified in writing of a civil penalty or judgment rendered against the licensee or any owner in their individual capacity, either by mail or electronic mail, within forty eight (48) hours of delivery of the verdict or entry of judgment, whichever is sooner and the written notification shall include the date of verdict or entry of judgment, the court summary proceedings number, the name of the court in which the matter was adjudicated, and a description of the civil penalty or judgment rendered against the licensee.

(3) A licensee shall ensure that the Authority is notified in writing of an administrative order or civil judgement for violations of labour standards against the licensee or any owner in their individual capacity, either by mail or electronic mail, within forty eight (48) hours of delivery of the order and the written notification shall include the date of the order, the name of the agency issuing the order, and a description of the administrative penalty or judgement rendered against the licensee.

(4) A licensee shall ensure that the Authority is notified in writing of the revocation of a local licence, permit, or other authorization, either by mail or electronic mail within forty eight (48) hours of receiving notice of the revocation and the written notification shall include the name of the local

agency involved, a written explanation of the proceeding or enforcement action, and the specific violation or violations that led to revocation.

DIVISION 2 - SCHEDULE OF LICENCE FEES

73. Schedule of application fees - medicinal cannabis businesses

(1) The following schedule of Application fees shall apply to medicinal cannabis business applicants—

	MEDICINAL CANNABIS BUSINESS LICENCE TYPE	FEES in USD
(a)	Medicinal Cannabis Cultivation Location Application Fee	
(i)	Tier 1 – up to 2500 square feet	$15,000
(ii)	Tier 2 – 2501 square feet to 20,000 square feet	$25,000
(iii)	Tier 3 – 20,001 square feet to 1 acre	$40,000
(iv)	Tier 4 – 1 acre to 5 acres	$70,000
(v)	Tier 5 – 5 acres or more	$80,000
(b)	Medicinal Cannabis Processing and Extraction Application Fee	$80,000
(c)	Medicinal Cannabis -Infused Products Manufacturer Application Fee	$40,000
(d)	Medicinal Cannabis Dispensary Application Fee	$50,000
(e)	Medicinal Cannabis Lounge Application fee	$10,000
(f)	Medicinal Cannabis Transport Application Fee	$10,000
(g)	Medicinal Cannabis Testing Facility Application Fee	$10,000
(h)	Medicinal Cannabis Research and Development Application Fee	$5000
(i)	Medicinal Cannabis Export Application Fee	$1000
(j)	Medicinal Cannabis Import Application Fee	$1000
(k)	Change of Location Application Fee	$5000

(2) Application fees are due at the time an application is submitted.

(3) Any refund or refunds on application fees for any reason will be less by twenty-five percent (25%) as a processing fee.

(4) Where a medicinal cannabis business provisional licence is issued to an approved applicant, all application fees become non-refundable.

74. Schedule of licence fees: medicinal cannabis businesses

(1) The following schedule of Licence fees shall apply to medicinal cannabis business approved applicants—

	MEDICINAL CANNABIS BUSINESS LICENCE TYPE	FEES in USD
(a)	Medicinal Cannabis Cultivation Location Licence Fee	
(i)	Tier 1 – up to 2500 square feet	$25,000
(ii)	Tier 2 – 2501 square feet to 20,000 square feet	$35,000
(iii)	Tier 3 – 20,001 square feet to 1 acre	$50,000
(iv)	Tier 4 – 1 acre to 5 acres	$80,000
(v)	Tier 5 – 5 acres or more	$100,000
(b)	Medicinal Cannabis Processing and Extraction Licence Fee	$100,000
(c)	Medicinal Cannabis -Infused Products Manufacturer Licence Fee	$50,000
(d)	Medicinal Cannabis Dispensary Licence Fee	$100,000
(e)	Medicinal Cannabis Lounge Licence fee	$20,000
(f)	Medicinal Cannabis Transport Licence Fee	$15,000
(g)	Medicinal Cannabis Testing Facility Licence Fee	$50,000
(h)	Medicinal Cannabis Research and Development Licence Fee	$5,000
(i)	Medicinal Cannabis Export Licence Fee	$500 - 20,000
(j)	Medicinal Cannabis Import Licence Fee	$500

(2) Each licence fee referred to in subregulation (1) is payable in United States Dollars and is due within thirty (30) days of an application being approved.

(3) If a licence is denied, after the licence fee has been submitted but before the licence has been issued, or during the provisional licence period, an applicant may request that the Authority refund the full licence fee after the denial appeal period has lapsed or after the completion of the denial appeal process, whichever is later.

(4) Where a medicinal cannabis business licence is issued to an approved applicant, all licence fees become non-refundable.

75. Schedule of renewal fees: medicinal cannabis businesses

(1) The following schedule of Renewal fees shall apply to Medicinal cannabis business Licensees—

	MEDICINAL CANNABIS BUSINESS LICENCE TYPE	Renewal FEES in USD	Late Renewal Fees in USD	Special Late Renewal Fees in USD
(a)	Medicinal Cannabis Cultivation Location			
(i)	Tier 1 – up to 2500 square feet	$25,000	$50,000	$75,000
(ii)	Tier 2 – 2501 square feet to 20,000 square feet	$35,000	$50,000	$75,000
(iii)	Tier 3 – 20,001 square feet to 1 acre	$50,000	$100,000	$150,000

(iv)	Tier 4 – 1 acre to 5 acres	$80,000	$150,000	$200,000
(v)	Tier 5 – 5 acres or more	$100,000	$150,000	$200,000
(b)	Medicinal Cannabis Processing and Extraction	$100,000	$150,000	$200,000
(c)	Medicinal Cannabis -Infused Products Manufacturer	$50,000	$75,000	$100,000
(d)	Medicinal Cannabis Dispensary	$100,000	$150,000	$200,000
(e)	Medicinal Cannabis Lounge	$20,000	$30,000	$40,000
(f)	Medicinal Cannabis Transport	$10,000	$20,000	$30,000
(g)	Medicinal Cannabis Testing Facility or Interim Lab	$5000	$10,000	$20,000
(h)	Medicinal Cannabis Research and Development	$5000	$10,000	$20,000

(2) Each renewal licence fee referred to in subregulation (1) is payable in United States Dollars is due at the time the renewal application is submitted and—

(a) a renewal application submitted more than thirty (30) days prior to the expiration of the licence shall be accompanied by regular renewal fees;
(b) a renewal application submitted within thirty (30) days prior to the expiration of the licence shall be accompanied by a letter to the Authority explaining the reason for the late application and the specified late renewal fees;
(c) a renewal application submitted within thirty (30) days after to the expiration of the licence shall be accompanied by a letter to the Authority explaining the reason for the late application and the specified special late renewal fees; and
(d) a renewal application submitted after thirty (30) days from date of expiration of the licence shall be treated as a new licence application.

(3) If an application for renewal is denied, an applicant may request that the Authority refund the renewal fee after the denial appeal period has lapsed or after the completion of the denial appeal process, whichever is later.

(4) Where a medicinal cannabis business licence is renewed to a licensee, all renewal fees become non-refundable.

76. Schedule of administrative service fees - all licensees

(1) The following administrative service fees may apply—

	ADMINISTRATIVE SERVICE	FEES in USD
(a)	Duplicate Business Licence or Certificate of Application	$100
(b)	Duplicate Individual Occupational Licence	$100
(c)	Modification of Licence Premises	$100

(d)	Change of business location	$100
(e)	Cultivation Licensee - Harvest Inspection Fee	$500
(f)	Cultivation Licensee – Processing Inspection Fee	$500
(g)		

(2) Each licence fee referred to in subregulation (1) is payable in United States Dollars and shall be applied for directly to the Authority.

(3) Each administrative service fee is due at the time each applicable request is made.

77. Schedule of application fees - individual occupational licences

(1) The following schedule of Application fees shall apply to Individual Occupational Licence applicants—

	INDIVIDUAL OCCUPATIONAL LICENCE TYPE	FEES in USD
(a)	Medicinal Cannabis Cultivation Owner Application Fee	$10,000
(b)	Medicinal Cannabis Processing and Extraction Owner Application Fee	$10,000
(c)	Medicinal Cannabis -Infused Products Manufacturer Owner Application Fee	$7500
(d)	Medicinal Cannabis Dispensary Owner Application Fee	$10,000
(e)	Medicinal Cannabis Lounge Owner Application fee	$5000
(f)	Medicinal Cannabis Transport Owner Application Fee	$5000
(g)	Medicinal Cannabis Testing Facility Owner Application Fee	$5000
(h)	Medicinal Cannabis Research and Development Owner Application Fee	$1000
(i)	Change of Owner Application Fee	$10,000
(j)	Medicinal Cannabis Special Dispensing Licence Application Fee	$2500
(k)	Medicinal cannabis business Manager Licence Application Fee	$2500
(l)	Medicinal Cannabis Staff Licence Application Fee	$500

(2) Application fees are due at the time the applicant submits an application.

78. Schedule of licence fees - individual occupational licence

(1) The following schedule of Licence fees shall apply to Individual Occupational Licence applicants--

	INDIVIDUAL OCCUPATIONAL LICENCE TYPE	FEES in USD

(a)	Medicinal Cannabis Cultivation Owner Licence Fee	$10,000
(b)	Medicinal Cannabis Processing and Extraction Owner Licence Fee	$10,000
(c)	Medicinal Cannabis -Infused Products Manufacturer Owner Licence Fee	$7500
(d)	Medicinal Cannabis Dispensary Owner Licence Fee	$10,000
(e)	Medicinal Cannabis Lounge Owner Licence fee	$5000
(f)	Medicinal Cannabis Transport Owner Licence Fee	$5000
(g)	Medicinal Cannabis Testing Facility Owner Licence Fee	$5000
(h)	Medicinal Cannabis Research and Development Owner Licence fee	$5000
(i)	Change of Owner/ New Owner Licence Fee	$5000
(j)	Medicinal Cannabis Special Dispensing Licence Fee	$2500
(k)	Medicinal cannabis business Manager Licence Fee	$2500
(l)	Medicinal Cannabis Staff Licence Fee	$500

(2) Licence fees are due at time applicant submits application.

79. Schedule of licence renewal fees: individual occupational licence

(1) The following schedule of Licence Renewal fees shall apply to Individual Occupational Licensees—

	INDIVIDUAL OCCUPATIONAL LICENCE TYPE	Renewal Fees in USD	Late Renewal Fees in USD	Special Late Renewal Fees in USD
(a)	Medicinal Cannabis Cultivation Owner	$10,000	$20,000	$30,000
(b)	Medicinal Cannabis Processing and Extraction Owner	$10,000	$20,000	$30,000
(c)	Medicinal Cannabis -Infused Products Manufacturer Owner	$7500	$15,000	$25,000
(d)	Medicinal Cannabis Dispensary Owner	$10,000	$20,000	$30,000
(e)	Medicinal Cannabis Lounge Owner	$5000	$10,000	$15,000
(f)	Medicinal Cannabis Transport Owner	$5000	$10,000	$15,000
(g)	Medicinal Cannabis Testing Facility Owner	$5000	$10,000	$15,000
(h)	Medicinal Cannabis Research and Development Owner	$5000	$10,000	$15,000
(i)	Medicinal Cannabis Special Dispensing Licence	$2500	$5000	$10,000
(j)	Medicinal cannabis business Manager Licence	$2500	$5000	$10,000
(k)	Medicinal Cannabis Staff Licence	$1000	$2000	$5000

(2) Each licence fee referred to in subregulation (1) is payable in United States Dollars and is due at the time when an applicant submits an application for renewal—

(a) a renewal application submitted more than thirty (30) days prior to the expiration of the licence shall be accompanied by regular renewal fees;
(b) a renewal application submitted within thirty (30) days prior to the expiration of the licence shall be accompanied by a letter to the Authority explaining the reason for the late application and the specified late renewal fees;
(c) a renewal application submitted within thirty (30) days after to the expiration of the licence shall be accompanied by a letter to the Authority explaining the reason for the late application and the specified special late renewal fees; and
(d) a renewal application submitted after thirty (30) days from date of expiration of the licence shall be treated as a new licence application

(3) If an application for renewal is denied, an Applicant may request that the Authority refund the renewal fee after the denial appeal period has lapsed or after the completion of the denial appeal process, whichever is later.

(4) Where an Individual Occupational licence is renewed to a licensee, all renewal fees become non-refundable.

80. Licensee required to keep mailing address current with the authority - all licensees

(1) A Licensee shall inform the Authority in writing of any change to its mailing address within thirty (30) days of the change.

(2) The Authority will not change a licensee's information without explicit written notification provided by the Licensee or its authorized agent.

(3) Authority communications are sent to the last mailing address furnished by an applicant or a Licensee to the Authority.

(4) Failure to notify the Authority of a change of mailing address does not relieve a licensee or applicant of the obligation to respond to an Authority communication.

(5) The Authority will send any application, disciplinary or sanction communication, as well as any notice of hearing, to the last mailing address furnished to the Authority by the Licensee or Applicant.

81. Length of licence - all licences

(1) All medicinal cannabis business licences are valid for one (1) year.

(2) A licence may be valid for less than the applicable licence term if revoked, suspended, voluntarily surrendered, or otherwise disciplined.

(3) Manager and Staff Licences shall be issued by the Authority and shall last for the duration of employment but shall be renewed each year.

PART V

THE LICENCED PREMISES

82. Premises

(1) Each licence shall have a designated licenced premises, with a distinct street address, property or building number where applicable, for the licensee's Medicinal cannabis business activity.

(2) Each licenced premises shall be subject to inspection by the Authority and shall meet all requirements and standards specified within these Regulations before being authorized.

(3) Licenced dispensaries authorized to engage in retail sales shall only serve authorized patients or caregivers who are within the licenced premises, or at a delivery address that meets the requirements of these Regulations.

(4) The sale and delivery of Medicinal cannabis goods shall not occur through a pass-out window or a slide-out tray to the exterior of the licenced premises.

(5) Licenced dispensaries authorized to engage in retail sales shall not operate as or with a drive-in or drive-through at which medicinal cannabis goods are sold to persons within or about a motor vehicle.

(6) No medicinal cannabis good shall be sold or delivered by any means or method to any person that is within a motor vehicle.

(7) Alcoholic beverages that do not contain medicinal cannabis shall not be stored or consumed on a licenced premises.

(8) Any licenced premises that is adjacent to another premises engaging in manufacturing or cultivation shall be separated from those premises by walls, and any doors leading to the cultivation or manufacturing premises shall remain closed.

83. Premises location

(1) A premises licenced under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten, primary, secondary or tertiary education, day care center, or youth center that is in existence at the time the licence is issued.

(2) If the proposed premises is located in a commercial property that shares space with residences, then all residents of the property shall agree in writing, to allow the proposed medicinal cannabis business to operate.

(3) A licenced premises shall not be in a location that requires persons to pass through a business or a private residence to access the licenced premises.

(4) A licenced premises shall not be in a location that requires persons to pass through the licenced premises to access a business or a private residence.

(5) A licenced premises shall not be located within a private residence.

(6) Licensees shall ensure that the Authority has immediate access to their licenced premises;

(a) If the Authority is denied access to a licensee's premises for any reason, the licensee shall be held responsible and be subject to disciplinary action; or
(b) If the Authority is denied access to one licensee's premises because of another licensee's refusal to grant access when the only access to one licenced premises is through another licenced premises, all licensees shall be held responsible and subject to disciplinary action.

(7) Nothing in this Regulation shall be interpreted to prohibit two or more licenced premises from occupying separate portions of the same parcel of land or sharing common use areas, such as a bathroom, breakroom, hallway, or building entrance.

(8) All structures included as part of the licenced premises shall be permanently affixed to the land by a method that would cause the structure to ordinarily and reasonably remain affixed for an indefinite period of time.

(9) Structures that will not be considered to be permanent structures include but are not limited to—

(a) shipping containers that are not affixed to the land;
(b) modular buildings that are not affixed to the land;
(c) structures that rest on wheels; or
(d) any structure that can be readily moved.

84. Limited access areas

(1) All areas where Medicinal cannabis goods are stored, cultivated, produced, manufactured, extracted, processed, tested, researched, and within any vehicle authorized for transport shall be identified as a Limited Access Area and shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state—

"Do Not Enter - Limited Access Area – Access Limited to Licenced Personnel and Escorted Visitors Only".

(2) All persons in a Limited Access Area in any Medicinal cannabis business shall be required to hold and properly display a current licence badge issued by the Authority at all times.

(3) Proper display of the licence badge shall consist of wearing the badge in a plainly visible manner, worn at or above the waist, and with the photo of the licensee visible.

(4) The licensee shall not alter, obscure, damage, or deface the badge in any manner.

Prior to entering a Limited Access Area, all visitors and individuals without a valid owner or Manager Licence or Staff Licence, including outside vendors, and contractors, shall obtain a visitor identification badge from management personnel of the Licensee that shall remain plainly visible, worn at or above the waist, while in the Limited Access Area.

(6) Visitors shall be escorted by a licenced personnel at all times.

(7) No more than five visitors may be escorted by a single employee.

(8) The Licensee shall maintain a log of all visitor activity, for any purpose, within the Limited Access Area and shall make such logs available for inspection by the Inspectorate Division or relevant local licensing authority or law enforcement.

(9) All visitors admitted into a Limited Access Area shall provide acceptable proof of age and shall be at least twenty-one (21) years of age.

(10) The Licensee shall check an acceptable form of identification, as specified in Regulation 134 of these Regulations, for all visitors to verify that the name on the identification matches the name in the visitor log.

(11) A Licensee may not receive consideration or compensation for permitting a visitor to enter a Limited Access Area.

(12) All areas of ingress and egress to Limited Access Areas on the Licenced premises shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state—

"Do Not Enter - Limited Access Area – Access Limited to Licenced Personnel and Escorted Visitors Only".

(13) All Limited Access Areas shall be clearly identified to the Authority or relevant local licensing authority and described by the filing of a premises diagram as specified in Regulation 37 of these Regulations, reflecting the walls, partitions, counters and all areas of ingress and egress, the diagram shall also reflect all propagation, processing, extraction, testing, research labs, cultivation, manufacturing, and Restricted Access Areas.

(14) A Licensee's proposed modification of designated Limited Access Area shall be approved by the Authority and local licensing authorities as specified in Regulation 88 of these Regulations.

(15) Notwithstanding the requirements of subregulations (2) and (4) of this Regulation, nothing shall prohibit Authority or the Inspectorate Division, authorities from local licensing authority or any local law enforcement agency, for a purpose authorized by these Regulations or for any other local law enforcement purpose, from entering a Limited Access Area upon presentation of official credentials identifying them as such.

85. Restricted access area

(1) All areas where Medicinal Cannabis or Medicinal Cannabis Infused Product are sold, displayed or dispensed shall be identified as a Restricted Access Area and shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state—

"Restricted Access Area – Only Medicinal Cannabis Patients Allowed."

(2) An enclosed reception area shall be created and shall be supervised by a Licensee at all times to ensure that only persons with a valid authorized recommendation from an authorized medical professional and in possession of a valid Medicinal cannabis patient identification card are allowed in to the Restricted Access Area.

(3) When allowing a patient access to a Restricted Access Area, Licensees shall make reasonable efforts to limit the number of patients in relation to the number of Licensees in the Restricted Access Area at any time.

(4) The display for sale and the sale of Medicinal cannabis goods is allowed only in Restricted Access Areas.

(5) Any product displays that are readily accessible to the customer shall be supervised by a Licensee at all times when customers are present.

(6) Before a patient leaves a Restricted Access area, licenced staff are obligated to seal the patient's purchase in a secure exit package, as specified in Regulation 199 of these Regulations, such as a heavy gauge, opaque container or opaque paper bag that is stapled.

(7) Exit packaging shall be distributed to prevent medicinal cannabis and its infused products from being viewed by the public and to prevent any use or misuse of the product until the patient arrives at his or her private lodging for consumption.

86. Medicinal cannabis storage

(1) A medicinal cannabis store shall be within a Limited Access Area as specified in Regulation (84) of these Regulations.

(2) Notwithstanding the provisions of the Pharmacy Act, 1995, a medicinal cannabis business licensee shall not require a pharmacist license or registration to store non-prescribable medicinal cannabis.

(3) Applicants shall consider the following when designing a medicinal cannabis store—

(a) a capacity and space where—

(i) the storage area shall have the capacity for both storage and handling;

(ii) ideally, space should be evenly divided between the two;

(iii) when designing a new facility, the storage space and capacity requirements should not be underestimated;

(iv) the medical store shall include staging areas for preparing shipments which are being issuing and unloading deliveries that are being received;
(v) the receiving and shipping areas shall be separated to avoid confusion and to enhance efficiency and security; and
(vi) if a facility will be repackaging products, a separate clean preparation area to conduct the repackaging shall be used and shall be located near to the issuing area;

(b) a cold storage where—

(i) in larger facilities it is more efficient to use cold rooms rather than numerous refrigerators or freezers due to excess heat generation;
(ii) ideally, larger facilities shall have one room with a negative temperature for frozen products between -5°C to -20°C and another room with a positive but cold temperature between 1° to 7°C for products requiring refrigeration;
(iii) smaller facilities shall have at least one unit with a negative temperature for frozen products between -5°C to -20°C and at least one other unit with a positive but cold temperature between 1° to 7°C for products requiring refrigeration;

(c) a secure storage where—

(i) medicinal cannabis stores shall be within a secure storage area;
(ii) a locked stainless steel or aluminium cabinet or cupboard may be sufficient for smaller facilities, while larger facilities shall require a vault or cage;
(iii) a cage shall utilise a double locking method and shall be constructed using high tensile steel wire and a frame constructed using steel of no less than one quarter of an inch in thickness;
(iv) a cage used within an open warehouse facility shall be enclosed within a sealed concrete room with double locked doors and which shall be identified as a Limited Access Area;
(v) a medicinal cannabis store shall have an alarm system installed at all access points which shall be monitored by an approved off site monitoring company.

(d) ventilation where—

(i) the location and design should ensure maximum air circulation to avoid concentrations of fumes or gases and to prevent condensation of moisture on products or walls;
(ii) use an extractor fan and fume cabinet where necessary, to remove fumes, gases, and moisture;
(iii) utilise an approved air filtration system;

(e) a roof where—

(i) the design is a slanting roof to allow water run-off;

(ii) the roof is extended over the windows to give extra protection from rain and direct sunlight;

(f) a ceiling which is a double ceiling installed to provide insulation and ensure that supplies are kept cool;

(g) walls and floor where—

(i) the walls and floors of a medical store should be permanent and smooth for easy cleaning;

(ii) the walls shall be constructed of brick or concrete blocks;

(iii) perforated or bored bricks might be used for the upper portion of the wall to allow ventilation, but these should be screened to prevent the entry of rodents and other pests;

(iv) construct or treat floors of larger facilities are installed to ensure they can withstand the frequent movement of heavy products and equipment;

(h) doors—

(i) the plan doors are wide enough to allow for the free and easy movement of supplies and handling equipment;

(ii) large facilities often use forklifts and other handling equipment and shall therefore ensure these larger doors are strong and reinforced to provide adequate security;

(iii) fit doors with two strong locks, and install metal grills for extra protection;

(i) lighting—

(i) plan the storeroom with as much natural light such as sunlight, in the day as possible to avoid the use of either florescent or incandescent bulb lighting during the day;

(ii) florescent lighting emits ultraviolet rays, which have a negative effect on certain products and incandescent bulbs emit heat;

(iii) take care to ensure that products are not in direct sunlight;

(j) windows—

(i) plan windows that are high and wide to allow adequate ventilation;

(ii) windows shall be high enough to not be blocked by shelves and shall have wire mesh to keep out insects;

(iii) windows shall be burglar proofed using steel reinforcements.

(k) cupboards—

(i) provide stainless steel or aluminium cupboards for the storage of specific products that shall be kept free from dust or light.

(l) first aid—

(i) keep a properly stocked first aid kit to treat employees or visitors who are injured in your facility;

(ii) place the first aid kit in a central location that is easily accessible to all employees;

(iii) ensure it is clearly marked and that all employees are aware of its location and contents;

(m) shelves—

(i) arrange shelves and racks in lines with a passageway not less than ninety centimetres (90cm) wide;

(ii) avoid placing shelves only around the edge of the room, which wastes a lot of space;

(iii) place the shelves ninety centimetres (90cm) from the walls of the storeroom to ensure they are accessible from both sides;

(n) cleaning—

(i) write and post the schedule and instructions for cleaning the storeroom in multiple locations around the facility;

(ii) sweep and mop or scrub the floors of the storeroom regularly;

(iii) wipe down the shelves and products to remove dust and dirt;

(iv) dispose of garbage and other waste often, in a manner that avoids attracting pests;

(v) store garbage in covered receptacles;

(o) water access—

(i) ensure the storeroom has easy access to a water outlet for cleaning;

(ii) if no running water is available, set up a system using, for example, several fifty-five (55) gallon drums on an elevated platform connected to pipes running into the store;

(iii) refill the drums regularly;

(iv) when rehabilitating an existing storage facility or constructing a new structure, install water outlets in several locations inside the structure so water is easily available from any location in the storeroom.

87. Possession of licenced premises

(1) Persons licenced pursuant to these Regulations or those making application for such licences, shall demonstrate proof of lawful possession of the premises to be licenced or Licenced Premises.

(2) Evidence of lawful possession consists of properly executed deeds of trust, leases, or other written documents acceptable to the Authority and local licensing authorities.

(3) The Licenced premises shall only be those geographical areas that are specifically and accurately described in executed documents verifying lawful possession.

(4) Licensee shall not relocate to other areas or units within a building structure without first filing a change of location application and obtaining approval from the Authority and the local licensing Authority.

(5) A licensee shall not add additional contiguous units or areas, thereby altering the initially-approved premises, without filing an application to modify the Licenced Premises, as specified in Regulation 88 of these Regulations, to the Development Control Authority on forms that will be approved by the Authority, including any applicable processing fee.

(6) A licensee shall not sublet any portion of a Licenced premises for any purpose, unless all necessary applications to modify the existing Licenced premises to accomplish any subletting have been approved by the Authority and local licensing authority.

88. Changing, altering, or modifying licenced premises

(1) After issuance of a licence, the licensee shall make no physical change, alteration, or modification of the licenced premises that or substantially alters the licenced premises or the usage of the licenced premises from the plans originally approved, without the prior written approval of both the authority and the development control authority.

(2) The Licensee whose premises are to be or substantially changed is responsible for filing an application for approval on forms provided by the Development Control Authority and approved by the Authority.

(3) Substantial changes, alterations, or modifications requiring approval include, but are not limited to, the following—

(a) any increase or decrease in the total physical size or capacity of the licenced premises;
(b) the sealing off, creation of, or relocation of a common entry way, doorway, passage or other such means of public ingress or egress, when such common entryway, doorway or passage alters or changes limited access areas, such as the cultivation, harvesting, manufacturing, or sale of medicinal cannabis or medicinal cannabis-infused product within the licenced premises;
(c) within a medicinal cannabis dispensary, the permanent addition of a separate sales counter that creates an additional point-of-sale location, and any permanent physical addition, all of which would require the installation of additional video surveillance cameras as specified in regulation 94 of these regulations;
(d) the installation or replacement of electric fixtures or equipment, the lowering of a ceiling, or electrical modifications made for the purpose of increasing power usage to enhance cultivation activities; or
(e) the addition or deletion of medicinal cannabis cultivation operation licences that will be, or have been, combined with other commonly owned cultivation licences in a common area for the purpose of growing and cultivating medicinal cannabis.

(4) The Authority and Development Control Authority may grant approval for the types of changes, alterations, or modifications described herein upon the filing of an application by the Licensee, and payment of any applicable fee.

(5) The licensee shall submit all information requested by the authority including but not limited to, documents that verify the following—

(a) the licensee will continue to have possession of the premises, as changed, by ownership, lease, or rental agreement; and
(b) the proposed change conforms to any local restrictions related to the time, manner, and place of medicinal business operations.

89. Subletting of premises

A licensee shall not sublet any area designated as the licenced premises for the licensee's commercial Medicinal Cannabis activity.

90. Licensee's responsibility for acts of employees and agents

When construing and enforcing the provisions of the Cannabis Act, 2018 and the Regulations in this Part, the act, omission, or failure of an agent, officer, representative, or other person acting for or employed by a licensee, within the scope of his or her employment or office, shall in every case be considered the act, omission, or failure of the licensee.

91. Age restriction

Employees or persons retained by a licensee to work within or on a licenced premises or to handle Medicinal cannabis goods shall be at least twenty one (21) years of age.

92. Health and safety Regulations - medicinal cannabis business

(1) A medicinal cannabis business shall be subject to inspection by the local Antigua and Barbuda Fire Department, building inspector or Health Inspector to confirm that no health or safety concerns are present.

(2) An inspection can result in additional specific standards to meet local requirements or restrictions related to medicinal cannabis operations.

(3) A medicinal cannabis business shall have a clearly visible emergency exit plan and clearly marked emergency exits.

(4) A fire safety inspection may result in the required installation of fire suppression systems, or other means necessary for adequate fire safety.

(5) The licensee shall take all of the following reasonable measures and precautions to ensure the following sanitary conditions are met regarding a Health Facility—

(a) sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations for production of medicinal cannabis goods;
(b) any litter and waste is properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Medicinal cannabis goods are prepared or exposed;
(c) floors, walls, and ceilings are constructed in such a manner that they may be adequately cleaned and each is kept clean and in good repair;

(d) there is adequate lighting in all areas where Medicinal cannabis goods are stored or sold, and where equipment or utensils are cleaned;
(e) there is adequate emergency lighting in all areas where Medicinal cannabis goods are processed or stored;
(f) the licensee provides adequate screening or other protection against the entry of pests and maintains regular pest control procedures through a registered pest control company;
(g) rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests;
(h) any buildings, fixtures, and other facilities are maintained in a sanitary condition;
(i) toxic cleaning compounds, sanitizing agents, extraction solvents and other potentially harmful chemicals are identified, held, and stored in a manner that protects against contamination of Medicinal cannabis goods and in a manner that is in accordance with any applicable local or international guideline published as an Order by the Minister of Government responsible for Health, in the Official Gazette, or any law within Antigua and Barbuda;
(j) all contact surfaces, including utensils and equipment used for the preparation of medicinal cannabis goods, shall be cleaned and sanitized as frequently as necessary to protect against contamination and shall be used as follows—

(i) equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, and shall be properly maintained;
(ii) only sanitizing agents approved by the Authority shall be used in medicinal cannabis infused products manufacturing and shall be used in accordance with labelled instructions;

(k) each medicinal cannabis business provides its employees with adequate and readily accessible toilet facilities that are consistently maintained in a sanitary condition and good repair;
(l) medicinal cannabis goods that can support the rapid growth of undesirable microorganisms are held in a manner that prevents the growth of such microorganisms;
(m) the water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system and where private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs;
(n) plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the facility and which is able to properly convey sewage and liquid disposable waste from the facility;
(o) There shall be no cross connections between the potable and waste water lines;
(p) all operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of medicinal cannabis goods shall be conducted in accordance with adequate sanitation principles;

(q) storage and transport of finished medicinal cannabis or medicinal cannabis infused product shall be under conditions that will protect products against physical, chemical, and microbial contamination as well as against deterioration of any container;

(r) hand-washing facilities shall—

(i) be adequate and convenient and be furnished with running water at a suitable temperature;

(ii) be located in the authorized facility and in Medicinal Cannabis Infused Product preparation areas and where good sanitary practices require employees to wash or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

(6) A Medicinal Cannabis Infused Products Manufacturer that manufacturers Edible Medicinal Cannabis Infused Product shall comply with all food and cooking related health and safety standards and rules of the Ministry of Health, and the Department of Environment to the extent applicable, with all Antigua and Barbuda's health and safety Regulations applicable to retail food establishments.

(7) The licensee shall take all reasonable measures and precautions as follows to ensure the following sanitary conditions are met regarding employee personal health —

(a) a person who, by medicinal examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with preparation surfaces for medicinal cannabis or medicinal cannabis infused product shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected;

(b) a person working in direct contact with preparation of medicinal cannabis goods shall conform to hygienic practices while on duty, including but not limited to—

(i) maintaining adequate personal cleanliness;

(ii) washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated; and

(iii) refraining from having direct contact with preparation of medicinal cannabis goods if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.

93. Security, alarm systems and lock standards

(1) Licenced medicinal cannabis businesses shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing medicinal cannabis and theft of medicinal cannabis goods from the licenced premises and these security measures shall include, but may not be limited to, the following—

(a) adequate fencing or walls to prevent any medicinal cannabis goods from being viewed by the public;
(b) having employed at least one security personnel to guard the licenced premises and such security personnel shall—
(i) be employed at the licenced premises 24 hours daily, everyday;
(ii) carry a licenced firearm;
(iii) not be allowed into a limited access area unless in possession of an individual occupational licence and authorized by the business licensee;
(c) prohibiting individuals from remaining on the licensee's premises if they are not engaging in activity expressly related to the operations of the licensee;
(d) establishing and maintaining limited access areas accessible only to authorized personnel;
(e) other than limited amounts of medicinal cannabis goods used for display purposes, samples, or immediate sale, storing all finished medicinal cannabis goods in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, or loss.

(2) The following minimum security alarm systems requirements shall apply to all medicinal cannabis businesses—

(a) each licenced premises shall have a security alarm system, installed by an alarm installation company, on all perimeter entry points and perimeter windows;
(b) each licensee shall ensure that all of its licenced premises are continuously monitored and licensees shall engage the services of a monitoring company to fulfil this requirement;
(c) the licensees shall maintain up to date and current records and existing contracts on the licenced premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the alarm installation company, and the name of any monitoring company, as specified in regulation 186 of these regulations.
(d) upon request, licensees shall make available to agents of the authority or relevant local licensing authority or other local law enforcement agency, for a purpose authorized by these regulations or any other local law enforcement purpose, all information related to security alarm systems, monitoring, and alarm activity;
(e) any outdoor medicinal cannabis cultivation facility, or greenhouse cultivation, is a limited access area and shall meet all of the requirements for security alarm systems described in this rule;
(f) an outdoor or greenhouse medicinal cannabis cultivation facility shall provide sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals;
(g) this shall, at a minimum include, security perimeter fencing designed to prevent the general public from entering the restricted or the limited access areas;

(h) it shall be the responsibility of the licensee to maintain physical security in a manner similar to a medicinal cannabis cultivation facility located in an indoor licenced premises so it can be fully secured and alarmed; or

(i) outdoor medicinal cannabis facility products inclusive of medicinal cannabis shall not be able to be viewed from any direction by the general public.

(3) The following minimum Lock Standards requirements shall apply to all medicinal cannabis businesses—

(a) at all points of ingress and egress, the licensee shall ensure the use of a commercial-grade, non-residential door locks;

(b) biometric locking mechanisms shall be used at all points of ingress into a limited access area;

(c) at least two (2) locks or locking mechanisms shall be utilized on all points of ingress and egress; and

(d) any outdoor medicinal cannabis cultivation facility, or greenhouse cultivation, shall meet all of the requirements for the lock standards described in this Regulation.

94. Video surveillance

(1) The following minimum video surveillance requirements shall apply to all Medicinal cannabis businesses—

(a) prior to exercising the privileges of a Medicinal cannabis business, an Applicant shall install fully operational video surveillance and camera recording system;

(b) the recording system shall record in high definition digital format and meet the requirements outlined in this Regulation;

(c) all video surveillance records and recordings shall be stored in a secure area that is only accessible to a Licensee's management staff and shall employ an Authority Approved Off Site Monitoring Company;

(d) video surveillance records and recordings shall be made available upon request to the Inspectorate Division, the Authority, or any local law enforcement agency for a purpose authorized by these Regulations or for any other local law enforcement purpose;

(e) video surveillance records and recordings of point-of-sale areas shall be held in confidence by all employees and representatives of the Authority, except that the Authority may provide such records and recordings to the relevant local licensing authority, or any local law enforcement agency for a purpose authorized by these Regulations or for any local law enforcement purpose.

(2) The following minimum video surveillance equipment requirements shall apply to all medicinal cannabis businesses—

(a) video surveillance equipment shall, at a minimum, consist of digital or network video recorders, cameras capable of meeting the recording requirements described in this

rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos;

(b) all video surveillance systems shall be equipped with a failure notification system that provides prompt notification to the Licensee of any prolonged surveillance interruption or the complete failure of the surveillance system;

(c) licensees are responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capable of capturing the identity of all individuals and activities in the monitored areas;

(d) all video surveillance equipment shall have sufficient battery back-up to support a minimum of four hours of recording in the event of a power outage; and

(e) video recordings shall be backed up either off site or online.

(3) The following minimum camera placement and camera coverage requirements shall apply to all medicinal cannabis businesses—

(a) camera coverage is required for all limited access areas, point-of-sale areas, security rooms, all points of ingress and egress to limited access areas, all areas where medicinal cannabis goods is displayed for sale, and all points of ingress or egress to the exterior of the licenced premises;

(b) camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities on the licenced premises;

(c) at each point-of-sale location, camera coverage shall enable recording of the authorized patients, caregivers and employees facial features with sufficient clarity to determine identity;

(d) all entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points;

(e) the system shall be capable of recording all pre-determined surveillance areas in any lighting condition and if the licenced premises has a medicinal cannabis cultivation area, a rotating schedule of lighted conditions and zero-illumination can occur as long as ingress and egress points to flowering areas remain constantly illuminated for recording purposes;

(f) areas where medicinal cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment;

(g) cameras shall also be placed at each location where weighing, packaging, transport, preparation, or RFID and other tagging activities occur;

(h) at least one camera shall be dedicated to record the access points to the secured surveillance recording area;

(i) all outdoor cultivation areas shall meet the same video surveillance requirements applicable to any other indoor Limited Access Areas.

(4) The following minimum video surveillance equipment location and maintenance requirements shall apply to all medicinal cannabis businesses—

(a) the surveillance room or surveillance area shall be a limited access area;
(b) surveillance recording equipment shall be housed in a designated, locked and secured room or other enclosure with access limited to authorized employees, agents of the authority and relevant local licensing authority or local law enforcement agencies for a purpose authorized by these regulations or for any other local law enforcement purpose, and service personnel or contractors;
(c) licensees shall keep a current list of all authorized employees and service personnel who have access to the surveillance system or room on the licenced premises.
(d) licensees shall keep a surveillance equipment maintenance activity log on the licenced premises to record all service activity including the identity of the individuals performing the service, the service date and time and the reason for service to the surveillance system;
(e) off-site monitoring and video recording storage of the licenced premises by the licensee is not authorized; or
(f) each medicinal cannabis licenced premises located in a common or shared building shall have a separate surveillance room or area that is dedicated to that specific licenced premises.

(5) The following minimum video recording and retention requirements shall apply to all Medicinal cannabis businesses—

(a) all camera views of all Limited Access Areas shall be continuously recorded 24 hours a day;
(b) the use of motion detection is authorized when a licensee can demonstrate that monitored activities are adequately recorded;
(c) all surveillance recordings shall be kept for a minimum of 40 days and be in a format that can be easily accessed for viewing.
(d) video recordings shall be archived in a format that ensures authentication of the recording as legitimately captured video and guarantees that no alteration of the recorded image has taken place;
(e) the licensee's surveillance system or equipment shall have the capabilities to produce a color still photograph from any camera image, live or recorded, of the licenced premises;
(f) the date and time shall be embedded on all surveillance recordings without significantly obscuring the recoded view;
(g) the date and time shall be synchronized with the mandated universal Antigua and Barbuda tracking system;
(h) time is to be measured in accordance with the official Antigua and Barbuda time established by the Antigua and Barbuda Bureau of Standards or the U.S.A. Naval Observatory at website http://www.time.gov/atlanticstandardtime;

(i) after the 40 day surveillance video retention schedule has lapsed, surveillance video recordings may be erased or destroyed prior to sale or transfer of the facility or business to another Licensee, or being discarded or disposed of for any other purpose; and

(j) notwithstanding subregulation (5)(i) of this Regulation, surveillance video recordings may not be destroyed if the licensee knows or should have known of a pending criminal, civil or administrative investigation or any other proceeding for which the recording may contain relevant information.

(6) All records applicable to the surveillance system shall be maintained on the Licenced premises and at a minimum, Licensees shall maintain a map of the camera locations, direction of coverage, camera numbers, surveillance equipment maintenance activity log, user authorization list and operating instructions for the surveillance equipment.

(7) All recorded video of all transactions shall be entered into the Antigua and Barbuda Tracking System.

DIVISION 1- MEDICINAL CANNABIS WASTE MANAGEMENT

95. Considering waste management

Medicinal cannabis businesses shall—

(a) remain free of medicinal cannabis waste and other non-cannabis garbage;

(b) Maintain a clean environment where medicinal cannabis goods and any edible items are stored;

(c) maintain a pest control plan that will reduce the number of pests, whether insects or rodents;

(d) plan disposal techniques that are practical and simple;

(e) monitor disposal practices on a regular, frequent basis.

96. Non-medicinal cannabis waste disposal

Different types of non-medicinal cannabis waste that shall be destroyed safely and effectively and their suggested methods of disposal include but may not be limited to—

(a) garden rubbish—

(i) compost leaves, sticks, weeds, and trimmings from shrubs and trees, if feasible;

(ii) designate a separate area for composting;

(b) cardboard cartons—

(i) if possible, recycle cardboard;

(ii) if recycling is not possible, treat like ordinary rubbish;

(c) ordinary rubbish—

(i) recycle where possible;

(ii) where municipal solid waste facilities exist, dispose of ordinary rubbish in the municipal dump;

(ii) place in authorized garbage collection areas;

(d) human waste—

(i) use cesspit systems or other toileting facilities to dispose of all human waste;

(ii) follow all local sewage regulations for commercial facilities;

(e) hazardous waste—

(i) a licensee shall manage all hazardous waste in compliance with all applicable hazardous waste statutes and regulations within Antigua and Barbuda law.

97. Medicinal cannabis waste disposal

(1) Medicinal cannabis goods waste shall be stored, secured and managed in accordance with all applicable local statutes, regulations, rules or other requirements.

(2) Liquid waste from Medicinal cannabis businesses shall be disposed of in compliance the applicable water and sewage quality control law within Antigua and Barbuda.

(3) Disposal of hazardous and chemical waste shall be conducted in a manner consistent with Antigua and Barbuda laws.

(4) A licensee shall dispose of medicinal cannabis waste in a secured waste receptacle or in a secured limited access area on the licenced premises designated on the licensee's premises diagram or as identified in the licensee's cultivation plan;

(a) for the purposes of this Regulation, "secure waste receptacle" or "secured area" means physical access to the receptacle or area is restricted to only the licensee, employees of the licensee, agents of the Authority, or an authorized waste hauler contracted by the medicinal cannabis business and permitted by the Authority;

(b) public access to the designated receptacle or area shall be strictly prohibited.

(5) Medicinal cannabis goods waste shall be made unusable and unrecognizable prior to leaving the Licenced premises to prevent unlawful misuse.

(6) Medicinal cannabis goods waste shall be rendered unusable and unrecognizable by grinding and incorporating the cannabis waste with the following non-consumable, solid wastes, such that the resulting mixture is at least 50 percent non-cannabis waste—

(a) paper waste;

(b) cardboard waste;

(c) food waste;

(d) grease or other compostable oil waste;

(e) compost activators;

(f) other wastes approved by the Authority that will render the medicinal cannabis goods waste unusable and unrecognizable as cannabis; and

(g) soil.

(7) After the medicinal cannabis goods waste is made unusable and unrecognizable, then the rendered waste shall be—

(a) disposed of at a solid waste site or disposal facility that has a Certificate of Designation from the local governing body;
(b) deposited at a compost facility that has a Certificate of Designation from the Ministries of Health and Environment; or
(c) composted on-site at a facility owned by the generator of the waste and operated in compliance with the Regulations regarding Solid Waste Sites and Facilities in the Ministry of Health and Environment.

(8) A licensee shall maintain accurate and comprehensive records regarding cannabis waste that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste and all records required by this Regulation are records subject to inspection by the Authority and shall be kept pursuant to Regulation 186 of these Regulations.

(9) A Licensee shall not dispose of medicinal cannabis goods waste in an unsecured waste receptacle not in possession and control of the licensee.

(10) Medicinal Cannabis waste may be collected from a licensee in conjunction with a regular organic waste collection route used within Antigua and Barbuda

(11) All medicinal cannabis waste shall be identified, weighed on an authorized scale and tracked via the Antigua and Barbuda Tracking System while on the Licenced premises until disposed of and a licensee is required to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of cannabis.

98. Medicinal cannabis goods destruction or disposal

(1) Medicinal cannabis goods that either fail testing requirements, are expired or are placed under relevant disciplinary action shall be destroyed—

(a) at the cost of the medicinal cannabis business licensee; and
(b) at an authorized medicinal cannabis goods disposal facility.

(2) An authorized medicinal cannabis goods disposal facility shall—

(a) be registered in Antigua and Barbuda;
(b) meet all standards of a waste disposal facility
(c) be tax compliant and possess a tax compliance certificate;
(d) be duly authorized by the Authority;
(e) possess a medicinal cannabis transport licence if it to be engaged in the transport of medicinal cannabis goods to be destroyed;

(f) ensure its designated drivers possess a medicinal cannabis individual occupational licence;
(g) ensure its vehicles designated for transport of medicinal cannabis goods meet all required criteria specified in Regulation 113 of these Regulations; and
(h) maintain an account within the Antigua and Barbuda tracking system.

(3) If an authorized waste disposal agency, an authorized waste hauler is franchised or contracted by the Authority, or a private waste hauler permitted by the Authority is being used to collect, process and dispose of medicinal cannabis goods for any authorized reason, before those medicinal cannabis goods are made unrecognizable or unusable, both the medicinal cannabis business licensee that owns the medicinal cannabis goods being destroyed and the Authority shall do all the following—

(a) obtain and retain the following information from the authorized waste disposal agency, authorized waste hauler franchised or contracted by the Authority, or private waste hauler permitted by the Authority that will collect, process and dispose of the licensee's medicinal cannabis goods—
(i) registered business name;
(ii) registered business address;
(iii) registered business contact information;
(iv) registered business Identification number;
(v) medicinal cannabis transport licence number where applicable;
(vi) medicinal cannabis individual occupational licence number;
(vii) authority Approval; and
(viii) name of the primary contact person of the registered business and contact person's phone number.
(b) obtain and retain a copy of a receipt from the authorized waste disposal agency, authorized waste hauler franchised or contracted by the Authority, or private waste hauler permitted by the Authority evidencing subscription to the medicinal cannabis waste collection and disposal service;
(c) ensure the medicinal cannabis goods to be destroyed are first individually and collectively reconciled within the Antigua and Barbuda Tracking System;
(d) obtain and retain, a copy of a certified weight ticket and receipt for each batch of medicinal cannabis goods to be destroyed;
(e) ensure that a Division Inspector is present at any medicinal cannabis disposal or destruction activity involving medicinal cannabis goods that have been ordered to be destroyed due to having failed testing requirements, due to becoming expired or due to disciplinary action or for any medicinal cannabis goods to be destroyed before having been made unusable or unrecognizable.

(4) If the medicinal cannabis business licensee is self-hauling cannabis waste to an authorized medicinal cannabis goods disposal facility, he shall—

(a) meet all requirements of subregulation (3) of this Regulation;

(b) possess a medicinal cannabis transport licence;
(c) ensure the driver has a medicinal cannabis individual occupational licence where applicable;
(d) through use of the Antigua and Barbuda tracking system, ensure all medicinal cannabis goods scheduled for destruction is identified, weighed, reconciled and tracked while on the licenced premises until its destruction;
(e) transportation of self-hauled cannabis waste shall only be performed by the licensee or employees of the licensee.

(5) If cannabis waste is hauled to a recycling or composting center to be made unusable or unrecognizable as cannabis—

(a) the recycling or composting center shall meet all criteria set forth in subregulation (2) of this Regulation;
(b) the Authority and the Licensee shall follow all criteria specified in subregulation (3) of this Regulation;
(c) if self-hauling to the authorized recycling or composting center the licensee shall meet all criteria specified in subregulation (4) of this Regulation;
(d) in addition to the tracking requirements specified in this Regulation, a licensee shall use the tracking system and documentation required pursuant to this Regulation to ensure the medicinal cannabis goods to be recycled or composted is identified, weighed, and tracked while on the licenced premises and until the cannabis waste becomes a new, reused, or reconstituted product, that shall not be a medicinal cannabis or cannabis end product.

PART VI

ANTIGUA AND BARBUDA TRACKING SYSTEM

99. Tracking all Inventory

(1) The Authority finds it essential to regulate, monitor, and track all Medicinal cannabis goods to eliminate diversion, inside and outside of the regulated Medicinal Cannabis system, and to ensure that all Cannabis cultivated, processed, extracted, tested, transported, used for infused products, researched, sold and disposed of in the regulated medicinal cannabis market is accounted for transparently.

(2) The Antigua and Barbuda Cannabis Tracking System database shall be designed to flag irregularities for licensing authorities in this part and licensing authorities pursuant to these Regulations may access the database and inspect information related to licensees.

(3) The Antigua and Barbuda Cannabis Tracking System shall allow for a properly documented chain of command on all medicinal cannabis goods.

(4) The Division shall immediately inform the Authority upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial medicinal cannabis activity for investigatory purposes.

(5) The Authority shall have 24-hour access to the electronic database of the Antigua and Barbuda Cannabis Tracking System with real time tracking, read access data and view access to monitoring devices.

(6) Each member of the Board of the Authority shall have an Executive Manager account with read access on each operational Antigua and Barbuda Tracking System used, to be able to investigate, if necessary, the business records and transactions of the medicinal cannabis business.

(7) Any licensee found to be tampering with the Antigua and Barbuda Tracking System or the unique identifier tags hereinafter referred to as UID, in such a way as to deliberately contravene any of the rules set by the Authority will be guilty of an infraction against the Regulations and the appropriate disciplinary action will be taken.

(8) The Authority will continuously update its tracking systems to promote the most effective means for the industry to account for and monitor its medicinal cannabis inventory and all financial transactions and money.

(9) Each licensee shall use the Antigua and Barbuda tracking system for recording all applicable commercial medicinal cannabis activities.

(10) A licensee shall create and maintain an active and functional account within the Antigua and Barbuda Tracking System prior to engaging in any commercial Medicinal Cannabis activity, including the purchase, sale, test, packaging, transfer, transport, return, destruction, or disposal, of any Medicinal cannabis goods.

(11) The licensee is responsible for the accuracy and completeness of all data and information entered into the tracking system as data entered into the tracking system is assumed to be accurate and can be used to take enforcement action against the licensee if not corrected.

(12) A licensee shall designate one licenced individual owner as the Antigua and Barbuda Tracking System account manager and the account manager shall—

(a) attend and successfully complete all required Antigua and Barbuda Tracking System training, including any orientation and continuing education before undertaking medicinal cannabis business activity and where an account manager does not complete the required Antigua and Barbuda Tracking System training update prior to renewing their annual licence, the account manager shall sign up for and complete state mandated training update, as prescribed by the Authority, within five business calendar days of licence renewal;

(b) the account manager and each user shall be assigned a unique log-on, consisting of a username and password where—

(i) the account manager or each user accessing the Antigua and Barbuda Tracking System shall only do so under his or her assigned log-on and shall not use or access a log-on of any other individual; and

(ii) no account manager or user shall share or transfer his or her log-on, username, or password, to be used by any other individual for any reason;

(c) maintain a complete, accurate, and up-to-date list of all Antigua and Barbuda Tracking System users, consisting of their full names and usernames;

(d) within three (3) calendar days, cancel the access rights of any tracking system user from the licensee's tracking system account if that individual is no longer authorized to use the licensee's tracking system account;

(e) correct any data that is entered into the tracking system in error within three (3) calendar days of discovery of the error;

(f) monitor all notifications from the tracking system and resolve all issues included in the notification in the timeframe specified in the notification and shall not dismiss a notification from the tracking system until the issue(s) included in the notification has been resolved; and

(g) notify the Authority immediately for any loss of access that exceeds three (3) calendar days.

(h) a licensee shall monitor all compliance notifications from the Antigua and Barbuda Tracking System and timely resolve the issues detailed in the compliance notification.

(13) A licensee shall keep a record, independent of the Antigua and Barbuda Tracking System, of all compliance notifications received from the Antigua and Barbuda Tracking System, and how and when compliance was achieved.

(14) If a licensee is unable to resolve a compliance notification within three business days of receiving the notification, the licensee shall notify the Authority immediately, by submitting a request to the Authority.

(15) A licensee is accountable for all actions its owners or employees take while logged into or using the Antigua and Barbuda Tracking System, or otherwise while conducting Antigua and Barbuda Tracking System activities.

(16) No deoxyribonucleic acid (DNA) or any other form of biological tracking and monitoring methods may be applied to usable medicinal cannabis.

100. Antigua and Barbuda Tracking System - Unique Identifiers (UID).

(1) Within five (5) calendar days of the date the licensee's designated account manager or managers who was certified by the Authority to use the Antigua and Barbuda tracking system, the designated account manager or managers shall request a Unique Identifier, hereafter referred to as a UID, using the Antigua and Barbuda Tracking System as prescribed by the Authority.

(2) The licensee shall only use a UID provisioned and distributed by the Authority, or the Authority's designee.

(3) The licensee shall maintain a sufficient supply of UIDs in inventory to support the tagging of a cannabis plant in accordance with this Regulation.

(4) The licensee shall use the Antigua and Barbuda Tracking System to document receipt of provisioned and distributed UIDs within three (3) calendar days of physical receipt of the UIDs by the licensee.

(5) Except as provided in these Regulations, all medicinal cannabis shall be entered into the Antigua and Barbuda Tracking System by the licensee starting with germinated seedling, clones or immature plants of medicinal cannabis which has been propagated onsite or purchased from a licenced nursery pursuant to these Regulations.

(6) The UID shall accompany the cannabis products through all phases of the growing cycle, as follows—

(a) Licensees with germinated seedlings, clones or immature plants shall assign a UID to each established lot respectively;
(b) the lot UID shall be placed in a position so it is visible and within clear view of an individual standing next to the immature lot to which the UID was assigned; and
(c) all UIDs shall be kept free from dirt and debris.

(7) For the purposes of this subregulation, each lot of immature plants shall be uniform in strain or cultivar and shall not have more than one hundred (100) immature plants at any one time and—

(a) any immature plant in a lot shall be labelled with its own UID and with the corresponding UID number assigned to the lot and shall be contiguous to one another to facilitate identification by the Authority; and
(b) each immature plant intended for sale shall have a UID affixed, and be labelled with the corresponding UID number of the lot, and be recorded in the Antigua and Barbuda Tracking System prior to transfer from the licenced nursery or prior to further propagation.

(8) The licensee shall maintain the UID on each individual plant at the time any plant is moved to the designated canopy area or when an individual plant begins flowering.

(9) UIDs are required for each mature plant—

(a) UIDs' shall be attached to the main stem, at the base of each plant;
(b) the UID shall be attached to the plant using a tamper evident strap or zip tie and placed in a position so it is visible and within clear view of an individual standing next to the mature plant to which the UID was assigned; and
(c) UIDs' shall be kept free from dirt and debris.

(10) Licensees are prohibited from removing the UID from the mature plant to which it was attached and assigned until the plant is harvested, destroyed, or disposed.

(11) Each harvest batch shall be assigned a unique harvest batch name and UID which will be associated with all UIDs for each individual plant, or portion thereof, contained in the harvest batch.

(12) UIDs are required for Medicinal cannabis goods and shall be associated with the corresponding harvest batch UID from which the medicinal cannabis, medicinal cannabis non-infused products and medicinal cannabis infused products were derived.

(13) Upon destruction or disposal of any medicinal cannabis goods, the applicable UIDs shall be retired in the Antigua and Barbuda Tracking System by the licensee within three (3) calendar days of the destruction or disposal and be performed in accordance with the licensee's approved medicinal cannabis goods waste management plan.

(14) The Authority shall charge a fee to cover the reasonable costs of issuing the unique identifiers and for scheduled mandatory inspections.

101. Tracking Funds and Money

(1) The Authority shall regulate, monitor, and track any funds surrounding a medicinal cannabis business to eliminate the diversion of funds, inside and outside of the regulated medicinal Cannabis system, and to maintain compliance with International obligations and guidelines related to anti-money laundering, combating the Financing of Terrorism and Combating financing of any illegal activities

(2) The Authority shall ensure that any monies regarding cultivation, processing, extraction, testing, transporting, infusing products, research, import, export, sale and disposal of medicinal cannabis goods under these Regulations are accounted for and are tracked and monitored in its entirety through the Antigua and Barbuda Tracking System.

(3) The Antigua and Barbuda Tracking System database shall be designed to flag irregularities to allow the Authority or any local licensing authority to investigate a matter and a local or foreign law enforcement authority pursuant to these Regulations may access the database and inspect information related to licensees.

(4) An applicant, during the medicinal cannabis business Licence application process, shall submit source of funds documentation showing the sources of all the monies to be invested toward the proposed medicinal cannabis business.

(5) Every financial transaction conducted, beginning from the licence application process, covering each and every transaction related to the medicinal cannabis business operation, shall be recorded through the Antigua and Barbuda Tracking System and all information shall be available in read access format to the Authority in real time.

(6) Recorded Transactions related to the medicinal cannabis business operation shall include but may not be limited to the following—

(a) any investments made into the medicinal cannabis business;
(b) capital Expenditure;
(c) application and Licence Fees;
(d) loans;
(e) tangible Assets;

(f) purchases;
(g) rent;
(h) operational costs;
(i) utility costs;
(j) salaries;
(k) expenditures;
(l) sales;
(m) transfers;
(n) payment plans;
(o) taxes;
(p) banking;
(q) dividends.

(7) The Antigua and Barbuda Tracking System shall allow for a properly documented chain of command of all finances and monies related to all medicinal cannabis goods and business transactions.

(8) The Division shall immediately inform the Authority upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial medicinal cannabis activity for investigatory purposes.

(9) The Authority shall have 24-hour access to The Antigua and Barbuda Tracking electronic database with real time view access to monitoring devices.

(10) Members of the Authority shall have an Executive manager account with read access on each operational Antigua and Barbuda Tracking System account used, to be able to investigate, where necessary, the business records and financial transactions of the medicinal cannabis business at any time.

(11) Any Licensee found to be tampering with the Antigua and Barbuda Tracking System in such a way as to deliberately contravene any of the rules and standards set within these Regulations will be guilty of an infraction against these Regulations and the appropriate disciplinary action will be taken.

(12) The Authority will continuously update its Antigua and Barbuda Tracking System to promote the most effective means for the industry to account for and monitor its finance and monies related to medicinal cannabis business.

(13) An Anti-Money Laundering and Combating the Financing of Terrorism Course, provided by the Authority, in collaboration with the Office of National Drug and Money Laundering Control Policy or an entity authorized by the Authority to offer such course, shall be included in the training requirements management for the use of the Antigua and Barbuda Tracking System at each licensed medicinal cannabis business.

(14) Each licensee shall use the Antigua and Barbuda Tracking System for recording all applicable commercial medicinal cannabis activities and financial transactions.

(15) A licensee shall create and maintain an active and functional account within the Antigua and Barbuda Tracking System prior to engaging in any commercial medicinal cannabis activity, including the purchase, sale, test, packaging, transfer, transport, return, destruction, or disposal, of any Medicinal cannabis goods.

(16) The licensee is responsible for the accuracy and completeness of all data and information entered into the Antigua and Barbuda Tracking System and data entered into the tracking system is assumed to be accurate and can be used to take enforcement action against the licensee if not corrected.

(17) A licensee shall keep a record, independent of the Antigua and Barbuda Tracking System, of all compliance notifications received from the Antigua and Barbuda Tracking System, and how and when compliance was achieved.

(18) Where a licensee is unable to resolve a compliance notification within three business days of receiving the notification, the licensee shall notify the Authority immediately, by submitting a request to the Authority.

(19) A licensee shall be accountable for all actions its owners or employees take while logged into or using the Antigua and Barbuda Tracking System, or otherwise while conducting Antigua and Barbuda Tracking System activities.

102. Requirements for weighing devices

(1) Weighing devices used by a medicinal cannabis business licensee shall be approved, registered and tested prior to being used.

(2) A weighing device shall work electronically, directly and in accordance with the Antigua and Barbuda Tracking System.

(3) Weights shall be recorded and entered into the tracking system automatically and shall retain the ability to weigh medicinal cannabis in an emergency condition.

(4) Approved, registered and tested weighing devices shall be used whenever any one or more of the following apply—

(a) medicinal cannabis goods are bought or sold by weight;
(b) medicinal cannabis goods are packaged for sale by weight;
(c) medicinal cannabis goods are weighed for entry into the tracking system; or
(d) the weighing device is used for any commercial purpose related to medicinal cannabis activity.

(5) For the purposes of this Part a licensee shall use wet weight or net weight and shall be measured, recorded, and reported in United States Customary Units such as, but is not limited to, ounce or pound or the International System of Units, such as but is not limited to, kilograms, grams, or milligrams.

(6) A person using, weighing or measuring medicinal cannabis goods for sale within a licenced medicinal cannabis dispensary, shall possess a special dispensing licence.

103. Antigua and Barbuda tracking system reporting

(1) A licensee shall record in the Antigua and Barbuda Tracking System, information regarding all commercial medicinal cannabis activity, including—

(a) packaging of medicinal cannabis goods;
(b) weight or count of individual units of packaged medicinal cannabis or medicinal cannabis infused products sold, transferred, or received;

(i) for the purposes of this Regulation a licensee shall use wet weight or net weight;
(ii) wet weight and net weight shall be determined following weighing device requirements pursuant to these Regulations and measured, recorded, and reported in United States Customary Units such as, but is not limited to, ounce or pound or the International System of Units, such as but is not limited to, kilograms, grams, or milligrams; and
(iii) for the purposes of this Regulation count means the numerical count of the individual plants or individual packaged units;

(c) sale and transfer of medicinal cannabis goods;
(d) applicable tax on medicinal cannabis goods;
(e) transportation of medicinal cannabis goods to a licensee;
(f) receipt of medicinal cannabis goods;
(g) return of medicinal cannabis goods;
(h) destruction and disposal of medicinal cannabis goods;
(i) laboratory testing and results; and
(j) any other activity as required pursuant to this division, or by any local licensing authority;

(2) The following information shall be recorded for each activity entered in the Antigua and Barbuda Tracking System—

(a) name of the Medicinal cannabis goods;
(b) unique identifier (UID) of the Medicinal cannabis goods;
(c) type and description of the medicinal cannabis goods;
(d) amount of the Medicinal cannabis goods, by weight or count, and total sale price or wholesale cost of the Medicinal cannabis goods, as applicable;
(e) date and time of the activity or transaction; and
(f) name and licence number of all licensees involved in the activity or transaction.

(3) Where the medicinal cannabis relates to a cultivation licensee, in addition to the applicable required information in subregulations (1) and (2) of this Regulation, the information from

paragraphs (a) to (g) of this subregulation, shall be reported in the Antigua and Barbuda Tracking System within twenty four (24) hours of the applicable event—

(a) creating an immature plant lot;

(b) move immature plants to a designated canopy area, or when an individual plant begins flowering, or when a UID is being applied to an immature plant;

(c) destroy or dispose of an immature or mature plant;

(d) the harvest of a mature plant, or portion thereof and the information as follows, shall be reported into the Antigua and Barbuda Tracking System for each harvested plant, or portion thereof, or harvest batch—

(i) the wet weight of each harvested plant, or portion thereof, which shall be obtained by the licensee, in the presence of a Division Inspector, immediately after harvest of the plant, or portion thereof;

(ii) the net weight of all harvested cannabis once the majority of drying, trimming, and curing activities have been completed and all processed medicinal cannabis reconciled with the wet weight and inspected and approved by a Division Inspector;

(iii) the weight of cannabis waste associated with each harvest batch;

(iv) the UID of each plant of the harvest and the harvest batch and the initiating date of the harvest which is the date the first mature cannabis plant or plants in the harvest batch were cut, picked, or removed from the soil or other growing media;

(e) packaging information including—

(i) number or count of individual packaged units;

(ii) net weight of each packaged unit;

(iii) sale price of each packaged unit;

(iv) UID of each packaged unit;

(f) sample information regarding testing; and

(g) testing results information.

(4) Where the medicinal cannabis relates to a Processor and Extraction licensee, in addition to the applicable required information in subregulations (1) and (2) of this Regulation, the information as follows, shall also be reported in the Antigua and Barbuda Tracking System within twenty four (24) hours—

(a) the harvest batch UID of the medicinal cannabis from which the extracted or non-infused medicinal cannabis products are to be derived;

(b) net weight of the harvest batch before extraction;

(c) extraction method used;

(d) net weight of extracted batch;

(e) uid of extract batch;

(f) packaging information including—

(i) number or count of individual packaged units;

(ii) net weight of each packaged unit;
(iii) sale price of each packaged unit;
(iv) uid of each packaged unit.

(g) sample information regarding testing; and
(h) testing results information.

(5) Where the medicinal cannabis relates to an Infused Products Manufacturer licensee, in addition to the applicable required information in subregulations (1) and (2) of this Regulation, the information as follows, shall also be reported in the Antigua and Barbuda Tracking System within twenty four (24) hours—

(a) the batch UID of the harvested medicinal cannabis or the extracted or non-infused medicinal cannabis from which the medicinal cannabis infused products are to be derived;
(b) net weight of the harvest batch or extract batch before entering the infused product manufacture process;
(c) net weight of Cannabinoid content per manufacture batch;
(d) uid of product batch;
(e) packaging information including—
(i) number or count of individual packaged units;
(ii) net weight of cannabinoid content of each packaged unit;
(iii) sale price of each packaged unit;
(iv) uid of each packaged unit.
(f) sample information regarding testing; and
(g) testing results information.

(6) Where the medicinal cannabis relates to a Medicinal Cannabis Dispensary licensee, in addition to the applicable required information in subregulations (1) and (2) of this Regulation, the following information shall also be reported in the Antigua and Barbuda Tracking System within twenty four (24) hours—

(a) the batch UID of the harvested medicinal cannabis or the extracted or non-infused medicinal cannabis from which any repackaged products are to be derived;
(b) net weight of the harvest batch or extract batch before entering the dispensary repackaging process;
(c) uid of product batch;
(d) repackaging information including—
(i) number or count of individual packaged unit;
(ii) net weight of each packaged unit;
(iii)sale price of each packaged unit;
(iv) uid of each packaged unit;
(e) any relevant Testing results information; and
(f) authorized patient or caregiver UID on each transaction.

(7) Where the medicinal cannabis relates a Testing Facility licensee, in addition to the applicable required information in subregulations (1) and (2) of this Regulation, the following information shall also be reported in the Antigua and Barbuda Tracking System within twenty four (24) hours—

(a) the batch UID of the harvested medicinal cannabis, the extracted or non-infused medicinal cannabis, or the medicinal cannabis infused product from which the collected samples are to be analyzed;
(b) net weight of the medicinal cannabis harvest batch, extract batch or count and type of the infused product batch from which the samples were collected;
(c) net weight of Cannabinoid content per infused product individual unit and batch;
(d) uid of individual samples collected;
(e) number or count of individual packaged units collected from each batch;
(f) any event resulting in damage, exposure, or compromise of the Medicinal Cannabis samples that would interfere with correct test results; and
(g) testing results information

(8) Where the Medicinal cannabis goods are being transported—

(a) the licensee shall transport pursuant to a shipping manifest generated through the Antigua and Barbuda Tracking System, that includes this subregulation paragraphs (a) through (e) of subregulation (2) of this Regulation, as well as—
    (i) the name, licence number, and licenced premises address of the originating licensee;
    (ii) the name, licence number, and licenced premises address of the licensee transporting the Medicinal cannabis goods;
    (iii) the name, licence number, and licenced premises address of the destination licensee receiving the Medicinal cannabis goods into inventory or storage;
    (iv) the date and time of departure from the licenced premises and approximate date and time of departure from each subsequent licenced premises, if any;
    (v) arrival date and estimated time of arrival at each licenced premises; and
    (vi) driver's licence number of the personnel transporting the Medicinal cannabis goods, and the make, model, and licence plate number of the vehicle used for transport;
(b) upon pick-up or receipt of medicinal cannabis goods for transport, storage, or inventory, a licensee shall ensure that the medicinal cannabis goods received are as described in the shipping manifest, and shall record acceptance or receipt, and acknowledgment of the medicinal cannabis goods in the Antigua and Barbuda Tracking System; and
(c) if there are any discrepancies between the type or quantity of Medicinal cannabis goods specified in the shipping manifest and the type or quantity received by the licensee, the licensee shall record and document the discrepancy in the Antigua and Barbuda Tracking System and in any relevant business record.

(9) Where Medicinal cannabis goods are being destroyed or disposed of, the licensee shall record in the Antigua and Barbuda Tracking System the following additional information—

(a) the name of the employee performing the destruction or disposal;
(b) the reason for destruction or and disposal;
(c) the name of the entity being used to collect and process disposing of the Medicinal Cannabis waste, pursuant to Regulation 98 of these Regulations;

(10) The description for any adjustments made in the Antigua and Barbuda Tracking System, shall include, but not limited to—

(a) spoilage or fouling of the Medicinal cannabis goods;
(b) any event resulting in damage, exposure, or compromise of the Medicinal cannabis goods; or
(c) any other information as required pursuant to this part, or by any other applicable licensing authorities.

(11) Unless otherwise specified, all transactions shall be entered into the Antigua and Barbuda Tracking System within 24 hours of occurrence.

(12) A licensee shall only enter and record complete and accurate information into the Antigua and Barbuda Tracking System, and shall correct any known errors entered into the Antigua and Barbuda Tracking System immediately upon discovery.

104. Loss of access

(1) Where at any point a licensee loses access connectivity to the Antigua and Barbuda Tracking System for any reason, the licensee shall prepare and maintain comprehensive records detailing all commercial medicinal cannabis activities that were conducted during the loss of access connectivity.

(2) The licensee shall both document and notify the Authority immediately—

(a) when access to the system is lost;
(b) when access to the system is restored; and
(c) the cause for the loss of access.

(3) The licensee shall immediately notify the Authority of any loss of connectivity, and shall not transport, transfer, receive, or deliver any medicinal cannabis goods until such time as access connectivity is restored and all information recorded in the Antigua and Barbuda Tracking System is accessible.

(4) Once access connectivity has been restored, the licensee shall—

(a) within three calendar days, enter all commercial Medicinal Cannabis activity that occurred during the loss of access connectivity shall be entered into the Antigua and Barbuda Tracking System within three business days of access being restored; and
(b) document the cause for loss of connectivity, and the date and time for when connectivity to the Antigua and Barbuda Tracking System was lost and when it was restored.

105. Reconciliation and Maintenance of Chain of Command

(1) In addition to other inventory reconciliation requirements under this part, a licensee shall reconcile the physical inventory of Medicinal cannabis goods at the licenced premises with the records in the Antigua and Barbuda Tracking System database at least once every 30 calendar days.

(2) Where a licensee finds a discrepancy between its physical inventory and the Antigua and Barbuda Tracking System database, the licensee shall conduct an audit, and notify the Authority of any reportable activity.

(3) Medicinal cannabis goods shall be tracked and monitored from each germinated seedling through to harvest, sale and disposal and licensees are required to maintain the chain of command for all medicinal cannabis goods through reconciliation within the Antigua and Barbuda Tracking System.

(4) Any discrepancy or break in the chain of command shall be reported within 24 hours to the Authority and reconciliation sought as soon as possible.

(5) Maintaining the chain of command allows for the maintenance of the integrity of the medicinal cannabis regulated industry.

106. Upon termination of licence

(1) A licensee shall, upon the termination of a licence, close out the physical inventory of all medicinal cannabis, medicinal cannabis goods and UIDs, if applicable, prior to the effective date of any of the following changes to their licence—

(a) voluntary surrender of a temporary licence or annual licence;
(b) expiration of an annual licence; or
(c) revocation of a licence.

(2) Close-out of physical inventory includes, but is not limited to, all of the following items—

(a) immature plants and their corresponding lot UIDs;
(b) mature plants and their corresponding plant UIDs;
(c) harvest batches and their corresponding UIDs;
(d) medicinal cannabis extracts and non-infused cannabis products and their corresponding UIDs;
(e) medicinal cannabis infused products and their corresponding UIDs;
(f) UIDs in the licensee's possession which have not been yet assigned in the Antigua and Barbuda Tracking System.

(3) All transfers and sales shall be documented accordingly, pursuant to these Regulations.

107. Disaster relief

(1) Where a licensee is unable to comply with any licensing requirements due to a disaster, the licensee may notify the Authority of this inability to comply and request relief from the specific licensing requirement.

(2) The Authority may exercise its discretion to provide temporary relief from specific regulatory requirements under these Regulations and from other licensing requirements when allowed by law.

(3) Temporary relief from specific licensing requirements shall be issued for a reasonable amount of time in order to allow the licensee to recover from the disaster.

(4) The Authority may require that certain conditions be followed in order for a licensee to receive temporary relief from specific licensing requirements.

(5) A licensee shall not be subject to an enforcement action for a violation of a licensing requirement in which the licensee has received temporary relief.

(6) For the purposes of this Regulation, "disaster" means condition of extreme peril to the safety of persons and property within the Antigua and Barbuda caused by such conditions as air pollution, fire, flood, hurricane, storm, tidal wave, epidemic, riot, drought, terrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Government's warning of an earthquake or volcanic prediction, or an earthquake, or similar public calamity, other than conditions resulting from a labor controversy or any other local issue.

(7) A licenced premises that has been vacated by a licensee due to a disaster shall not be considered to have been, abandoned, or quit.

(8) Notwithstanding subregulation (1) of this Regulation, if a licensee needs to move Medicinal cannabis goods stored on the licenced premises to another location immediately to prevent loss, theft, or degradation of the Medicinal cannabis goods from the disaster, the licensee may move the Medicinal cannabis goods without obtaining prior approval from the Authority if the following conditions are met—

(a) The Medicinal cannabis goods are moved to a secure location where access to the Medicinal cannabis goods can be restricted to the licensee, its employees, and contractors;
(b) The licensee notifies the Authority in writing that the medicinal cannabis goods have been moved and that the licensee is requesting relief from complying with specific licensing requirements pursuant to subregulation (a) of this Regulation within 24 hours of moving the Medicinal cannabis goods;
(c) The licensee agrees to grant the Authority access to the location where the Medicinal cannabis goods have been moved to for inspection; and
(d) The licensee submits in writing to the Authority within 14 calendar days of moving the Medicinal cannabis goods a request for temporary relief that clearly indicates what

statutory and regulatory Regulations relief is requested from, the time period for which the relief is requested, and the reasons relief is needed for the specified amount of time.

108. Applicant tracking system training requirement

A person who intends to use the Antigua and Barbuda Tracking System shall first complete a training course set by the Authority before being authorized to use the system.

PART VII

MEDICINAL CANNABIS BUSINESS LICENCES

109. Applications

Medicinal cannabis business Applications shall follow all rules and guidelines set forth in Part Four IV of these Regulations.

DIVISION 1- MEDICINAL CANNABIS TRANSPORT LICENCE

110. Transport of medicinal cannabis and medicinal cannabis infused product

(1) A medicinal cannabis business shall obtain a medicinal cannabis transport licence from the Authority before engaging in the transport or delivery of medicinal cannabis or medicinal cannabis infused product.

(2) A person who is not authorized by the Authority pursuant to these Regulations who is in possession of a valid Individual Occupational Licence including an owner, manager or staff licence shall not transport Medicinal Cannabis or Medicinal Cannabis Infused Product.

(3) A medicinal cannabis business that does not possess a medicinal cannabis transport licence from the Authority shall not engage in the transport or delivery of medicinal cannabis goods.

(4) An individual who does not possess a current and valid Individual Occupational Licence from the Authority may not transport or deliver Medicinal cannabis goods.

(5) Medicinal cannabis goods shall only be transported between Licenced premises and between Licenced premises and an authorized patient or caregiver.

(6) A Licensee transporting Medicinal cannabis goods is responsible for ensuring that Medicinal cannabis goods are secured at all times during transport.

(7) The Transport of Medicinal cannabis goods shall be conducted by a motor vehicle that meets all requirements specified in Regulation 98 of these Regulations.

(8) The following requirements apply when a medicinal cannabis Transport Licensee transports Medicinal cannabis goods or samples—

(a) while transporting Medicinal cannabis goods samples, a licenced employee shall ensure the Medicinal cannabis goods are not visible to the public and—
(i) medicinal cannabis goods shall be locked in a fully enclosed box, container, or cage that is secured to the inside of the vehicle or trailer;
(ii) no portion of the enclosed box, container, or cage shall be comprised of any part of the body of the vehicle or trailer; and
(iii) for the purposes of this Regulation, the inside of the vehicle includes the trunk;
(b) while left unattended, vehicles, and trailers shall be locked and secured;
(c) a vehicle or trailer containing Medicinal cannabis goods samples shall not be left unattended in a residential area or parked overnight in a residential area;
(d) the licensee shall ensure that packages or containers holding Medicinal cannabis goods samples are neither tampered with, nor opened during transport;
(e) the medicinal cannabis transport licensee shall only travel between licensees, to an authorized patient or caregiver or to the authorized laboratory that is conducting regulatory compliance testing or quality assurance testing and a transport licensee shall not deviate from the travel requirements described in this Regulation, except for necessary fuel, or vehicle repair stops;
(f) licensees may transport multiple Medicinal cannabis goods or samples obtained from multiple licensees or delivered to multiple authorized patients at once;
(g) vehicles or trailers transporting Medicinal cannabis goods samples are subject to inspection by the Authority at any licenced premises or during transport at any time;
(h) no person under the age of 21 years old shall be in a vehicle or trailer transporting Medicinal cannabis goods samples; and
(i) persons holding an individual occupational licence, including security, who meets the requirements of these Regulations shall be in a vehicle while transporting Medicinal cannabis goods or samples.

(9) Transport of Medicinal Cannabis or Medicinal Cannabis Infused Product shall be accompanied by the following—

(a) a copy of the licence of the originating Medicinal cannabis business;
(b) the driver's valid Individual Occupational Licence;
(c) the driver's valid Antigua and Barbuda Driver's licence; and
(d) all required vehicle registration and insurance documentation.

(10) Transporting, or arranging for or facilitating the transport of, medicinal cannabis or medicinal cannabis infused products in violation of these Regulations is grounds for disciplinary action against the licensee.

(11) An authorized patient who transports medicinal cannabis goods shall be carry such goods in a sealed exit package as specified by the rules of Regulation 199 of these Regulations.

111. Preparation of medicinal cannabis and medicinal cannabis infused product for transport

(1) A Medicinal cannabis business shall comply with the specific rules associated with the final weighing and packaging of Medicinal cannabis goods as specified in Part 10 of these Regulations, before such items are prepared for transport pursuant to these Regulations.

(2) Medicinal cannabis goods shall be prepared for transport in a Limited Access Area, including the packing and labelling of transport containers.

(3) Sealed packages or containers may be placed in larger containers and such transport containers shall be labelled with the type and amount of Medicinal cannabis goods contained therein and the contents of transport containers shall be easily accessible and may be inspected by the Authority, local licensing authorities, and local law enforcement agencies for a purpose authorized by these Regulations or for any local law enforcement purpose.

(4) A Medicinal cannabis business shall provide adequate refrigeration for perishable Medicinal Cannabis Infused Product during transport.

(5) Medicinal Cannabis and all associated products and plant wastes shall be recorded in the Antigua and Barbuda Tracking System using unique identification tags prior to transport, to ensure accountability and to prevent diversion of product outside the Medicinal Cannabis System.

(6) Prior to transporting or delivering of medicinal cannabis or medicinal cannabis infused products, a medicinal cannabis business licensee shall perform as follows—

(a) complete an electronic shipping manifest as prescribed by the Authority;
(b) the shipping manifest shall include the unique identifiers of all the medicinal cannabis or medicinal cannabis infused products to be transported;
(c) the shipping manifest shall be input into the Antigua and Barbuda Tracking System;
(d) the medicinal cannabis business licensee receiving the shipment shall maintain and submit each electronic shipping manifest through the Antigua and Barbuda tracking system and shall make it available upon request to agents of the inspectorate division of the Authority or to any law enforcement officers.

(7) A medicinal cannabis business licensee, during transportation, shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the Inspectorate Division of the Authority or to law enforcement officers where applicable.

112. Medicinal cannabis transport licence - deliveries

(1) Deliveries, as defined in these Regulations, shall only be made by a licenced medicinal cannabis dispensary.

(2) Deliveries shall be made to Authorized Patients or caregivers that have registered, in person and prior to the first delivery to that authorized patient or caregiver, all required information with the medicinal cannabis dispensary that is delivering the Medicinal cannabis goods.

(3) Delivery of Medicinal cannabis goods shall be conducted by a motor vehicle that meets all requirements specified in Regulation 113 of these Regulations.

(4) A licensee delivering medicinal cannabis goods shall comply with Regulation 114 of these Regulations.

(5) An employee of a licenced medicinal cannabis dispensary, during delivery of medicinal cannabis or medicinal cannabis infused product to Authorized patients shall carry the following within the authorized vehicle—

(a) a copy of the medicinal cannabis dispensary's current licence;
(b) a copy of the medicinal cannabis transport licence;
(c) the employee's medicinal cannabis individual occupational licence;
(d) a valid Antigua and Barbuda Driver's licence;
(e) all required vehicle registration and insurance documentation

(6) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of an agent of the Authority or law enforcement officers where applicable.

(7) The delivery request documentation shall comply with state and federal law regarding the protection of confidential patient and medical information.

(8) A customer requesting delivery shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by an agent of the Authority or law enforcement officers where applicable.

(9) Delivering, or arranging for or facilitating the delivery of medicinal cannabis or medicinal cannabis infused products in violation of these Regulations is grounds for disciplinary action against the licensee.

113. Medicinal cannabis transport licence – vehicle requirement

(1) Where a person is in possession of a medicinal cannabis licence and he intends for his vehicle to be used for the transport of Medicinal cannabis goods, such vehicle shall meet the following criteria—

(a) possess all relevant documents—
(i) the vehicle shall be properly registered in Antigua and Barbuda pursuant to motor vehicle laws;
(ii) the vehicle shall be registered either in the name of the medicinal cannabis business licensee or in the name of the individual occupational licensee but need not be registered in the name of the authorized driver;
(iii) vehicle registration shall be kept in the vehicle at all times;

(iv) the vehicle shall be roadworthy and shall have passed all official Antigua and Barbuda vehicle inspection processes;
(v) the vehicle shall be covered by an Insurance plan in accordance with the Antigua and Barbuda Law;
(vi) the year, make, model, licence plate number, and numerical Vehicle Identification Number (VIN) for each vehicle or trailer used to transport Medicinal cannabis goods samples shall be submitted to the Authority;
(vii) the vehicle shall meet all standard requirements under the Vehicle and Traffic Act Cap. 460

(b) secure medicinal cannabis storage during transport—
(i) the vehicle shall have a secure transport container installed within the vehicle;
(ii) the secure transport container shall be constructed of stainless steel or aluminum;
(iii) the secure transport container shall be locked during transport with two locks;
(iv) the secure transport container shall be affixed to the vehicle in such a way so that it shall not be easily removed;
(v) the vehicle shall have a refrigerated secure transport container for transport of medicinal cannabis goods requiring refrigeration;

(c) the authorized transport vehicle shall not advertise in any way or have any signage related to medicinal cannabis;
(d) the authorized transport vehicle shall be a client of a roadside assistance program, whether through its insurer or otherwise;
(e) the vehicle shall be outfitted with a camera that shall record in real time, the transport activity;
(f) the vehicle shall be outfitted with a GPS tracking system to monitor, in real time, and record, the movements of the Authorized vehicle during transport activity; and
(g) the vehicle shall be outfitted with an alarm system.

(2) The medicinal cannabis business Licensee shall provide the Authority with the information required by this Regulation in writing for any new vehicle or trailer that will be used to transport Medicinal cannabis goods samples prior to using the vehicle or trailer.

(3) The medicinal cannabis business licensee shall provide the Authority with the information required under this Regulation and with any changes to the information required by this Regulation in writing within 10 calendar days.

114. Medicinal cannabis transport licence – driver requirements

(1) An authorized driver shall neither consume nor permit the consumption of medicinal cannabis or medicinal cannabis infused products within the Authorized vehicle at any time.

(2) In order to be authorized to transport medicinal cannabis or medicinal cannabis infused products, a driver shall meet the following criteria—

(a) possess a valid Antigua and Barbuda Driver's Licence;
(b) be at least twenty-one years of age; and
(c) possess a valid medicinal cannabis Individual Occupational Licence.

DIVISION 2 - MEDICINAL CANNABIS BUSINESS CULTIVATION LICENCE

115. Medicinal cannabis cultivation operation: licence privileges

(1) A Medicinal Cannabis Cultivation Operation may exercise the privileges granted to it by the Authority.

(2) Licenced premises used for medicinal cannabis cultivation facility shall be on privately owned land with authorization from the owner of the land if the owner is not the licensee.

(3) A cultivation operation shall not be approved on public land without the consent of the Authority.

(4) A medicinal cannabis cultivation operation may propagate, cultivate, harvest, prepare, dry, cure, package, store, and label medicinal cannabis flower.

(5) The areas where medicinal cannabis cultivation activities take place shall be considered to be limited access areas and shall follow all guidelines regarding these.

(6) Storage of medicinal cannabis within a cultivation operation shall be done in a separate limited access area within the licenced premises and shall follow all rules regarding medicinal cannabis storage.

(7) A medicinal cannabis cultivation operation may only transfer medicinal cannabis to a medicinal cannabis dispensary, medicinal cannabis processor or medicinal cannabis infused products manufacturer pursuant to these medicinal cannabis Regulations.

(8) Medicinal cannabis plants shall be—

(a) packaged in units of one kilogram or less and following packaging rules specified in Part X of these Regulations;
(b) labelled pursuant to Part X of these Regulations;
(c) securely sealed in a tamper-evident manner;

(9) The packages shall be transported to the medicinal cannabis business in an authorized vehicle and recorded as inventory at the receiving Medicinal cannabis business.

(10) Licensees shall follow proper guidelines on growing, chemical use, flushing of excess chemicals, drying and curing the Medicinal Cannabis in such a way that there are no harmful residues left in the final product.

(11) Medicinal Cannabis provided by a Licenced Cultivation Facility shall meet or pass all Testing standards specified in Part VIII of these Regulations in order to move on to the Licenced Dispensary, Licenced Extractor or Licenced Infused Products Manufacturer.

(12) Medicinal Cannabis provided by a Licenced Cultivation Facility that fails the Testing standards specified in Part VIII of these Regulations shall be destroyed at the cost of the licensee within an authorized disposal facility.

116. Medicinal Cannabis Cultivation Operation - General Limitations or Prohibited Acts

(1) An authorized Medicinal Cannabis Cultivation Operation may transfer Medicinal Cannabis to another licenced Medicinal cannabis business.

(2) A Medicinal Cannabis Cultivation Operation is prohibited from selling Medicinal Cannabis that is not packaged and labelled in accordance with Part X of these Regulations.

(3) A Medicinal Cannabis Cultivation Operation shall not sell Medicinal Cannabis to a patient or caregiver.

(4) A Medicinal Cannabis Cultivation Operation shall not permit the consumption Medicinal cannabis goods on its Licenced Premises.

(5) Any medicinal cannabis that is not sold to a downstream licenced medicinal cannabis business within ten (10) months of the harvest date of the particular batch, shall be destroyed at the cost of the licensee at an authorized disposal facility.

117. Medicinal cannabis cultivation operation specific guidelines

(1) The Authority shall set the total number of plants allowed for each proposed harvest cycle, separately to each Licensee.

(2) Each plant shall be tagged from germination with a unique identifier and input into the Antigua and Barbuda Tracking System to be tracked and monitored from its germination stage to harvest and sale.

(3) The Licensee shall be responsible for ensuring all medicinal cannabis plants are tagged and the information regarding any cannabis plant is continuously maintained and updated in the tracking system

(4) A Licensee shall ensure that every grow light and other electrical connections are properly connected by an electrical professional and is inspected and approved by the Antigua and Barbuda Antigua and Barbuda Fire Department.

(5) A licensee shall engage in an indoor or greenhouse type of cultivation operation, unless otherwise authorized by the Authority, and he shall—

(a) take all measures to prevent public observation; and
(b) ensure that no pest residue remains on the final cannabis plant or product.

(6) The licensee shall give two (2) weeks notice to the Authority through the Antigua and Barbuda Tracking System before harvest of any medicinal cannabis and pay the inspection fees specified in Regulation 76 of these Regulations;

(7) The Licensee shall correspond with the Authority to ensure an inspector is present during harvest and processing of medicinal cannabis;

(8) The Licensee shall not engage in Harvest or processing activity without an inspector present.

(9) The Licensee shall also record, through the Antigua and Barbuda Tracking System, any medicinal cannabis waste and shall reconcile such waste with the tagged plant or plants.

118. Medicinal cannabis cultivation facility specifications

(1) A medicinal cannabis cultivation facility shall meet all requirements, including but is not limited to, requirements regarding premises, storage, transport, security, health and safety as specified by these Regulations.

(2) The licensee shall meet all premises security requirements as specified within these Regulations.

(3) The licensee shall maintain within the licenced premises, separated areas as follows—

(a) designated office area;
(b) designated pesticide area;
(c) designated fertilizer area;
(d) designated soil storage area;
(e) designated canopy areas;
(f) designated drying area;
(g) designated curing area;
(h) designated processing area;
(i) designated packaging area;
(j)designated composting area or areas if the licensee will compost cannabis waste or soil amendments on site;
(k) designated secured area or areas for cannabis waste; and
(l) designated secured area or areas for harvested cannabis storage.

(4) The minimum standards concerning cultivation methods and procedures shall include, but may not be limited to, the following—

(a) sufficient fresh air ventilation;
(b) sufficient air extraction ventilation that may include a ventilation clearance above the roof of the licenced premises;
(c) sufficient air filtration for particulate, gases and scents;
(d) smoke detectors;
(e) pest control;
(f) a sufficient fire suppression system; and

(g) the minimum standards listed in this subregulation shall be approved by the Authority, Ministry of Health and the Antigua and Barbuda Antigua and Barbuda Fire Department.

119. Medicinal cannabis cultivation operation: testing

(1) The licenced cultivator shall store medicinal cannabis in harvest batches within a limited access area, on the licenced cultivation premises before testing until—

(a) the cannabis batch passes the testing requirements pursuant to these Regulations and is transported to a licenced cannabis extractor, Infused Products Manufacturer or Dispensary; or
(b) the cannabis batch fails the testing requirements pursuant to these Regulations and is destroyed;

(2) A Medicinal Cannabis Cultivation Operation shall provide samples of its Medicinal Cannabis to a licenced Testing Facility for Medicinal Cannabis testing and research to ensure the health and safety of each of its product batches.

(3) The Testing Facility will notify the licensee of the results in writing and the Medicinal Cannabis Cultivation Operation shall include such writing as part of labelling to the Medicinal Cannabis Dispensary.

(4) The licenced Cultivator shall arrange for a testing laboratory to obtain a representative sample of each cannabis batch at the Cultivator's licenced premises and—

(a) after obtaining the sample, the testing laboratory representative shall maintain custody of the sample; and
(b) transport it to the testing laboratory.

(5) Upon issuance of a certificate of analysis by the testing laboratory that the cannabis batch has passed the testing requirements pursuant to these Regulations, the licenced Cultivator shall conduct a quality assurance review before distribution to ensure the labelling and packaging of the cannabis and cannabis products conform to the requirements of these Regulations.

(6) The medicinal cannabis cultivation operation shall maintain the testing results as part of its business books and records as specified in Part 9 of these Regulations.

(7) Cannabis batches are subject to quality assurance and testing prior to sale to a medicinal cannabis dispensary, an Infused Products Manufacturer or a medicinal cannabis extractor and processor, except for immature cannabis plants and seeds.

120. Prohibited chemicals.

(1) The chemicals listed in subregulation (3) of this Regulation shall not be used in any medicinal cannabis cultivation.

(2) Where a licensee possess one or more of the chemicals or a container of such chemicals, listed in subregulation (3), under any trade name, he contravenes this Regulation.

(3) Prohibited chemicals are as follows—

CHEMICAL NAME ------- CAS Registry Number (or EDF Substance ID)

	ALDRIN	309-00-2
	ARSENIC OXIDE (3)	1327-53-3
	ASBESTOS (FRIABLE)	1332-21-4
	AZODRIN	6923-22-4
	1,4-BENZOQUINONE 2,3,5,6-TETRACLORO	118-75-2
	BINAPACRYL	485-31-4
	2,3,4,5-BIS (2-BUTENYLENE) TETRAHYDROFURFURAL	126-15-8
	BROMOXYNIL BUTYRATE	EDF-186
	CADMIUM COMPOUNDS	CAE750
	CALCIUM ARSENATE [2ASH3O4.2CA]	7778-44-1
	CAMPHECHLOR	8001-35-2
	CAPTAFOL	2425-06-1
	CARBOFURAN	1563-66-2
	CARBON TETRACHLORIDE	56-23-5
	CHLORDANE	57-74-9
	CHLORDECONE (KEPONE)	143-50-0
	CHLORDIMEFORM	6164-98-3
	CHLOROBENZILATE	510-15-6
	CHLOROMETHOXYPROPYLMERCURIC ACETATE	EDF-183
	COPPER ARSENATE	10103-61-4
	2,4-D, ISOOCTYL ESTER	25168-26-7
	DAMINOZIDE	1596-84-5
	DDD	72-54-8
	DDT	50-29-3
	DI(PHENYLMERCURY)DODECENYLSUCCINATE [PMDS]	EDF-187
	1,2-DIBROMO-3-CHLOROPROPANE (DBCP)	96-12-8
	1,2-DIBROMOETHANE	106-93-4
	1,2-DICHLOROETHANE	107-06-2
	DIELDRIN	60-57-1
	4,6-DINITRO-O-CRESOL	534-52-1
	DINITROBUTYL PHENOL	88-85-7
	ENDRIN	72-20-8

	EPN	2104-64-5
	ETHYLENE OXIDE	75-21-8
	FLUOROACETAMIDE	640-19-7
	GAMMA-LIND ANE	58-89-9
	HEPTACLOR	76-44-8
	HEXACHLORBENZENE	118-74-1
	1,2,3,4,5,6-HEXACHLOROCYCLOHEXANE (ISOMER MIX)	608-73-1
	1,3-HEXANEDIOL, 2-ETHYL	94-96-2
	LEAD ARSENATE	7784-40-9
	LEPTOPHOS	21605-90-5
	MERCURY	7439-97-6
	METHAMIDOPHOS	10265-92-6
	METHYLPARATHION	298-00-0
	MEVINPHOS	7786-34-7
	MIREX	2385-85-5
	NITROFEN	1836-75-5
	OCTAMETHYLDIPHOSPHORAMIDE	152-16-9
	PARATHION	56-38-2
	PENTACHLOROPHENOL	87-86-5
	PHENYLMERCURIC OLEATE [PMO]	EDF-185
	PHOSPHAMIDON	13171-21-6
	PYRIMINIL	53558-25-1
	SAFROLE	94-59-7
	SODIUM ARSENATE	13464-38-5
	SODIUM ARSENITE	7784-46-5
	TERPENE POLYCHLORINATES (STROBANE6)	8001-50-1
	THALLIUM (I) SULFATE	7446-18-6
	2,4,5- TP ACID (SILVEX)	93-72-1
	TRIBUTYLTIN COMPOUNDS	EDF-184
	2,4,5 – TRICHLOROPHENOL	95-95-4
	VINYL CHLORIDE	75-01-4

(4) The use of Dimethyl sulfoxide (DMSO) in the production of Medicinal Cannabis shall be prohibited and possession of DMSO upon the Licenced premises shall be prohibited.

(5) Notwithstanding the Pesticides and Toxic Chemicals Act 2008, the chemicals listed in subregulation (3) shall not be used in any medicinal cannabis cultivation.

DIVISION 3 - MEDICINAL CANNABIS BUSINESS PROCESSING AND EXTRACTION LICENCE

121. Medicinal cannabis processing and extraction operation - licence privileges

(1) A Medicinal Cannabis Processing and Extraction Operation may exercise privileges granted to it by the Authority.

(2) Licenced premises used for medicinal cannabis processing and extraction facility shall be on the licensee's privately-owned land or on land where the owner of the land has authorized the Licensee in writing to use the land in such a manner.

(3) A medicinal cannabis processing and extraction operation shall not be approved on public land without the consent of the Authority.

(4) A medicinal Cannabis Processing and Extraction Operation may process, extract, isolate, concentrate, package, store, label and sell their Medicinal Cannabis product.

(5) An area where medicinal cannabis processing and extraction activities take place shall be considered to be a limited access area and shall follow guidelines issued by the Authority.

(6) Storage of medicinal cannabis within a processing and extraction operation shall be done in a separate limited access area within the licenced premises and shall follow all directions issued by the Authority regarding medicinal cannabis storage.

122. Medicinal cannabis processing and extraction operation - general limitations or prohibited acts

(1) A Medicinal Cannabis Processing and Extraction Operation may transfer solely medicinal cannabis extract, isolate or concentrate to a licenced Medicinal Cannabis Infused Products Manufacturer or to a licenced medicinal cannabis Dispensary.

(2) A Medicinal Cannabis Processing and Extraction Operation shall not sell medicinal cannabis extract, isolate or concentrate that is not packaged and labelled in accordance with Part X of these Regulations.

(3) A Medicinal Cannabis Processing and Extraction Operation shall not sell medicinal cannabis goods to a patient or caregiver.

(4) A Medicinal Cannabis Processing and Extraction Operation shall not permit the consumption of medicinal cannabis, medicinal cannabis extract, isolate or concentrate or medicinal cannabis infused products on its licenced Premises.

(5) Medicinal Cannabis extracts, isolates and concentrates shall be—

(a) packaged in units of one kilogram or less and following packaging rules specified in Part X of these Regulations;
(b) labelled pursuant to Part X of these Regulations; and

(c) securely sealed in a tamper-evident manner;

(6) A licensee shall transport medicinal cannabis goods to and from the medicinal cannabis business in a vehicle authorized by the Authority in accordance with a Transport Licence and recorded as inventory at the receiving Medicinal cannabis business.

(7) Licensees shall follow proper guidelines on chemical use and extraction process guidelines of the Medicinal Cannabis in a manner that results in no harmful residue remaining in the final cannabis product.

(8) Medicinal cannabis goods provided by a Licenced processing and extraction Facility shall meet or pass all Testing standards specified in Part VI of these Regulations, in order to move on to the Licenced Dispensary or Licenced Infused Products Manufacturer.

(9) Medicinal cannabis goods provided by a Licenced Extraction and Processing Facility that fails the Testing standards specified in Part VI of these Regulations, shall be destroyed at the cost of the licensee within an authorized disposal facility as specified in Regulation 98 of these Regulations.

123. Medicinal cannabis processing and extraction operation - specific guidelines

(1) A Licensee of a Medicinal Cannabis Processing and Extraction Operation shall obtain medicinal cannabis plant material from an authorized medicinal cannabis cultivation licensee.

(2) Each plant in a Medicinal Cannabis Processing and Extraction Operation shall be tagged from germination with a unique identifier and input into the Antigua and Barbuda Tracking System and shall be tracked and monitored from its germination stage to harvest and sale.

(3) A Licensee shall be responsible for ensuring all medicinal cannabis plant material batches from the medicinal cannabis cultivation licensee are tagged and the information regarding plants has been input into the tracking system, and the licensee shall continuously maintain and update in the tracking system all extracted products.

(4) The Licensee shall, in addition to all the tracking and reporting requirements in these Regulations, record and report the total net weight of the plant material and the total net weight of all the end product produced and ensure reconciliation within the Antigua Tracking System.

(5) The licensee shall ensure that all extraction and processing equipment are properly set up and maintained by a qualified professional and is inspected and approved by a public health officer and an official from the Antigua and Barbuda Antigua and Barbuda Fire Department.

(6) A licensee shall meet all premises security requirements as specified within these Regulations.

(7) A licensee shall that ensure all extracted and processed medicinal cannabis goods are each affixed with a Unique Identifier and entered into the Antigua and Barbuda Tracking System prior to its sale.

(8) A licensee shall record and reconcile through the tracking system, all medicinal cannabis waste.

124. Medicinal cannabis processing and extraction facility specifications

(1) A medicinal cannabis processing and extraction facility shall meet all requirements, including but is not limited to, requirements regarding premises, storage, transport, security, health and safety as specified by these Regulations.

(2) The licensee shall maintain within the licenced premises, separated areas as follows—

(a) designated office area;
(b) designated chemicals area;
(c) designated secured medicinal cannabis plant material storage area;
(d) designated extraction area;
(e) designated processing area;
(f) designated volatile solvents area;
(g) designated packaging area;
(h) designated secured area for cannabis waste; and
(i) designated secured area for medicinal cannabis extracted and processed goods storage.

(3) A licensee shall any conduct necessary to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents and—

(a) the minimum standards concerning extraction methods and procedures shall include, but may not be limited to, the following—
    (i) sufficient fresh air ventilation in extraction area;
    (ii) sufficient air extraction ventilation that may include a fume cabinet and ventilation clearance above the roof of the licenced premises;
    (iii) sufficient air filtration for particulate, gases and scents;
    (iv) a sufficient fire suppression system; and
(b) the minimum standards listed in subregulation (3)(a) of this Regulation shall be approved by the Authority, a public health officer and an Antigua and Barbuda Fire Department Official.

125. Medicinal cannabis processing and extraction operation - testing

(1) The licenced extraction and processing operation shall store extracted and processed medicinal cannabis goods in batches within a Limited Access Area, on the Licenced premises before testing and continuously until either of the following occurs—

(a) a batch passes the testing requirements pursuant to these Regulations and is transported to a licenced medicinal cannabis Infused Products Manufacturer or medicinal cannabis dispensary; or

(b) a batch fails the testing requirements pursuant to these Regulations and is destroyed.

(2) A Medicinal Cannabis Processing and Extraction Operation shall provide samples of its Medicinal cannabis goods to a Testing Facility with a Licence for Medicinal Cannabis testing and qualification to ensure the health and safety of each of its product batches.

(3) The Testing Facility will notify the licensee of the results by print, which the Medicinal Cannabis Processing and Extraction Operation shall include as part of labelling to the medicinal cannabis infused products manufacturer or Medicinal Cannabis Dispensary.

(4) The processor and extractor licensee shall arrange for a medicinal cannabis testing laboratory to obtain a representative sample of each product batch at the Processing and Extraction operation's licenced premises;

(a) after obtaining the sample, the testing laboratory representative shall maintain custody of the sample and transport it to the testing laboratory.

(5) Upon issuance of a certificate of analysis by the testing laboratory that the cannabis batch has passed the testing requirements pursuant to these Regulations, the licenced Processing and Extraction operation shall conduct a quality assurance review before distribution to ensure the labelling and packaging of the medicinal cannabis products conform to the requirements of these Regulations.

(6) The Medicinal Cannabis Processing and Extraction Operation shall maintain the testing results as part of its business books and records according to Part IX of these Regulations.

(7) Medicinal cannabis product batches are subject to quality assurance and testing prior to sale at a medicinal cannabis dispensary or at a medicinal cannabis infused products manufacturer.

DIVISION 4 - MEDICINAL CANNABIS BUSINESS INFUSED PRODUCTS MANUFACTURER LICENCE

126. Medicinal cannabis infused products manufacturer - licence privileges

(1) A medicinal cannabis infused products manufacturer shall only exercise those privileges granted to it by the authority.

(2) Medicinal Cannabis or medicinal cannabis infused products within a Licenced Medicinal Cannabis Infused Products Manufacturer premises shall not be observable to the public.

(3) Facility shall meet all health and building regulations for its purposes as well as be inspected and approved by the Ministry of Health and the Antigua and Barbuda Fire Department.

(4) A medicinal cannabis infused products manufacturer may only sell its own medicinal cannabis infused products to medicinal cannabis dispensaries.

(5) A medicinal cannabis infused products manufacturer may manufacture, prepare, package, label and store medicinal cannabis infused product, that are comprised of medicinal cannabis, in raw, processed or extracted forms and other ingredients intended for use or consumption, such as edible products, ointments, or tinctures.

(6) A medicinal cannabis infused products manufacturer shall not manufacture, prepare, package, store, or label medicinal cannabis infused product in a location that is operating as a retail food establishment or a wholesale food registrant.

(7) A medicinal cannabis infused products manufacturer shall provide samples of its medicinal cannabis infused product to a testing facility that has obtained a licence to test medicinal cannabis for standards testing purposes.

(8) The medicinal cannabis infused products manufacturer shall maintain the testing results as part of its business books and records.

127. Medicinal cannabis infused products manufacturer - general limitations or prohibited acts

(1) A medicinal cannabis infused products manufacturer is prohibited from selling medicinal cannabis infused product that are not properly packaged and labelled according to Part X of these Regulations.

(2) A medicinal cannabis infused products manufacturer is prohibited from selling medicinal Cannabis or Medicinal Cannabis Infused Product to an authorized patient or caregiver.

(3) A Medicinal Cannabis Infused Products Manufacturer shall not permit the consumption of medicinal Cannabis or medicinal Cannabis infused products on its Licenced Premises.

(4) A Medicinal Cannabis Infused Products Manufacturer shall provide adequate refrigeration for perishable Medicinal Cannabis Infused Product intended for consumption and shall utilize adequate storage facilities and transport methods.

(5) All medicinal cannabis that is not sold to a downstream licenced medicinal cannabis business within ten (10) months of the manufacture date of the particular batch, shall be destroyed at the cost of the licensee at an authorized disposal facility.

(6) Medicinal Cannabis Infused Product Manufacturer shall ensure that its manufacturing processes are designed so that its Edible Medicinal Cannabis Infused Product shall be—

(a) not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis;
(b) produced and sold with a standardized concentration of cannabinoids not to exceed ten (10) milligrams tetrahydrocannabinol (THC) per serving;
(c) delineated or scored into standardized serving sizes if the edible medicinal cannabis infused product contains more than one serving;
(d) homogenized to ensure uniform disbursement of cannabinoids throughout the product;

(e) manufactured and sold under sanitation standards established by the Ministry of Health, in consultation with the Authority, that are similar to the standards for preparation, storage, handling, and sale of food products;

(f) provided to customers with sufficient information to enable the informed consumption of the product, including the potential effects of the cannabis product and directions as to how to consume the cannabis product, as necessary.

128. Medicinal cannabis infused products manufacturer - specific guidelines

(1) The licensee shall obtain its medicinal cannabis raw material from an authorized medicinal cannabis cultivation licensee or a medicinal cannabis processing and extraction licensee.

(2) Each plant shall have been tagged from germination with a unique identifier and input into the Antigua and Barbuda tracking system and shall have been tracked and monitored from its germination stage to harvest and sale.

(3) The Licensee shall be responsible for ensuring all medicinal cannabis raw material batches from the medicinal cannabis cultivation or extraction licensees are tagged and the information regarding all raw material has been input into the tracking system, and the licensee shall continuously maintain and update in the tracking system all infused products maintaining chain of command.

(4) In addition to all the tracking and reporting requirements in these Regulations, the Licensee shall record and report the total net weight of the raw material and the total net weight of all the cannabinoids in the end product produced and ensure reconciliation within the tracking system.

(5) The licensee shall ensure all preparation and infusion equipment are properly set up and maintained by a qualified professional and is inspected and approved by the health and Antigua and Barbuda Fire Department.

(6) The licensee shall meet all premises security requirements as specified within these Regulations.

(7) The licensee shall ensure all infused medicinal cannabis goods are each affixed with a Unique Identifier and entered into the Antigua and Barbuda Tracking System prior to downstream sale.

(8) The licensee shall also record and reconcile through the tracking system, all medicinal cannabis waste.

129. Medicinal cannabis infused products manufacturer facility specifications

(1) A medicinal cannabis infused products manufacturer facility shall meet all requirements including those regarding premises, storage, transport, security, health and safety as specified by these Regulations.

(2) The licensee shall maintain within the licenced premises the following separated areas—

(a) designated office area;
(b) designated chemicals area;
(c) designated Gas area where applicable;
(d) designated secured medicinal cannabis raw material storage area;
(e) designated kitchen area;
(f) designated cold storage area;
(g) designated wash area;
(h) designated dry goods storage area;
(i) designated packaging area;
(j) designated secured area for cannabis waste; and
(k) designated secured area for medicinal cannabis infused products storage.

(3) Licensees shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents or gas;

(a) the minimum standards concerning cooking and infusion methods and procedures shall include but may not be limited to the following—
(v) sufficient fresh air ventilation in kitchen area;
(vi) sufficient air extraction ventilation that shall include ventilation clearance above the roof of the licenced premises;
(vii) sufficient air filtration for particulate, gases and scents;
(viii) a sufficient fire suppression system; and
(b) the minimum standards listed in this subregulation shall be approved by the Authority, Ministry of Health and the Antigua and Barbuda Antigua and Barbuda Fire Department.

130. Medicinal cannabis infused products manufacturer operation - testing

(1) The licenced medicinal cannabis infused products manufacturer operation shall store infused medicinal cannabis goods in batches within a limited access area, on the Licenced premises before testing and continuously until—

(a) a batch passes the testing requirements pursuant to these Regulations and is transported to a licenced medicinal cannabis Dispensary; or
(b) a batch fails the testing requirements pursuant to these Regulations and is destroyed.

(2) A medicinal cannabis infused products manufacturer operation shall provide samples of its medicinal cannabis goods to a testing facility with a licence for medicinal cannabis testing and qualification to ensure the health and safety of each of its product batches.

(3) The testing facility will notify the licensee of the results in writing, which the medicinal cannabis infused products manufacturer operation shall include as part of labelling to the medicinal cannabis dispensary.

(4) The infused products manufacturer licensee shall arrange for a medicinal cannabis testing laboratory to obtain a representative sample of each product batch at the infused products manufacturer operation's licenced premises and—

(a) after obtaining the sample, the testing laboratory representative shall maintain custody of the sample and transport it to the testing laboratory; and
(b) notwithstanding any other rule of law, edible medicinal cannabis Infused Products shall require testing at an authorized medicinal cannabis testing Facility and shall not be required to be tested by the Bureau of Standards of Antigua and Barbuda.

(5) Upon issuance of a certificate of analysis by the testing laboratory that the cannabis batch has passed the testing requirements pursuant to these Regulations, the licenced Infused Products Manufacturer operation shall conduct a quality assurance review before distribution to ensure the labelling and packaging of the medicinal cannabis products conform to the requirements of these Regulations.

(6) The Medicinal Cannabis Infused Products Manufacturer Operation shall maintain the testing results as part of its business books and records according to Part 9 of these Regulations.

(7) Medicinal Cannabis product batches are subject to quality assurance and testing prior to sale at a medicinal cannabis dispensary.

DIVISION 5 - MEDICINAL CANNABIS BUSINESS DISPENSARY LICENCE

131. Medicinal cannabis dispensary - licence privileges

(1) A medicinal cannabis dispensary shall exercise the privileges granted by the Authority.

(2) A medicinal cannabis dispensary may only sell medicinal cannabis flower that it has purchased from a licenced medicinal cannabis cultivation operation.

(3) A medicinal cannabis dispensary may sell medicinal cannabis infused product that it has purchased from a licenced medicinal cannabis infused products manufacturer, where each product is pre-packaged and labelled upon purchase from the manufacturer.

(4) A Medicinal Cannabis Dispensary may sell processed Medicinal Cannabis and Medicinal Cannabis Extract Product that it has purchased from a Licenced Medicinal Cannabis Processor and Extractor, where every product are pre-packaged and labelled upon purchase from the Processor.

(5) A Medicinal Cannabis Dispensary may provide Samples of its products for testing and research purposes to a Medicinal Cannabis Testing Facility or to a Medicinal Cannabis Research and Development facility that has obtained a Licence to test or research Medicinal Cannabis.

(6) A Medicinal Cannabis Dispensary may store inventory on licenced premises and any inventory stored on the Licenced premises shall be secured in a limited access area compliant with

Regulations 84 and 86 of these Regulations, and tracked consistently with the inventory tracking rules as specified in Part VI of these Regulations.

(7) A Medicinal Cannabis Dispensary shall not sell medicinal cannabis to any person, except to Authorized Patients and Caregivers or to Authorized Research Facilities.

(8) A medicinal cannabis dispensary may sell medicinal cannabis, non-infused medicinal cannabis products and medicinal cannabis infused products.

(9) A person who is an authorized special dispensing licencee may dispense Medicinal Cannabis to Authorized Patients and Caregivers at Licenced Medicinal Cannabis Dispensaries.

132. Medicinal cannabis sales - general limitations or prohibited acts

(1) A person shall not distribute Medicinal cannabis goods shall not to any person except to authorized patients or caregivers during authorized business hours.

(2) Authorized hours for Medicinal Cannabis Dispensaries shall be between 8:00am and 1:00am and may be during any day of the week or year.

(3) Licensees shall not permit the consumption of medicinal cannabis goods on the Licenced premises except when such dispensary is also licenced as a Medicinal Cannabis Lounge.

(4) A Medicinal Cannabis Dispensary and its employees are prohibited from selling more than two (2) ounces or fifty seven grams (57g) of Medicinal Cannabis flower or fourteen grams (14g) of medicinal cannabis extract during a single sales transaction or during a single day to an Authorized Patient or Caregiver unless otherwise authorized by the Authority.

(5) Nothing in these rules prohibits a licensee from refusing to sell Medicinal cannabis goods to an authorized patient or caregiver.

(6) A Medicinal Cannabis Dispensary shall not display medicinal cannabis goods outside of a designated Restricted Access Area or in a manner in which Medicinal cannabis goods can be seen from outside the Licenced Premises.

(7) Medicinal cannabis goods that is not on display, shall be stored in a Limited Access Area in a medicinal cannabis storage compliant with Regulations 84 and 86 of these Regulations.

(8) A Medicinal Cannabis Dispensary shall not sell any expired Medicinal cannabis Infused Product.

(9) All point of sale systems and scales used for weighing medicinal cannabis shall be compliant with the universal Antigua and Barbuda tracking system and authorized by the Authority as specified in Regulation 102 of these Regulations.

133. Medicinal cannabis dispensary – facility specifications

(1) A medicinal cannabis dispensary shall meet all requirements including those regarding premises, storage, transport, security, health and safety as specified by these Regulations.

(2) A person who intends to obtain a licence to operate a medicinal cannabis dispensary, in addition to subregulation (1) of this Regulation, the medicinal cannabis dispensary shall fulfil the requirements as follows—

(a) utilize opaque windows and doors to prevent a person outside the premises from viewing activity inside the premises;
(b) create a reception area that is separated from the Dispensary by a controlled access door where—
(i) the reception area shall not allow any view of the dispensary area while the controlled access door is closed;
(ii) the receptionist shall possess a valid individual occupational licence;
(iii) the receptionist shall issue first issue medicinal cannabis Patient Identification Cards to a Patient or caregiver in possession of an authorized medicinal cannabis recommendation but who is not yet in possession of a Medicinal Patient Identification Card, and shall enter the relevant information into the Antigua and Barbuda tracking system;
(iv) the receptionist shall validate the authenticity of the documents of the patient or caregiver before allowing the patient or caregiver to enter the dispensary area; and
(v) the receptionist shall record the information regarding the Patient's or caregiver's visit to the dispensary, including but not limited to, the patient or caregiver unique identifier information, visit date, entry time and exit time;
(c) the dispensary area shall clearly be labelled, by use of adequate signage, as a restricted access area where authorized staff, patients or caregivers are allowed;
(d) each cannabis product sale shall be entered into the Antigua and Barbuda Tracking System and each entry shall include as follows—
(i) the individual product information inclusive of the product unique identifier code;
(ii) the patient or caregiver information or unique identifier code;
(iii) the individual product cost and total transaction value; and
(iv) the tax gained by the sale of the medicinal cannabis goods

134. Acceptable forms of identification for medicinal cannabis sales

(1) medicinal cannabis dispensaries shall only sell Medicinal cannabis goods to a patient as permitted by these Regulations if that patient can produce—

(a) a valid recommendation from an authorized medical practitioner;
(b) a medicinal cannabis patient identification card for medicinal cannabis hereafter referred to as identification card; and
(c) an adequate, current and valid proof of identification.

(2) Where a Patient is in possession of an authorized recommendation, but is a first time applicant for an identification card, he may apply for the card from an from an authorized medicinal cannabis dispensary and pay any required fee.

(3) An applicant for a medicinal cannabis dispensary licence shall provide proof of identification to the Authority which shall be a government-issued identification as follows—

(a) a driver's licence, issued by relevant authorities in Antigua and Barbuda;
(b) an Antigua and Barbuda voters identification card; or
(c) an Antigua and Barbuda Passport.

(4) Non-residents without a valid recommendation from another regulated medicinal cannabis jurisdiction shall apply for a recommendation from an authorized medical practitioner and obtain a visiting patient identification card or where a non-resident is in possession of a valid recommendation from his home jurisdiction, he shall apply to the Authority, solely, for a visiting patient identification card.

(5) The sole accepted form of proof of identification for non-residents is a valid passport.

(6) A Licensee shall physically view and inspect the patient's recommendation and proof of identification to confirm the authenticity of the documents presented and to enter the Authorized patient's or caregiver's information into the Antigua and Barbuda Tracking System.

DIVISION 6 - MEDICINAL CANNABIS BUSINESS LOUNGE LICENCE

135. Medicinal cannabis lounge - licence privileges

(1) A Medicinal Cannabis Lounge shall exercise privileges granted solely by the Authority.

(2) A Medicinal Cannabis Lounge shall allow an authorized patient who is allowed entry at its licenced premises to consume medicinal cannabis goods.

(3) Subject to subregulation (2), a medicinal cannabis lounge shall allow for the smoking, vaporizing, and ingesting of medicinal cannabis goods on the licenced premises.

(4) Tobacco use may be allowed.

136. Medicinal cannabis lounge: general limitations or prohibited acts

(1) Medicinal cannabis goods shall solely be used by an authorized patient on the licenced premises during authorized business hours.

(2) Authorized business hours, referred to in subregulation (1), for a Medicinal Cannabis Lounge shall be between 8:00a.m and 1:00a.m and may be during any day of the year.

(3) Access to the area where cannabis consumption is allowed is restricted to persons eighteen (18) years of age or older.

(4) Cannabis consumption shall not be visible from any public place or any non-age restricted area.

(5) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(6) A medicinal cannabis lounge shall not have a kitchen for cooking on the licenced premises, but—

(a) hot or refrigerated non-alcoholic beverages may be sold; or
(b) snacks that do not require any preparation in excess of heating in a microwave may be sold on the licenced premises.

(7) A medicinal cannabis lounge licensee may also be licenced as a medicinal cannabis dispensary within the same licenced premises, providing all requirements for both licences are adhered to.

(8) A medicinal cannabis lounge licensee shall not permit the sale of medicinal cannabis goods on the licenced premises except where such medicinal cannabis lounge is also licenced as a Medicinal Cannabis Dispensary.

137. Medicinal cannabis lounge – facility specifications

(1) A medicinal cannabis lounge shall meet all requirements including those regarding premises, storage where applicable, security, health and safety as specified by these Regulations.

(2) A person who intends to obtain a licence to operate a medicinal cannabis lounge, in addition to subregulation (1) of this Regulation, the medicinal cannabis lounge shall fulfil the requirements as follows——

(a) use opaque windows and doors, such that no activity may be viewed from outside the premises;
(b) create a reception area that is separated from the lounge by a controlled access door where—
    (i) the reception area shall not allow any view of the lounge area while the controlled access door is closed;
    (ii) the receptionist shall possess a valid individual occupational licence;
    (iii) the receptionist shall validate the authenticity of the documents of the patient or caregiver before allowing the patient or caregiver to enter the lounge area; and
    (iv) the receptionist shall record the information regarding the patient's or caregiver's visit to the lounge, including but not limited to, the patient or caregiver unique identifier information, visit date, entry time and exit time.
(c) the lounge area shall clearly be labelled, by use of adequate signage, as a restricted access area, wherein only authorized staff and patients or caregivers are allowed.

(3) The minimum standards regarding a medicinal cannabis lounge facility shall include but may not be limited to—

(a) sufficient fresh air ventilation in extraction area;
(b) sufficient air extraction ventilation that shall include ventilation clearance above the roof of the licenced premises;
(c) sufficient air filtration for particulate, smoke, gases and scents;
(d) heat detectors;
(e) a sufficient fire suppression system; and
(f) the minimum standards listed in subregulation (3) of this Regulation shall be approved by the Authority, the Ministry of Health and the Antigua and Barbuda Antigua and Barbuda Fire Department.

138. Acceptable forms of identification for medicinal cannabis lounge

(1) A Medicinal Cannabis Lounge shall allow sole entry to authorized patients and caregivers as permitted by these Regulations if that patient or caregiver can produce—

(a) a valid recommendation from an authorized health practitioner;
(b) a medicinal cannabis patient identification card for medicinal cannabis; and
(c) an adequate, currently valid proof of identification.

(2) An applicant for a medicinal cannabis lounge licence shall provide proof of identification to the Authority which shall be a government-issued identification as follows—

(a) a driver's licence, issued by relevant authorities in Antigua and Barbuda;

(b) an Antigua and Barbuda voters identification card; or
(c) an Antigua and Barbuda Passport.

(3) Acceptable forms of Identification from non-resident authorized patients shall be restricted to a valid passport.

(4) A licensee shall physically view and inspect the patient's recommendation and proof of identification to confirm the authenticity of the documents before allowing them access to the lounge area.

DIVISION 7 - MEDICINAL CANNABIS BUSINESS EXPORT OR IMPORT LICENCE

139. Medicinal cannabis schedule internationally

(1) For the purpose of considering international standards, medicinal cannabis is a schedule 1 controlled product within the international drug conventions to which Antigua and Barbuda is a signatory party.

(2) The import or export of medicinal cannabis, medicinal cannabis extract or resin or medicinal cannabis infused product, shall follow existing established procedures with the Antigua and Barbuda Customs and Excise Division, for the import or export of scheduled and controlled drugs.

140. Special provisions relating to international trade

(1) The Authority shall not knowingly permit the import of medicinal cannabis goods into Antigua and Barbuda or the export of medicinal cannabis goods out of Antigua and Barbuda to any country or territory except—

(a) in accordance with the laws and Regulations of that country or territory; and
(b) within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 19 of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, with the addition of the amounts intended to be re-exported.

(2) The Authority shall—

(a) control under licence the import and export of medicinal cannabis goods; and
(b) control and monitor all persons and enterprises carrying on or engaged in such import or export.

(3) A Division Inspector shall inspect any consignment of medicinal cannabis goods prior to the medicinal cannabis goods being released for export or prior to being released to the consignee after authorized import.

141. Medicinal cannabis import or export – raw cannabis plant material or seeds.

(1) In the case of import or export of any Medicinal cannabis in raw form, actual plant material for any medical, scientific or other government regulated purpose or Medicinal cannabis seeds—

(a) each document for import or export of a scheduled drug or controlled substance shall be made available by both the importer and exporter; and
(b) every document shall be accompanied by phytosanitary certification, to be issued by the Plant Protection Division, of the Ministry of Agriculture of Antigua and Barbuda.

142. Medicinal cannabis export and import authorizations – general rules

(1) A person authorized to engage in the import or export of medicinal cannabis goods shall require a separate import or export authorization to be obtained for each such import or export whether it consists of one or more types of medicinal cannabis goods.

(2) The authorization referred to in subregulation (1) shall include but may not be limited to—

(a) the name of the drug;
(b) the international non-proprietary name if any;
(c) the quantity to be imported or exported;
(d) the name and address of the importer and exporter;
(e) the government issued Authorization or Licence number of the importer and exporter; and
(f) the period within which the importation or exportation shall be effected.

(3) The export authorization shall also state the number and date of the import certificate and the name and contact information of the Authority by whom it has been issued.

(4) The import authorization may allow an importation in more than one consignment.

(5) Before issuing an export authorization the Authority shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation of the medicinal cannabis goods referred to therein, is approved and such certificate shall be produced by the person or establishment applying for the export authorization.

(6) A copy of the export authorization shall accompany each consignment, and the Government Authority issuing the export authorization shall send a copy directly to the Government Authority of the importing country or territory.

(7) The Government Authority of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government Authority of the exporting country or territory and—

(a) the endorsement shall specify the amount actually imported; or
(b) if a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on an official copy thereof.

(8) An export of a consignment to a post office box shall be prohibited.

(9) Transfer of any payment, monies or funds relating to the medicinal cannabis goods stated on the Authorizations, to a bank or to an account of a consignee other than the consignee named in the export authorization, shall be prohibited.

(10) Exports of consignments to a bonded warehouse shall be prohibited except where the government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse and—

(a) in such case, the export authorization shall specify that the consignment is exported for such purpose; and
(b) each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse.

(11) Consignments of medicinal cannabis goods entering or leaving Antigua and Barbuda not accompanied by an export authorization shall be detained by the competent authorities.

(12) A licensee shall not permit any medicinal cannabis goods consigned to another country to pass through its territory, unless a copy of the export authorization for such consignment is produced to the competent authorities of that Country.

(13) The competent authorities of any country or territory through which a consignment of medicinal cannabis goods is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory through which the consignment is passing authorizes the diversion and—

(a) the Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination; and
(b) if the diversion is authorized, the provisions of subregulation (7) of this Regulation shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

(14) No consignment of medicinal cannabis goods while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the medicinal cannabis goods in question and the packing may not be altered without the permission of the competent authorities.

(15) Any medicinal cannabis goods to be imported or exported shall meet all Testing and Standards Requirements of these Regulations prior to being approved to be imported or exported.

(16) All medicinal cannabis goods to be imported or exported shall be entered and tracked in the Antigua and Barbuda Tracking System.

(17) The provisions of subregulations (11), (12) and (13) of this Regulation relating to the passage of medicinal cannabis goods through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in a country or territory of transit or—

(a) if the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require; and
(b) the provisions of this Regulation are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties to the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, over drugs in transit.

143. Medicinal cannabis import licence – specific rules

(1) A person who holds an import licence is authorized to import, for medical or scientific purposes, the specified goods on the licence, which may include as follows—

(a) medicinal cannabis goods;
(b) medicinal cannabis genetics, with the approval from the relevant departments of the Ministry of Agriculture and which maybe in the form as follows—
    (i) seeds;
    (ii) clones; or

(iii) tissue culture;
(c) equipment related to medicinal cannabis businesses; and
(d) paraphernalia related to medicinal cannabis use.

(2) Each Import Licence, if approved by the Authority, shall be signed by the Attorney General.

(3) A person who holds an import licence is also required to be authorized to possess, transfer, transport, send or deliver the specific shipment authorized on the licence to the extent necessary to import the medicinal cannabis goods specified on the Licence.

(4) The import licence shall set out the information as follows—

(a) the name and mailing address of the holder;
(b) the destination address of the shipment;
(c) the unique licence number;
(d) regarding the shipment of medicinal cannabis goods to be imported—
(i) the description of the medicinal cannabis goods;
(ii) the intended use of the medicinal cannabis goods;
(iii)if applicable, the brand name of the medicinal cannabis goods;
(iv) quantity of the medicinal cannabis goods; and
(v) the percentage of THC and CBD of the medicinal cannabis goods, except in the case of medicinal cannabis plants and medicinal cannabis seeds;
(e) the name and address of the exporter in the country of export;
(f) the port of entry into Antigua and Barbuda;
(g) the address of the customs office to which the shipment is to be delivered;
(h) each mode of transportation used, the country and port of export and, if applicable, any country of transit or transhipment;
(i) any conditions that the Minister of Government responsible for Legal Affairs considers appropriate;
(j) the effective date of the licence; and
(k) the date of expiry of the licence.

(5) The Authority may refuse to issue an import licence for any reason, which may include, but shall not be limited to—

(a) the applicant does not hold a medicinal cannabis business licence;
(b) the case where the Minister of Government responsible for Legal Affairs, has reasonable grounds to believe that the shipment to which the licence application pertains would contravene these Regulations or the laws of the country of export or any country of transit or transhipment, or
(c) the importation of the medicinal cannabis goods is for the purpose of exporting it.

(6) An import licence is valid until the earliest of the following dates—

(a) the date on which the shipment is imported;
(b) the date of expiry of the licence;

(c) the date of expiry of the licence;
(d) the date of its revocation; or
(e) the date of revocation of the licence for exportation issued by the competent authority of the country of export that pertains to the shipment.

(7) A holder of an import licence shall provide a copy of the import licence to the customs office at the time of importation.

(8) The holder of an import licence shall ensure that, after the imported medicinal cannabis goods is released, it is transported directly to the destination address set out in the licence.

(9) Circumstances for the revocation of an import licence may include but shall not be limited to where—

(a) the licence holder has requested, in writing, the revocation;
(b) the export authorization has been revoked;
(c) the importation of the medicinal cannabis goods is for the purpose of exporting it; or
(d) a licence that has been suspended is not reinstated because the reasons for the suspension still exist or the licence holder has not demonstrated to the Authority that the suspension is unfounded.

(10) The Authority may, for the purpose of verifying whether an importation of medicinal cannabis goods complies with these Regulations, provide to a customs officer any information provided in the import licence and inform that customs officer whether the import licence has been suspended or revoked.

144. Medicinal cannabis export licence – specific rules

(1) It shall be unlawful to export from Antigua and Barbuda any medicinal cannabis goods unless—

(a) It is exported to a country which is a party to—
(i) the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol;
(ii) the Convention on Psychotropic Substances of 1971; or
(iii)the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
(b) the country referred to in paragraph (a), shall institute and maintain, conformity with any convention to which it is a party, a system for the control of imports of narcotic drugs which the Authority considers adequate;
(c) the narcotic drug is consigned to a holder of such permits or licences as may be required under the laws of the country of import, and a permit or licence to import such drug has been issued by the country of import;
(d) substantial evidence is furnished to the Authority by the exporter that—
(i) the narcotic drug is to be applied exclusively to medical or scientific uses or Government regulated use within the country of import; and

(ii) there is an actual need for the narcotic drug for medical or scientific uses or other Government regulated use within such country; and

(e) a permit to export the narcotic drug in each instance has been issued by the Authority and signed by the Attorney General.

(2) Notwithstanding subregulation (1) of this Regulation, the Authority may authorize medicinal cannabis to be exported from Antigua and Barbuda to a country which is a party to any of the international instruments mentioned in subregulation (1) of this Regulation if the particular drug is to be applied to a special scientific or research purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(3) A person who holds a medicinal cannabis export licence is authorized to export medicinal cannabis goods for medical, scientific or other Government regulated purposes.

(4) Each export licence, if approved by the Authority, shall be signed by the Attorney General.

(5) A holder of an export licence is also required to be authorized to possess, transfer, transport, send, deliver or sell the shipment of medicinal cannabis goods to the extent necessary to export the medicinal cannabis goods.

(6) The export licence shall set out the information as follows—

(a) the name and mailing address of the holder;
(b) the destination of the consignment;
(c) the unique licence number;
(d) regarding the shipment of medicinal cannabis goods to be exported, the information to be included are as follows—
(i) the description of the medicinal cannabis goods;
(ii) the intended use of the medicinal cannabis goods;
(iii) if applicable, the brand name of the medicinal cannabis goods;
(iv) the quantity of the medicinal cannabis goods;
(v) the percentage of THC and CBD of the medicinal cannabis goods, except in the case of medicinal cannabis plants and medicinal cannabis seeds;
(e) the name and address of the importer;
(f) the port of exit from Antigua and Barbuda, the country and port of import and, if applicable, any country of transit or transhipment;
(g) the address of the customs office, sufferance warehouse or bonded warehouse to which the shipment is to be delivered, if applicable;
(a) each mode of transportation used;
(b) any conditions that the Minister of Government responsible for Legal Affairs considers appropriate;
(c) the effective date of the licence; and
(d) the date of expiry of the licence.

(7) The Authority may refuse to issue an export licence for any reason, which may include, but shall not be limited to—

(a) the applicant does not hold a medicinal cannabis business licence;
(b) the case where the Minister of Government responsible for Legal Affairs, has reasonable grounds to believe that the shipment to which the Licence application pertains, would contravene these Regulations or the laws of the country of import or any country of transit or transhipment, or
(c) the shipment would not comply with the licence for importation issued by a competent authority of the country of import.

(8) An export licence is valid until the earliest of the following dates—

(a) the date on which the shipment is exported;
(b) the date of expiry of the licence or the date of its revocation;
(c) the date of its revocation, or
(d) the date of expiry of the licence for importation issued by the competent authority of the country of import that pertains to the shipment or the date of its revocation.

(9) A person who holds an export licence shall provide a copy of the export licence to the customs office at the time of exportation.

(10) Circumstances for the revocation of an export licence may include but shall not be limited to—

(a) the licence holder has requested, in writing, the revocation;
(b) the import licence has been revoked; or
(c) a licence that has been suspended is not reinstated because the reasons for the suspension still exist or the licence holder has not demonstrated to the Authority that the suspension is unfounded.

(11) The Authority may, for the purpose of verifying whether an exportation of medicinal cannabis goods complies with these Regulations, provide to a customs officer any information provided in the export licence application and inform that customs officer whether the export licence has been suspended or revoked.

145. Exception for exportation for subsequent export

(1) The Authority may authorize any medicinal cannabis goods to be exported from Antigua and Barbuda to a country for subsequent export from that country to another country, if each of the requirements as follows are adhered to—

(a) the country to which the medicinal cannabis goods is exported from Antigua and Barbuda, referred to in this Regulation as the "first country", and the country to which the medicinal cannabis goods is exported from the first country, referred to in this Regulation as the "second country", are parties to the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971;

(b) the first country and the second country have instituted and maintains conformity with such Conventions, a system of controls of imports of controlled substances which the Authority considers adequate;

(c) with respect to the first country, the medicinal cannabis goods is consigned to a holder of such permits or licences as may be required under the laws of such country, and a permit or licence to import the medicinal cannabis goods has been issued by the country;

(d) with respect to the second country, substantial evidence is furnished to the Authority by the person who will export the medicinal cannabis goods from Antigua and Barbuda that—

(i) the medicinal cannabis goods is to be consigned to a holder of such permits or licences as may be required under the laws of such country, and a permit or licence to import the medicinal cannabis goods is to be issued by the country; and

(ii) the medicinal cannabis goods is to be applied exclusively to medical, scientific, or other legitimate uses within the country.

(e) the medicinal cannabis goods will not be exported from the second country, except that the medicinal cannabis goods may be exported from a second country if that second country issues an export certificate or authorization for the medicinal cannabis goods;

(f) within thirty (30) days after the medicinal cannabis goods is exported from the first country to the second country, the person who exported the medicinal cannabis goods from Antigua and Barbuda delivers to the Authority—

(i) documentation certifying that such export from the first country has occurred; and

(ii) information concerning the consignee, country, and product;

(g) a licence to export the medicinal cannabis goods from Antigua and Barbuda has been issued by the Authority and signed by the Attorney General.

DIVISION 8 - MEDICINAL CANNABIS RESEARCH AND DEVELOPMENT LICENCE

146. Government obligation to promote research

(1) The Authority shall promote and commission objective scientific research to be completed within Antigua and Barbuda, regarding the efficacy and safety of administering cannabis as part of medical treatment.

(2) The Government shall issue no less than 5% of its annual net revenues from the medicinal cannabis regulated industry towards new specific approved research programs and proposals of Medicinal Cannabis Research and Development Licensees to be conducted within Antigua and Barbuda.

147. Medicinal cannabis research and development licensee general obligations

(1) Every Licensee shall develop a program and conduct studies intended to ascertain the general medical safety and efficacy of cannabis and if found valuable, shall develop medical guidelines for the appropriate administration and use of cannabis.

(2) The studies may include studies to ascertain the effect of cannabis on motor skills.

(3) The program may immediately solicit proposals for research projects to be included in the cannabis studies.

(4) A research program or a medicinal cannabis drug trial, that proposes to use human patients in its undertaking, shall first meet all of the conditions as follows—

(a) have written and signed authorization from each patient to be involved;

(b) have written and signed authorization for each patient participation, by the Minister of Government responsible for Health;

(c) have written and signed authorisation for the proposed research program or medicinal cannabis drug trial, by the Minister of Government responsible for Health;

(d) have written authorisation for the proposed research program or medicinal cannabis drug trial, by a recognized medical ethics committee within the Antigua and Barbuda; and

(e) have a registered medical practitioner leading the research program or medicinal cannabis drug trial;

(5) Program requirements to be used when evaluating responses to its solicitation for proposals, shall include, but may not be limited to, the requirements as follows—

(a) proposals shall demonstrate the use of key personnel, including clinicians or scientists and support personnel, who are prepared to develop a program of research regarding cannabis' general medical efficacy and safety;
(b) proposals shall contain procedures for outreach to patients with various medical conditions who may be suitable participants in research on cannabis;
(c) proposals shall contain provisions for a patient registry;
(d) proposals shall contain provisions for an information system that is designed to record information about possible study participants, investigators, and clinicians, and deposit and analyze data that accrues as part of clinical trials;
(e) proposals shall contain protocols suitable for research on cannabis, addressing patients diagnosed with acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV), cancer, glaucoma, or seizures or muscle spasms associated with a chronic, debilitating condition;
(f) proposals may also include research on other serious illnesses, provided that resources are available and medical information justifies the research;
(g) proposals shall demonstrate the use of a specimen laboratory capable of housing plasma, urine, and other specimens necessary to study the concentration of

cannabinoids in various tissues, as well as housing specimens for studies of toxic effects of cannabis;

(h) proposals shall demonstrate the use of a laboratory capable of analyzing cannabis, provided to the program under this Regulation, for purity and cannabinoid content and the capacity to detect contaminants.

(6) To ensure objectivity in evaluating proposals, the program shall use a peer review process that is modelled on the process used by International Institutes of Health and of Research, and that guards against funding research that is biased in favour of or against particular outcomes and—

(a) peer reviewers shall be selected for their expertise in the scientific substance and methods of the proposed research, and their lack of bias or conflict of interest regarding the applicants or the topic of an approach taken in the proposed research.

(b) peer reviewers shall judge research proposals on several criteria, foremost among which shall be both of the following—

(i) the scientific merit of the research plan, including whether the research design and experimental procedures are potentially biased for or against a particular outcome; and

(ii) researchers' expertise in the scientific substance and methods of the proposed research, and their lack of bias or conflict of interest regarding the topic of, and the approach taken in, the proposed research;

(7) the program shall be established as follows—

(a) the program shall be located at an authorized research facility that shall include faculty experienced in organizing multidisciplinary scientific endeavours and, in particular, strong experience in clinical trials involving psychopharmacologic agents; or

(b) the facilities at which research under the auspices of the program is to take place shall accommodate the administrative offices, including a director of the program, as well as a data management unit, and facilities for storage of specimens.

(8) The Authority shall, when awarding grants under this Part, implement principles and parameters of the other well-tested International or Regional research programs administered by various universities or hospitals, modelled after programs that follow international guidelines, including peer review evaluation of the scientific merit of applications.

(9) The scientific and clinical operations of the program may occur, partly at university campuses, and partly at hospitals or other public or private health institutions, that have clinicians or scientists with expertise to conduct the required studies.

(10) Criteria for selection of research programs to award grants, shall give particular weight to the organizational plan, leadership qualities of the program director, and plans to involve investigators and patient populations from multiple sites.

(11) The funds received by the Licensee shall be allocated to various specific research studies in accordance with a scientific plan.

(12) The size, scope, and number of studies funded shall be commensurate with the amount of appropriated and available program funding.

(13) Any personnel involved in approved research programs shall possess an Individual Occupational Licence.

(14) Studies conducted pursuant to this Regulation shall include the greatest amount of new scientific research possible on the medical uses of, and medical hazards associated with, cannabis.

(15) The program shall consult with Research agencies in other States, and other appropriate agencies in an attempt to avoid duplicative research and the wasting of research dollars.

(16) The program shall make every effort to recruit qualified patients and qualified physicians from throughout Antigua and Barbuda.

(17) The cannabis studies shall employ state-of-the-art research methodologies.

(18) The program shall ensure that all cannabis used in the studies is of the appropriate medical quality and shall be obtained from licenced medicinal cannabis businesses designated to supply cannabis for authorized research.

(19) The program may review, approve, or incorporate studies and research by independent groups presenting scientifically valid protocols for medical research, regardless of whether the areas of study are being researched by the committee.

148. Medicinal cannabis research and development licensee specific obligations

(1) To enhance understanding of the efficacy and adverse effects of cannabis as a pharmacological agent, the program shall conduct focused controlled clinical trials on the usefulness of cannabis in patients diagnosed with AIDS or HIV, cancer, glaucoma, or seizures or muscle spasms associated with a chronic, debilitating condition.

(2) The program may add research on other serious illnesses, provided that resources are available and medical information justifies the research.

(3) The studies shall focus on comparisons of both the efficacy and safety of methods of administering the drug to patients, including inhalational, tinctural, topical, rectal and oral, evaluate possible uses of cannabis as a primary or adjunctive treatment, and develop further information on optimal dosage, timing, mode of administration, and variations in the effects of different cannabinoids and varieties of cannabis.

(4) The program shall examine the safety of cannabis in patients with various medical disorders, including cannabis's interaction with other drugs, relative safety of inhalation versus oral forms, and the effects on mental function in medically ill persons.

(5) The program shall be limited to providing for objective scientific research to ascertain the efficacy and safety of cannabis as part of medical treatment, and shall not be construed as encouraging or sanctioning the social or recreational use of cannabis.

(6) The program shall, prior to any approving proposals, seek to obtain and implement research protocol guidelines from other reputable research organizations following international guidelines and best practices.

(7) Licensees may solicit, apply for, and accept funds from foundations, private individuals, and all other funding sources that can be used to expand the scope or timeframe of the cannabis studies that are authorized under the Research and Development Licence.

(8) The program shall not expend more than five (5) percent of its General Fund allocation in efforts to obtain money from outside sources.

(9) In no case shall the program accept any funds that are offered with any conditions other than that the funds be used to study the efficacy and safety of cannabis as part of medical treatment.

(10) Any donor shall be advised that funds given for purposes of this Regulation will be used to study both the possible benefits and detriments of cannabis and that he or she will have no control over the use of these funds.

(11) Within six months of the effective date of this Regulation, the program shall report to the Legislature, the Governor, and the Attorney General on the progress of the cannabis studies;

(a) thereafter, the program shall issue a report to the Authority every six months detailing the progress of the studies;
(b) the interim reports required under this paragraph shall include, but may not be limited to, data on all of the following—
    (i) The names and number of diseases or conditions under study;
    (ii) The number of patients enrolled in each study by disease;
    (iii) Any scientifically valid preliminary findings.

(12) No more than 10 percent of the total funds appropriated may be used for all aspects of the administration of this Regulation.

(13) This Regulation shall be implemented only to the extent that funding for its purposes is appropriated in the annual Budget.

(14) Any products developed from research conducted under a medicinal cannabis research and development licence in Antigua and Barbuda, that has received Government Funding from Antigua and Barbuda towards that specific project, shall submit twenty percent (20%) risk free perpetual ownership of that product to the Government of Antigua and Barbuda.

PART VIII

MEDICINAL CANNABIS TESTING FACILITY LICENCE

DIVISION 1 - LICENCEE AND LABORATORY RULES

149. Part VIII definitions

(1) In addition to the definitions in Regulation 2 of these Regulations, the following definitions apply to this Part--

"acceptance criteria" means the specified limits placed on the characteristics of an item or method that are used to determine data quality;

"accreditation body" means an impartial non-profit organization that operates in conformance with the international organization for standardization (ISO) / international electrotechnical commission (IEC) standard 17011 and is a signatory to the international laboratory accreditation cooperation (ILAC) mutual recognition arrangement (MRA) for testing;

"action level" means the threshold value that provides the criterion for determining whether a sample passes or fails an analytical test;

"analyte" means a substance whose chemical constituents are being identified and measured;

"analytical batch" means a set of no more than 20 samples that is prepared together for the same analysis and are prepared with laboratory quality control (LQC) samples;

"analytical method" means a technique used qualitatively or quantitatively to determine the composition of a sample or a microbial contamination of a sample;

"analytical sequence" means a group of samples that are analysed sequentially using the same instrument calibration curve;

"cannabinoid" means a class of diverse chemical compounds derived from a cannabis plant;

"cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency and for purposes of this Part, "cannabis concentrate" includes, but is not limited to, the separated resinous trichomes of cannabis, tinctures, capsules, suppositories, extracts, vape cartridges, inhaled products such as dab, shatter, wax, and tablets;

"CAS number" means the unique numerical identifier assigned to every chemical substance by Chemical Abstracts Service, a division of the American Chemical Society;

"CBD" means cannabidiol, CAS number 13956-29-1;

"CBDA" means cannabidiolic acid, CAS number 1244-58-2;

"CBG" means cannabigerol, CAS number 25654-31-3;

"CBN" means cannabinol, CAS number 521-35-7;

"Certificate of Accreditation" means a document issued by an accreditation body that attests to the laboratory's competence to carry out specific testing analysis;

"Certificate of Analysis" (COA) means the report prepared by the laboratory about the analytical testing performed and results obtained by the laboratory;

"certified reference material" means a reference material prepared by a certifying body or a party independent of the laboratory with ISO/IEC 17034 accreditation;

"chain of custody" (COC) means the chronological documentation that records the sequence of custody, control, transfer, analysis, and disposal of a sample;

"coefficient of determination" (commonly denoted as "r2") means a statistical measure that determines how well the regression approximates the actual data points in the calibration curve, with a regression of 1 being a perfect fit;

"continuing calibration verification" (CCV) means a type of quality control sample that includes each of the target method analytes that is a mid-range calibration standard which checks the continued validity of the initial calibration of the instrument;

"corrective action" means an action taken by the laboratory to resolve, and prevent from recurrence, a problem with the technical operations of the laboratory;

"exclusivity" means the specificity of the test method for validating microbial testing methods and it evaluates the ability of the method to distinguish the target organisms from similar but genetically distinct non-target organisms;

"foreign material" means any filthy, putrid, or decomposed substance including hair, insects, excreta, or related adulterant that may be hazardous or cause illness or injury to the consumer;

"frequency" means the number of items occurring in each category and frequency may be determined by analytical method or laboratory specific requirements for accuracy, precision of the analysis, or statistical calculation;

"Good Laboratory Practice" (GLP) means a quality system of management controls for laboratories to ensure the uniformity, consistency, reliability, reproducibility, quality, and integrity of analyses performed by the testing laboratory;

"inclusivity" means, related to microbiological method validation, the sensitivity of the test method and it evaluates the ability of the test method to detect a wide range of target organisms by a defined relatedness;

"inhalable" means consumable in gaseous or vapour form through the lungs;

"initial calibration verification" (ICV) means a solution of each of the target method analytes of known concentration that is obtained from a source external to the laboratory and different from the source of calibration standards;

"ISO/IEC" means the joint technical committee of the international organization for standardization (ISO) and the international electrotechnical commission (IEC);

"ISO/IEC 17025" means the general requirements specified by the ISO/IEC for the competence of testing and calibration laboratories;

"ISO/IEC 17034" means the general requirements established by the ISO/IEC for the competence of reference material producers;

"ISO/IEC 17043" means the general requirements established by the ISO/IEC for proficiency testing;

"laboratory" means medicinal cannabis testing facility as defined in regulation 2 of these regulations;

"laboratory control sample" (LCS) means a blank matrix to which known concentrations of each of the target method analytes are added and the spiked concentration shall be at a mid-range concentration of the calibration curve for the target analytes and the LCS is analyzed in the same manner as the representative sample;

"laboratory replicate sample" means a sub-sample taken of the representative sample used for laboratory quality control purposes to demonstrate reproducibility and it is prepared and analyzed in the identical manner as the representative sample while the results from replicate analyses are used to evaluate analytical precision;

"laboratory employee" means any person directly employed by the laboratory for wages, salary, barter, or trade by the laboratory and who is not employed by any other licensee under the Cannabis Act, 2018 except for another testing laboratory, but, does not mean an independent contractor, third party entity, or any other entity acting on behalf of the laboratory;

"laboratory quality assurance" means the set of operating principles that enable laboratories to produce defensible data of known accuracy and precision and includes employee training, equipment preventative maintenance procedures, calibration procedures, and quality control testing, among other things;

"limit of detection" (LoD) means the lowest quantity of a substance or analyte that can be distinguished from the absence of that substance within a stated confidence limit;

"limit of quantitation" (LoQ) means the minimum concentration of an analyte in a specific matrix that can be reliably quantified while also meeting predefined goals for bias and imprecision;

"linear regression" means the determination, in analytical chemistry, of the best linear equation for calibration data to generate a calibration curve, then, concentration of an analyte in a sample can then be determined by comparing a measurement of the unknown to the calibration curve, and a linear regression uses the following equation-

$y = mx + b$; where m = slope, b = intercept

"matrix" means the substances that are present in a sample except for the analytes of interest;

"matrix spike sample" means a sample prepared by adding a known quantity of each of the target analyte to a sample matrix or to a matrix that is as closely representative of the matrix

being analyzed as possible and the spiked concentration shall be at a mid-range concentration of the calibration curve for the target analytes;

"method blank" means an analyte free matrix to which all reagents are added in the same volumes or proportions as used in the sample preparation and is processed in exactly the same manner as the samples;

"moisture content" means the percentage of water in a sample, by weight;

"non-target organism" means an organism that the test method or analytical procedure is not testing for and can be used in evaluating the specificity of a test method;

"orally-consumed product containing alcohol" means a liquid solution that contains more than 0.5% alcohol by volume as an ingredient, is not otherwise an alcoholic beverage and is packaged in a container no larger than two (2) fluid ounces and includes a capped calibrated dropper capable of accurately measuring servings;

"orally-dissolving product" means an edible cannabis product that is intended to dissolve and release cannabinoids directly into the mouth, which allows them to enter the bloodstream through the tissue, such as sublingual lozenges or mouth strips which are not intended to be eaten or swallowed to enter the digestive system;

"percent recovery" means the percentage of a measured concentration relative to the added (spiked) concentration in a reference material or matrix spike sample and a laboratory shall calculate the percent recovery by dividing the sample result by the expected result then multiplying the quotient by 100;

"practical experience" means experience performing scientific analytical tests in a laboratory setting using equipment, instruments, kits, and materials routinely found in a laboratory and includes experience in any type of laboratory setting and is not limited to cannabis-specific laboratories;

"proficiency test" means an evaluation of a laboratory's performance against pre-established criteria by means of inter-laboratory comparisons of test measurements;

"proficiency test sample" means a sample that is prepared by a party independent of the testing laboratory with the ISO/IEC 17043 accreditation, where the concentration and identity of an analyte is known to the independent party, but is unknown to the testing laboratory and testing laboratory employees;

"quadratic regression" means the determination, in analytical chemistry, of the best parabola equation for calibration data to generate a calibration curve, where the concentrate of an analyte in a sample can then be determined by comparing a measurement of the unknown to the calibration curve, and a quadratic regression uses the following equation- $y = ax2 + bx + c$; where a, b, and c are numerical coefficients;

"quality control" means the set of measures implemented within an analytical procedure to ensure that the measurement system is operating in a state of statistical control for which errors have been reduced to acceptable levels;

"quality control sample" means a sample that is produced and used by a laboratory for the purpose of assuring the quality of the data and results and can include blank samples, matrix spike samples, laboratory control samples, replicate samples, and reference material samples;

"reagent" means a compound or mixture added to a system to cause a chemical reaction or test if a reaction occurs and a reagent may be used to tell whether a specific chemical substance is present by causing a reaction to occur with the chemical substance;

"reference material" means material containing a known concentration of an analyte of interest that is in solution or in a homogeneous matrix;

"reference method" means the method by which the performance of an alternate method is measured or evaluated;

"relative percent difference" (rpd) means the comparative statistic that is used to calculate precision or random error and is calculated using the following equation-

rpd = | (representative sample measurement – replicate sample measurement) | / ([representative sample measurement + replicate sample measurement] / 2) × 100%

"relative standard deviation" (rsd) means the standard deviation expressed as a percentage of the means recovery and is calculated using the following equation-

rsd = (s / x) × 100%; where s = standard deviation and x = mean

"representative" means a small quantity of the batch whose characteristics represent, as accurately as possible, the entire batch, thus allowing the results to be generalized;

"representative sample" means a sample that is comprised of several sample increments of cannabis goods that are collected from a batch for testing;

"requester" means the person who submits a request to the laboratory for testing of cannabis goods from an entity licenced under the Cannabis Act, 2018;

"reserve sample" means any portion of a representative sample that was not used in the testing process;

"sample" means a representative part of, or a single item from, a batch which is comprised of several sample increments;

"sample increment" means a portion of a batch that, together with other increments, makes up the sample;

"sampler" means the laboratory employee responsible for obtaining samples of cannabis goods from a licenced medicinal cannabis business;

"sanitize" means to sterilize, disinfect, or make hygienic;

"scope of accreditation" means the tests or types of tests performed, materials or products tested, and the methods used for testing cannabis or cannabis products for which the accreditation has been granted;

"standard operating procedure" (SOP) means a written document that provides detailed instructions for the performance of all aspects of an analysis, operation, or action;

"tamper-evident" means a one-time-use security tape or seal that is affixed to the opening of a package, allowing a person to recognize whether the package has been opened;

"target organism" means an organism that is being tested for, in an analytical procedure or test method;

"THC" and "delta-9 THC" means tetrahydrocannabinol, CAS number 1972-08-3;

"THCA" means tetrahydrocannabinolic acid, CAS number 23978-85-0;

"topical cannabis goods" means cannabis products intended to be applied to the skin and not intended to be ingested or inhaled and liquid solutions that contain more than 0.5% alcohol by volume as an ingredient and are not otherwise an alcoholic beverage, shall only be considered topical cannabis goods if they are packaged in a container no larger than two (2) fluid ounces;

"total CBD" means the sum of CBD and CBDA and total CBD is calculated using the following equation-

total CBD concentration (mg/g) = (CBDA concentration (mg/g) x 0.877) + CBD concentration (mg/g)

"total THC" means the sum of THC and THCA and total THC is calculated using the following equation-

total THC concentration (mg/g) = (THCA concentration (mg/g) x 0.877) + THC concentration (mg/g)

"validation" means the confirmation by examination and objective evidence that the requirements for a specific intended use or analytical method are fulfilled; and

"water activity" means the measure of the quantity of water in a product that is available and is therefore capable of supporting bacteria, yeasts, and fungi and which is reported in units Aw.

150. Licence for medicinal cannabis testing facility

(1) If a testing facility wishes to test and analyze medicinal cannabis, it shall first complete an Authority application, pay all applicable fees and obtain a licence for at least one owner to engage in testing and analysis.

(2) The licence referenced in this rule may only be granted to or held by a medicinal cannabis testing facility whose certifications and equipment are up to date, valid and in good standing.

(3) A person holding a licence to test and analyze medicinal cannabis shall comply with all requirements in this part of these Regulations.

(4) Any person who is an owner or financial interest holder in a licensed testing facility, shall not be an owner or financial interest holder in any other type of medicinal cannabis business operation or license, except for another licensed testing facility.

(5) An employee of a licensed testing facility shall not hold employment at any other type of medicinal cannabis business operation, except for another licensed testing facility.

(6) A licensed testing facility shall utilise the Antigua and Barbuda tracking system and all testing results shall be entered into the system and be monitored by the Authority.

(7) Any violation of such requirements in connection with testing and analyzing of medicinal cannabis shall constitute a violation of these rules and a violation in connection with the person's medicinal cannabis testing facility licence.

151. Medicinal cannabis testing facility licence - general laboratory licence requirements

(1) A licenced laboratory shall maintain ISO/IEC 17025 accreditation for the testing of the following—

(a) cannabinoids;
(b) heavy metals;
(c) microbial impurities;
(d) mycotoxins;
(e) residual pesticides;
(f) residual solvents and processing chemicals; and
(g) if tested, terpenoids.

(2) Each testing laboratory licenced premises shall have ISO/IEC 17025 accreditation.

(3) A licenced laboratory shall retain, and make available to the Authority upon request, all records associated with the licensee's ISO/IEC 17025 certificate of accreditation.

152. Laboratory licence application

(1) In addition to the information required in Regulations 36 and 64 of these Regulations, an application for a testing laboratory licence shall include the following--

(a) a valid certificate of accreditation, issued by an accreditation body that attests to the laboratory's competence to perform testing including all the required analytes and the standard operating procedures and the method validation reports for the testing of the following—
    (i) cannabinoids;
    (ii) heavy metals;
    (iii) microbial impurities;
    (iv) mycotoxins;
    (v) residual pesticides;
    (vi) residual solvents and processing chemicals; and
    (vii) if tested, terpenoids.
(b) standard operating procedures for the sampling of cannabis goods.

153. Interim testing laboratory licence

(1) An applicant may apply for an interim licence prior to receiving ISO/IEC 17025 accreditation provided that the applicant meets all other licensure requirements for a testing laboratory and submits to the Authority an application in compliance with Regulations 36 and 64 of these Regulations and an attestation that the applicant has or intends to seek ISO/IEC 17025 accreditation for all testing methods required by the Authority.

(2) An interim testing laboratory licence shall be valid for 12 months and shall function under the same Regulations for an accredited laboratory.

(3) To timely renew an interim licence, a completed licence renewal form and the annual renewal licence fee pursuant to Regulation 75 of these Regulations shall be received by the Authority from the licensee no earlier than 60 calendar days before the expiration of the licence and no later than 3:00 p.m. Atlantic Standard Time on the last business day before the expiration of the licence submitted to the Authority at its office.

(4) Failure to receive a notice for licence renewal does not relieve a licensee of the obligation to renew an interim licence as required.

(5) In the event the licence is not renewed prior to the expiration date, the licensee shall not test any commercial cannabis goods until the licence is renewed.

(6) A licensee may submit a licence renewal form up to 30 calendar days after the licence expires and any late renewal form will be subject to a late fee required by subregulation (3) of this Regulation.

(7) The licence renewal application shall contain the information as follows—

(a) the name of the licensee--

(i) for licensees who are individuals, the applicant shall provide both the first and last name of the individual;

(ii) for licensees who are business entities, the licensee shall provide the legal business name of the applicant;

(b) the licence number and expiration date;

(c) the licensee's address of record and licenced premises address; and

(d) an attestation that all information provided to the Authority in the original application under Regulations 36 and 64 of these Regulations or subsequent notification under Regulation 43 of these Regulations is accurate and current.

(8) The Authority may renew an interim licence for an initial renewal period of 12 months.

(9) After one renewal, the Authority may renew the interim licence for additional 12 month periods if the licensee has submitted an application for the ISO/IEC 17025 accreditation.

(10) In addition to the information required for a renewal form pursuant to subregulation (7) of this Regulation, any renewal request pursuant to this Regulation shall also include an attestation that

the licensee's application for each ISO/IEC 17025 is pending with the accrediting body, the name of the accrediting body, and the date the application was submitted to the accrediting body.

(11) The licensee shall notify the Authority if the application for each ISO/IEC 17025 accreditation is granted or denied within 1 business day of receiving the decision from the accrediting body.

(12) If the accrediting body grants or denies the licensee's application for any ISO/IEC 17025 accreditation before the expiration of the interim licence, the Authority may terminate the interim licence at that time.

(13) The Authority may revoke an interim licence at any time.

DIVISION 2 - SAMPLING MEDICINAL CANNABIS GOODS

154. Sampling standard operating procedures

(1) The laboratory shall develop and implement a sampling standard operating procedure (SOP) that describes the laboratory's method for obtaining representative samples of medicinal cannabis goods.

(2) The laboratory shall use and submit to the Authority, its Standard Operating Procedures for sampling medicinal cannabis or medicinal cannabis infused products.

(3) The laboratory shall retain a copy of the sampling SOP on the licenced laboratory premises and ensure that the sampling SOP is accessible to the authorized sampler during sampling.

155. General sampling requirements

(1) The laboratory that obtains a representative sample from a licenced medicinal cannabis business shall perform all the required testing at one licenced laboratory premises.

(2) The laboratory may obtain and analyze samples only from batches in final form.

(3) The laboratory sampler shall collect a representative sample from each batch following the procedures specified in the laboratory's sampling standard operating procedures.

(4) The laboratory shall ensure that the sample is transported and subsequently stored at the licenced laboratory premises in a manner that prevents degradation, contamination, co-mingling, and tampering--

(a) if the medicinal cannabis specifies on the label how the medicinal cannabis shall be stored, the laboratory shall store the sample as indicated on the label;
(b) the testing laboratory shall store medicinal cannabis samples and medicinal cannabis infused product in a limited access medicinal cannabis store as specified in Regulation 86 of these Regulations.

(5) The laboratory shall complete and maintain a chain of custody (COC) form for each sample that the laboratory collects and analyses.

(6) Once a representative sample has been obtained for regulatory compliance testing, the licenced testing laboratory that obtained the sample shall complete the regulatory compliance testing.

(7) If a licenced laboratory is unable to competently complete the regulatory compliance testing after sampling and before a COA is issued, the licenced medicinal cannabis business who arranged for the testing of the batch may request approval from the Authority to have the impacted batch re-sampled and tested by another licenced laboratory--

(a) the request shall be made in writing to the Authority and shall include all of the following—
    (i) the name and licence number of the distributor;
    (ii) the batch numbers;
    (iii)the type and quantity of cannabis goods;
    (iv) the name and licence number of the laboratory that took the initial sample and is not able to competently complete the regulatory compliance testing;
    (v) the name and licence number of the laboratory proposed to re-sample and complete the regulatory compliance testing for the batch(s); and
    (vi) the reason why the laboratory which initially took the sample cannot competently complete the regulatory compliance testing;
(b) the Authority will review the request and determine if the laboratory which initially took the sample is unable to competently complete the regulatory compliance testing and if the Authority determines that the laboratory is unable to competently complete the regulatory compliance testing, the Authority, in its discretion, may approve the request in whole or part and set conditions for the re-sampling and testing;
(c) no re-sampling of any batch shall occur prior to the licenced medicinal cannabis business receiving written approval from the Authority.

156. Chain of custody (COC)

(1) The laboratory shall develop and implement a Chain of Custody (COC) protocol to ensure accurate documentation is recorded for the sampling, transport, handling, storage, and destruction of samples.

(2) The COC protocol shall require the use of a physical COC form as well as input into the Antigua and Barbuda Tracking System.

(3) The sampler shall use a COC to record the following information for each sampled batch—

(a) laboratory's name, licenced premises address, and licence number;
(b) date and time sampling started and ended;
(c) lcenced medicinal cannabis business' name, licenced premises address, and licence number;

(d) batch number of the batch from which the representative sample was obtained and assigned unique sample identifier;
(e) sample matrix;
(f) total batch size, by weight, or unit count;
(g) total weight, or unit count of the representative sample;
(h) sampling conditions or problems encountered during the sampling process, if any;
(i) printed name and signature of the licenced Medicinal cannabis business employee; and
(j) printed name and signature of the sampler;

(4) Each time the sample changes custody between licensees, is transported, or is destroyed, the date, time, and the names and signatures of persons involved in these activities shall be recorded on the COC physical and electronic formats.

(5) Once the custody of the sample changes between licensees, the COC form for that change of custody may not be altered.

157. Harvest batch sampling

(1) The sampler shall obtain a representative sample from each prepacked or unpacked harvest batch.

(2) The representative sample shall weigh 0.35% of the total harvest batch weight.

(3) A sampler may collect a representative sample greater than 0.35% of the total harvest batch weight of a prepacked or unpacked harvest batch if necessary to perform the required testing or to ensure that the samples obtained are representative.

(4) The prepacked or unpacked harvest batch from which a sample is obtained shall weigh no more than 50.0 pounds--

(a) laboratory analyses of a sample collected from a harvest batch weighing more than 50.0 pounds shall be considered invalid and the harvest batch from which the sample was obtained shall not be released for sale.

(5) When the sampler obtains a representative sample from an unpacked harvest batch, the sampler shall do all the following—

(a) collect the number of sample increments relative to the unpacked harvest batch size as listed in the following table--

Unpacked Harvest Batch Size (pounds)	Number of Increments (per sample)
≤ 10.0	8

10.1 – 20.0	16
20.1 – 30.0	23
30.1 – 40.0	29
40.1 – 50.0	34

(b) obtain sample increments from random and varying locations of the unpacked harvest batch, both vertically and horizontally--

(i) To the extent practicable, the sample increments obtained from an unpacked harvest batch shall be of equal weight; and

(ii) To the extent practicable, collect an equal number of sample increments from each container if the unpacked harvest batch is stored in multiple containers.

158. Medicinal cannabis infused product batch

(1) The sampler shall obtain a representative sample from each medicinal cannabis infused product batch.

(2) The sampler may collect a greater number of sample increments if necessary to perform the required testing or to ensure that the samples obtained are representative.

(3) The medicinal cannabis infused product batch from which a representative sample is obtained shall contain no more than 150,000 units--

(a) laboratory analyses of a sample collected from a medicinal cannabis product batch containing more than 150,000 units shall be considered invalid and the medicinal cannabis product batch from which the representative sample was obtained shall not be released for sale.

(4) The sampler shall obtain a representative sample of a medicinal cannabis product by collecting, at minimum, the number of sample increments relative to the batch size as listed in the following table where each sample increment consists of 1 packaged unit--

Medicinal Cannabis Infused Product (units)	Number of Sample Increments (per sample)

≤ 50	2
51 – 150	3
151 – 500	5
501 – 1,200	8
1,201 – 3,200	13
3,201 – 10,000	20
10,001 – 35,000	32
35,001 – 150,000	50

159. Laboratory transportation of medicinal cannabis goods samples

Laboratory transport of medicinal cannabis or medicinal cannabis infused products samples shall follow all transport procedures and other requirements specified in Regulations 110,111,113 and 114 of these Regulations.

160. Laboratory receipt of samples obtained from a medicinal cannabis business

(1) The laboratory may accept and analyze a sample from a licenced medicinal cannabis business for the required testing under these Regulations only if there is an accompanying COC form for the sample.

(2) The laboratory employee who receives the sample shall date, print, sign their name on the accompanying sample COC and input their unique occupational licence number where applicable.

(3) The laboratory shall not analyze a sample obtained from a licenced medicinal cannabis business and the batch from which the sample was obtained may not be released for sale, if any of the following occurs—

(a) the sample is received at the laboratory without the requisite COC form;
(b) the tamper-evident material is broken prior to the sample being received at the laboratory; or
(c) there is evidence of sample co-mingling, contamination, degradation, or a related occurrence rendering the sample unusable for analytical testing when the sample is received at the laboratory.

DIVISION 3 - STANDARD OPERATING PROCEDURES

161. Laboratory analyses standard operating procedures

(1) The laboratory shall develop, implement, and maintain written standard operating procedures (SOP) for sample preparation and each required test method and the laboratory shall use and submit to the Authority the following—

(a) The Sample Preparation Standard Operating Procedures Form; and
(b) The Test Methods Standard Operating Procedures Form.

(2) The laboratory shall keep each SOP at the licenced laboratory premises and ensure that each SOP is accessible to laboratory employees during operating hours.

(3) The laboratory shall make each SOP available for inspection by the Authority upon request, as well as any other SOPs associated with the licensee's ISO/IEC 17025 certificate of accreditation.

162. Validation of test methods

(1) The laboratory may use a nonstandard, amplified, or modified test method or a method that is designed or developed by the laboratory to validate the methods for analyses of samples.

(2) The laboratory shall follow the guidelines set forth in the US Food and Drug Administration's Guidelines for the Validation of Analytical Methods for the Detection of Microbial Pathogens in Foods and Feeds, 2nd Edition, April 2015, to validate test methods for the microbial analysis of samples.

(3) The laboratory shall include and address the criteria listed in the following table when validating test methods for microbial analyses of samples—

Criteria	Requirement
Number of target organisms; inclusivity	5
Number of non-target organisms; exclusivity	5
Number of analyte levels per matrix: qualitative methods	3 levels: high and low inoculum levels and 1 uninoculated level
Number of analyte levels per matrix: quantitative methods	4 levels: low, medium and high inoculum levels and 1 uninoculated level
Replicates per food at each level tested	2 or more replicates per level

(4) The laboratory shall follow the guidelines set forth in the US Food and Drug Administration's Guidelines for the Validation of Chemical Methods for the FDA FVM Program, 2nd Edition, April 2015, to validate test methods for chemical analysis of samples.

(5) The laboratory shall include and address the following criteria to validate test methods for chemical analyses of samples—

(a) accuracy;
(b) precision;
(c) linearity and range;
(i) the Coefficient of Determination (r2) for all calibration curves shall be greater than or equal to 0.99;
(ii) linear regression or quadratic regression shall only be used for calibration curves and curves shall not be weighted at all or only weighted at ⅟x; and
(iii) LoQ for analytes tested shall be within the range of the calibration curve.
(d) calibration standard—
(i) for calibration curves, there shall be a minimum of five calibration standards, not including zero; and
(ii) each calibration curve shall include an Initial Calibration Verification (ICV);
(e) sensitivity and selectivity;
(f) limit of detection and limit of quantitation;
(g) recovery;
(h) reproducibility; and
(i) robustness.

(6) The laboratory shall use certified reference materials, to validate the following chemical analyses and the test method used for analysis is valid if the percent recovery of the certified reference material is between 80% to 120% for all required analytes.

DIVISION 4 - LABORATORY TESTING AND REPORTING

163. Required testing

(1) Any sample increments of medicinal cannabis Infused Products collected shall be homogenized prior to sample analyses, notwithstanding foreign material testing.

(2) The laboratory shall test each representative sample for the following—

(a) cannabinoids;
(b) foreign material;
(c) heavy metals;
(d) microbial impurities;
(e) mycotoxins;
(f) moisture content and water activity;
(g) residual pesticides;

(h) residual solvents and processing chemicals; and
(i) if applicable, terpenoids.

(3) The laboratory shall report the results of each analysis performed by the laboratory on the certificate of analysis.

(4) The laboratory that obtained the representative sample shall complete all required testing for each representative sample for regulatory compliance testing.

164. Moisture content and water activity testing

(1) The laboratory shall analyze at minimum, 0.5 grams of the representative sample of dried flower to determine the level of water activity and the percentage of moisture content.

(a) the dried flower sample, including pre-rolled medicinal cannabis, shall be considered to have passed water activity testing if the water activity does not exceed 0.65 (Aw) and the laboratory shall report the result of the water activity test on the certificate of analysis (COA) and indicate "pass" or "fail" on the COA;
(b) the laboratory shall report the result of the moisture content test on the COA as a percentage.

(2) The laboratory shall analyze at least 0.5 grams of the representative sample of solid edible medicinal cannabis products to determine the level of water activity.

(a) a solid edible medicinal cannabis product shall be considered to have passed water activity testing if the water activity does not exceed 0.85 Aw.
(b) the laboratory shall report the result of the water activity test on the COA and indicate "pass" or "fail" on the COA.

(3) If the sample fails water activity testing, the batch from which the sample was collected fails water activity testing and shall not be released for sale.

165. Residual solvents and processing chemicals testing

(1) The laboratory shall analyze at minimum 0.25 grams of the representative sample of medicinal cannabis to determine whether residual solvents or processing chemicals are present.

(2) The laboratory shall report the result of the residual solvents and processing chemicals testing in unit micrograms per gram (µg/g) on the COA and indicate "pass" or "fail" on the COA.

(3) The sample shall be considered to have passed the residual solvents and processing chemicals testing if the presence of any residual solvent or processing chemical listed in the following tables in Category I and Category II does not exceed the indicated action levels;

(a) notwithstanding subregulation (3) of this Regulation, the limit for ethanol does not apply to cannabis goods that are intended to be orally-consumed products containing alcohol.

(b) notwithstanding subregulation (3) of this Regulation, the limit for ethanol or isopropyl alcohol does not apply to cannabis goods that are intended to be topical cannabis goods.

Category I Residual Solvent or Processing Chemical	CAS No.	Cannabis Product Action Level (µg/g)
1,2-Dichloroethane	107-06-2	1.0
Benzene	71-43-2	1.0
Chloroform	67-66-3	1.0
Ethylene oxide	75-21-8	1.0
Methylene chloride	75-09-2	1.0
Trichloroethylene	79-01-6	1.0

Category II Residual Solvent or Processing Chemical	CAS No.	Cannabis Product or Pre-roll Action Level (µg/g)
Acetone	67-64-1	3000
Acetonitrile	75-05-8	300
Butane	106-97-8	5000
Ethanol	64-17-5	5000

Ethyl acetate	141-78-6	5000
Ethyl ether	60-29-7	5000
Heptane	142-82-5	3000
Hexane	110-54-3	200
Isopropyl alcohol	67-63-0	5000
Methanol	67-56-1	3000
Pentane	109-66-0	3000
Propane	74-98-6	5000
Toluene	108-88-3	600
Total xylenes (ortho-, meta-, para-)	1330-20-7	2000

(4) If the sample fails residual solvents and processing chemicals testing, the batch from which the sample was collected fails residual solvents and processing chemicals testing and shall not be released for sale.

166. Residual pesticides testing

(1) The laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis goods to determine whether residual pesticides are present.

(2) The laboratory shall report whether any Category I Residual Pesticides are detected above the limit of detection (LOD) and shall report the result of the Category II Residual Pesticides testing in unit micrograms per gram (µg/g) on the COA.

(3) The laboratory shall indicate “pass” or “fail” on the COA.

(4) The laboratory shall establish a limit of quantitation (LOQ) of 0.10 µg/g or lower for all Category I Residual Pesticides.

(5) The sample shall be considered to have passed the residual pesticides testing if both of the following conditions are met—

(a) the presence of any residual pesticide listed in the following tables in Category I are not detected; and

(b) the presence of any residual pesticide listed in the following tables in Category II does not exceed the indicated action levels.

Category I Residual Pesticide	CAS No.
Aldicarb	116-06-3
Carbofuran	1563-66-2
Chlordane	57-74-9
Chlorfenapyr	122453-73-0
Chlorpyrifos	2921-88-2
Coumaphos	56-72-4
Daminozide	1596-84-5
DDVP (Dichlorvos)	62-73-7
Dimethoate	60-51-5
Ethoprop(hos)	13194-48-4
Etofenprox	80844-07-1
Fenoxycarb	72490-01-8

Fipronil	120068-37-3
Imazalil	35554-44-0
Methiocarb	2032-65-7
Methyl parathion	298-00-0
Mevinphos	7786-34-7
Paclobutrazol	76738-62-0
Propoxur	114-26-1
Spiroxamine	118134-30-8
Thiacloprid	111988-49-9

Category II Residual Pesticide	CAS No.	Action Level (µg/g)	
		Inhalable Cannabis Goods	Other Cannabis Goods
Abamectin	71751-41-2	0.1	0.3
Acephate	30560-19-1	0.1	5
Acequinocyl	57960-19-7	0.1	4
Acetamiprid	135410-20-7	0.1	5
Azoxystrobin	131860-33-8	0.1	40

Bifenazate	149877-41-8	0.1	5
Bifenthrin	82657-04-3	0.3	0.5
Boscalid	188425-85-6	0.1	10
Captan	133-06-2	0.7	5
Carbaryl	63-25-2	0.5	0.5
Chlorantraniliprole	500008-45-7	10	40
Clofentezine	74115-24-5	0.1	0.5
Cyfluthrin	68359-37-5	2	1
Cypermethrin	52315-07-8	1	1
Diazinon	333-41-5	0.1	0.2
Dimethomorph	110488-70-5	2	20
Etoxazole	153233-91-1	0.1	1.5
Fenhexamid	126833-17-8	0.1	10
Fenpyroximate	111812-58-9	0.1	2
Flonicamid	158062-67-0	0.1	2
Fludioxonil	131341-86-1	0.1	30
Hexythiazox	78587-05-0	0.1	2

Imidacloprid	138261-41-3	3	3
Kresoxim-methyl	143390-89-0	0.1	1

Category II Residual Pesticide	CAS No.	Action Level (µg/g)	
		Inhalable Cannabis Goods	Other Cannabis Goods
Malathion	121-75-5	0.5	5
Metalaxyl	57837-19-1	2	15
Methomyl	16752-77-5	1	0.1
Myclobutanil	88671-89-0	0.1	9
Naled	300-76-5	0.1	0.5
Oxamyl	23135-22-0	0.5	0.2
Pentachloronitrobenzene	82-68-8	0.1	0.2
Permethrin	52645-53-1	0.5	20
Phosmet	732-11-6	0.1	0.2
Piperonylbutoxide	51-03-6	3	8
Prallethrin	23031-36-9	0.1	0.4
Propiconazole	60207-90-1	0.1	20

Pyrethrins	8003-34-7	0.5	1
Pyridaben	96489-71-3	0.1	3
Spinetoram	187166-15-0, 187166-40-1	0.1	3
Spinosad	131929-60-7, 131929-63-0	0.1	3
Spiromesifen	283594-90-1	0.1	12
Spirotetramat	203313-25-1	0.1	13
Tebuconazole	107534-96-3	0.1	2
Thiamethoxam	153719-23-4	5	4.5
Trifloxystrobin	141517-21-7	0.1	30

(6) If the sample fails residual pesticides testing, the batch from which the sample was collected fails residual pesticides testing and shall not be released for sale.

167. Microbial impurities testing

(1) The laboratory shall analyze at minimum 1.0 grams of the representative sample of medicinal cannabis goods to determine whether microbial impurities are present.

(2) The laboratory shall report the result of the microbial impurities testing by indicating “pass” or “fail” on the COA.

(3) The sample of medicinal cannabis goods shall be considered to have passed the microbial impurities testing if all of the following conditions are met—

(a) shiga toxin–producing Escherichia coli is not detected in 1 gram;
(b) salmonella spp. is not detected in 1 gram; and
(c) pathogenic Aspergillus species A. fumigatus, A. flavus, A. niger, and A. terreus are not detected in 1 gram.

(4) If the sample fails microbial impurities testing, the batch from which the sample was collected fails microbial impurities testing and shall not be released for sale.

168. Mycotoxin testing

(1) The laboratory shall analyze at minimum 0.5 grams of the representative sample of medicinal cannabis goods to determine whether mycotoxins are present.

(2) The laboratory shall report the result of the mycotoxins testing in unit micrograms per kilograms (µg/kg) on the COA and indicate "pass" or "fail" on the COA.

(3) The sample shall be considered to have passed mycotoxin testing if both the following conditions are met—

(a) total of aflatoxin B1, B2, G1, and G2 does not exceed 20 µg/kg of substance; and
(b) ochratoxin A does not exceed 20 µg/kg of substance.

(4) If the sample fails mycotoxin testing, the batch from which the sample was collected fails mycotoxin testing and shall not be released for sale.

169. Foreign material testing

(1) The laboratory shall analyze the representative sample of medicinal cannabis goods to determine whether foreign material is present.

(2) The laboratory shall report the result of the foreign material test by indicating "pass" or "fail" on the COA.

(3) The laboratory shall perform foreign material testing on the total representative sample prior to sample homogenization.

(4) When the laboratory performs foreign material testing, at minimum, the laboratory shall do all of the following--

(a) examine both the exterior and interior of the dried flower sample; and
(b) examine the exterior of the cannabis product sample.

(5) The sample shall be considered to have passed the foreign material testing if the presence of foreign material does not exceed—

(a) 5% of the total sample area covered by sand, soil, cinders, or dirt;
(b) 0.5% of the total sample area covered by mold;
(c) 1 insect fragment, 1 hair, or 1 count mammalian excreta per 3.0 grams; or
(d) 0.5% of the total sample area covered by an imbedded foreign material.

(6) If the sample fails foreign material testing, the batch from which the sample was collected fails foreign material testing and shall not be released for sale.

170. Heavy metals testing

(1) The laboratory shall analyze at minimum 0.5 grams of the representative sample of medicinal cannabis goods to determine whether heavy metals are present.

(2) The laboratory shall report the result of the heavy metals test in unit micrograms per gram (μg/g) on the COA and indicate "pass" or "fail" on the COA.

(3) The sample shall be considered to have passed the heavy metals testing if the presence of heavy metals does not exceed the action levels listed in the following table.

Heavy Metal	Action Level (μg/g)	
	Inhalable Cannabis Goods	Other Cannabis Goods
Cadmium	0.2	0.5
Lead	0.5	0.5
Arsenic	0.2	1.5
Mercury	0.1	1.0

(4) If the sample fails heavy metals testing, the batch from which the sample was collected fails heavy metals testing and shall not be released for sale.

171. Cannabinoid testing

(1) The laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis goods to determine the cannabinoid profile such as THC; THCA; CBD; CBDA; CBG; and CBN.

(2) The laboratory shall establish a limit of quantification (LOQ) of 1.0 mg/g or lower for all cannabinoids analyzed and reported.

(3) The laboratory shall report the result of the cannabinoid testing on the COA, at minimum—

(a) a percentage for THC, THCA, CBD, and CBDA;

(i) when the laboratory reports the result of the cannabinoid testing for harvest batch representative samples on the COA in dry-weight percent, they shall use the following equation--

Dry-weight percent cannabinoid = wet-weight percent cannabinoid / (1 − percent moisture / 100)

(b) a percentage for Total THC and Total CBD, if applicable;
(c) milligrams per gram (mg/g) if by dry-weight or milligrams per millilitre (mg/mL) if by volume for THC, THCA, CBD, and CBDA.
(d) milligrams per gram (mg/g) if by dry-weight or milligrams per millilitre (mg/mL) if by volume for Total THC and Total CBD, if applicable;
(e) milligrams per package for THC and CBD;
(f) milligrams per package for Total THC and Total CBD, if applicable;
(g) milligrams per serving for THC and CBD, if any;
(h) milligrams per serving for Total THC and Total CBD, if any and if applicable; and
(i) the laboratory shall report the results of all other cannabinoids analyzed on the COA both as a percentage and in either milligrams per gram (mg/g) if by weight or milligrams per millilitre (mg/mL) if by volume.

(4) The laboratory shall calculate the total cannabinoid concentration as follows—

(a) for concentration expressed in weight--

Total cannabinoid concentration (mg/g) = (cannabinoid acid form concentration (mg/g) x 0.877) + cannabinoid concentration (mg/g)

(b) for concentration expressed in volume--

Total cannabinoid concentration (mg/mL) = (cannabinoid acid form concentration (mg/mL) x 0.877) + cannabinoid concentration (mg/mL)

(5) Any cannabinoids found to be less than the LOQ shall be reported on the COA as "<1 mg/g" if by dry-weight or "<1 mg/mL" if by volume.

172. Terpenoid testing

(1) If requested, the laboratory shall analyze at minimum 0.5 grams of the representative sample of cannabis goods to determine the terpenoid profile of the sample.

(2) The laboratory shall report the result of the terpenoid testing on the COA both as a percentage and in either milligrams per gram (mg/g) if by weight or milligrams per milliliter (mg/mL) if by volume.

173. Certificate of analysis (COA)

(1) The laboratory shall generate a COA for each representative sample that the laboratory analyzes.

(2) The laboratory shall ensure that the COA contains the results of all required analyses performed for the representative sample.

(3) The laboratory shall, within 1 business day of completing all analyses of a sample, upload the COA into the Antigua and Barbuda Tracking System.

(4) The laboratory shall not release to any person any cumulative or individual test results prior to completing all analyses and providing the COA to the Authority.

(5) The COA shall contain, at minimum, the following information—

(a) the information contained in subregulation (3) of Regulation 171;
(b) the term "Regulatory Compliance Testing" in font no smaller than 14-point which shall appear in the upper-right corner of each page of the COA and no text or images shall appear above the term "Regulatory Compliance Testing" on any page of the COA;
(c) laboratory's name, licenced premises address, and licence number;
(d) licenced medicinal cannabis business name, licenced premises address, and licence number;
(e) batch number of the batch from which the sample was obtained and for medicinal cannabis goods that are already packaged at the time of sampling, the labelled batch number on the packaged medicinal cannabis goods shall match the batch number on the COA;
(f) sample identifying information, including matrix type and unique sample identifiers;
(g) sample history, harvest or production date, including the date collected, the date received by the laboratory, and the date of sample analyses and corresponding testing results;
(h) for dried flower samples, the total weight of the batch, in grams or pounds, and the total weight of the representative sample in grams;
(i) for medicinal cannabis product, the total unit count of both the representative sample and the total batch size;
(j) the analytical methods, analytical instrumentation used, and corresponding Limits of Detection (LOD) and Limits of Quantitation (LOQ);
(k) an attestation on the COA from the laboratory supervisory or management employee that all LQC samples were performed and met the acceptance criteria; and
(l) analytes detected during the analyses of the sample that are unknown, unidentified, or injurious to human health if consumed, if any.

(6) The laboratory shall report test results for each representative sample on the COA as follows—

(a) indicate an overall "pass" or "fail" for the entire batch;
(b) when reporting qualitative results for each analyte, the laboratory shall indicate "pass" or "fail";
(c) when reporting quantitative results for each analyte, the laboratory shall use the appropriate units of measurement as required under this Part;
(d) when reporting results for each test method, the laboratory shall indicate "pass" or "fail";

(e) when reporting results for any analytes that were detected below the analytical method LOQ, indicate "<LOQ", notwithstanding cannabinoid results;

(f) when reporting results for any analytes that were not detected or detected below the LOD, indicate "ND"; and

(g) indicate "NT" for any test that the laboratory did not perform.

(7) The laboratory supervisory or management employee shall validate the accuracy of the information contained on the COA and sign and date the COA.

DIVISION 5 - POST TESTING PROCEDURES

174. Remediation and retesting

(1) The licenced medicinal cannabis business may arrange for remediation of a failed medicinal cannabis goods batch and if the batch cannot be remediated, the batch shall be destroyed at the cost of the licenced medicinal cannabis business at an authorized disposal facility.

(2) A medicinal cannabis goods batch that has been additionally processed after failed testing shall be retested and successfully pass all the analyses required under this Part, before being sold.

(3) If a failed batch is not remediated or reprocessed in any way it cannot be retested and any subsequent COAs produced without remediation or reprocessing of the failed batch will not supersede the initial regulatory compliance testing COA.

(4) A medicinal cannabis goods batch may only be remediated twice and if the batch fails after the second remediation attempt and the second retesting, the entire batch shall be destroyed.

(5) Within one business day of completing the required analyses of a representative sample obtained from a remediated cannabis goods batch, the laboratory shall upload the COA information into the Antigua and Barbuda Tracking System.

(6) Nothing in this Regulation shall be interpreted to prevent a cannabis goods batch from being retested when the COA is 10 or more months old.

175. Post testing sample retention

(1) The laboratory shall retain the reserve sample, consisting of any portion of a sample that was not used in the testing process and the reserve sample shall be kept, at minimum, for 45 business days after the analyses, after which time it may be destroyed and denatured to the point the material is rendered unrecognizable and unusable.

(2) The laboratory shall securely store the reserve sample in a manner that prohibits sample degradation, contamination, and tampering.

(3) The laboratory shall provide the reserve sample to the Authority upon request.

DIVISION 6 - LABORATORY QUALITY ASSURANCE AND QUALITY CONTROL

176. Laboratory quality assurance (LQA) program

(1) The laboratory shall develop and implement a LQA program to assure the reliability and validity of the analytical data produced by the laboratory and the LQA program shall, at minimum, include a written LQA manual that addresses the following—

(a) quality control procedures;
(b) laboratory organization and employee training and responsibilities, including good laboratory practice (GLP);
(c) LQA objectives for measurement data;
(d) traceability of data and analytical results;
(e) instrument maintenance, calibration procedures, and frequency;
(f) performance and system audits;
(g) corrective action procedures;
(h) steps to change processes when necessary;
(i) record retention and document control;
(j) test procedure standardization; and
(k) method validation.

(2) The supervisory or management laboratory employee shall annually review, amend if necessary, and approve the LQA program and manual, both when they are created and when there is a change in methods, laboratory equipment, or the supervisory or management laboratory employee.

177. Laboratory quality control (LQC) samples

(1) The laboratory shall use LQC samples and adhere to good laboratory practice (GLP) in the performance of each analysis according to the following specifications—

(a) the laboratory shall analyze LQC samples in the same manner as the laboratory analyzes medicinal cannabis goods samples;
(b) the laboratory shall use at least one negative control, one positive control, and one laboratory replicate sample in each analytical batch for each target organism during microbial testing and if one of the controls produces unexpected results, the samples shall be re-prepped and re-analyzed with a new set of controls;

(c) if the result of the microbial analyses is outside the specified acceptance criteria in the following table, the laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria;

Laboratory Quality Control Sample	Acceptance Criteria	Corrective Action

Positive control	Produces expected result, positive result	Re-prep and reanalyze the entire analytical batch, once. If the problem persists, locate and remedy the source of unexpected result, then re-prep samples and reanalyze with a new set of controls.
Negative control	Produces expected result, negative result	Re-prep and reanalyze the entire analytical batch, once. If the problem persists, locate and remedy the source of
Positive or Negative control	Produces unexpected result	unexpected result, then re-prep samples and reanalyze with a new set of controls.
Laboratory replicate sample	Sample results shall concur	reanalyze sample and associated replicate sample once. If the problem persists re-prep samples and reanalyze.

(2) The laboratory shall prepare and analyze at least one of each of the following LQC samples for each analytical batch—

(a) method blank;
(b) laboratory control sample (LCS); and
(c) laboratory replicate sample or matrix spike sample.

(3) The laboratory shall analyze, at minimum, a continuing calibration verification (CCV) sample at the beginning of each analytical sequence and every 10 samples thereafter.

(4) If the result of the chemical analyses is outside the specified acceptance criteria in the following table, the laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria--

Laboratory Quality Control Sample	Acceptance Criteria	Corrective Action
Method blank sample	Not to exceed LOQ	reanalyze entire analytical batch once. If method blank is still greater than the LOQ for any analyte, locate the source of contamination then re-prep samples and reanalyze.

LCS	Percent recovery 70% to 130%	reanalyze the entire analytical batch, once. If problem persists, re-prep samples and reanalyze or re-run the initial calibration curve.
Laboratory replicate sample	RPD ≤30%	reanalyze sample and associated replicate sample once. If problem persists re-prep samples and reanalyze.
Matrix spike sample	Percent recovery between 70% to 130%	reanalyze sample and associated matrix spike sample once. If problem persists reprep samples and reanalyze.
CCV	Percent recovery between 70% to 130%	reanalyze all samples that followed the last CCV that met the acceptance criteria. If CCV still fails, re-run the initial calibration curve and all samples in the analytical sequence.

(5) If any analyte is detected above any action level, as described in this Part, the sample shall be re-prepped and reanalyzed in replicate within another analytical batch—

(a) for quantitative analyses, the re-prepped sample and its associated replicate shall meet the acceptance criteria of RPD ≤30%; and

(b) for qualitative analyses, the re-prepped sample and its associated replicate results shall concur.

(6) If any LQC sample produces a result outside of the acceptance criteria, the laboratory cannot report the result and the entire batch cannot be released for sale and then the laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria.

(7) If the laboratory determines that the result is a false-positive or a false-negative, the Authority may request the laboratory to re-sample or re-test.

(8) The laboratory shall compile and generate one LQC sample report for each analytical batch that includes LQC acceptance criteria, measurements, analysis date, and matrix.

178. Limits of detection (LoD) and limits of quantitation (LoQ) for quantitative analyses

(1) The laboratory shall calculate the LoD for chemical method analyses according to any of the following methods—

(a) signal-to-noise ratio of between 3:1 and 2:1; or
(b) standard deviation of the response and the slope of calibration curve using a minimum of 7 spiked blank samples calculated as follows—

LOD = (3.3 x standard deviation of the response) / slope of the calibration curve;

(2) The laboratory shall calculate the LOQ for chemical method analyses according to any of the following methods—

(a) signal-to-noise ratio of 10:1, at minimum; or
(b) standard deviation of the response and the slope using a minimum of 7 spiked blank samples calculated as follows—

LOQ = (10 × standard deviation of the response) / slope of the calibration curve

179. Required proficiency testing

(1) The laboratory shall annually, successfully participate in a proficiency testing program for each of the following test methods—

(a) cannabinoids;
(b) heavy metals;
(c) microbial impurities;
(d) mycotoxins;
(e) residual pesticides;
(f) residual solvents and processing chemicals; and
(g) if tested, terpenoids.

(2) The laboratory shall report all analytes available by the proficiency testing program provider and for which the licensee is required to test as required under this Part.

(3) The laboratory shall participate in the proficiency testing program by following the laboratory's existing SOPs for testing cannabis goods.

(4) The laboratory shall rotate the proficiency testing program among the laboratory employees who perform the test methods.

(5) Laboratory employees who participate in a proficiency testing program shall sign the corresponding analytical reports or attestation statements to certify that the proficiency testing program was conducted in the same manner as the laboratory tests of cannabis goods.

(6) A supervisory or management laboratory employee shall review and verify the accuracy of results reported for all proficiency testing program samples analyzed.

(7) The laboratory shall request the proficiency testing program provider to send results concurrently to the Authority, if available, or the laboratory shall provide the proficiency testing program results to the Authority within 3 business days after the laboratory receives notification of their test results from the proficiency testing program provider

180. Satisfactory and unsatisfactory proficiency test performance

(1) The laboratory shall be considered to have successfully participated in a proficiency testing program for an analyte tested in a specific method if the test results demonstrate a "satisfactory" or otherwise proficient performance determination by the proficiency testing program provider.

(2) The laboratory may not report test results for analytes that are considered by the proficiency testing program provider as "unacceptable," "questionable," "unsatisfactory", or otherwise deficient.

(3) The laboratory may resume reporting test results for analytes that were considered "unacceptable," "questionable," "unsatisfactory", or otherwise deficient, only if both of the following conditions are met—

(a) the laboratory satisfactorily remedies the cause of the failure for each analyte; and
(b) the laboratory submits, to the Authority, a written corrective action report demonstrating how the laboratory has fixed the cause of the failure.

181. Laboratory audits

(1) The laboratory shall conduct an internal audit at least once per year or in accordance with the ISO/IEC 17025 accrediting body's requirement, whichever is more frequent.

(2) The internal audit shall include all of the components required by the ISO/IEC 17025 internal-audit standards.

(3) Within 3 business days of completing the internal audit, the laboratory shall submit the results of the internal audit to the Authority.

(4) Within 3 business days of receiving the Accrediting Body on-site audit findings the laboratory shall submit the results to the Authority.

DIVISION 7 - LABORATORY EMPLOYEE QUALIFICATIONS

182. General laboratory employee qualifications

(1) The laboratory may only employ persons who are at least 21 years of age.

(2) The laboratory shall develop and implement an employee training program to ensure competency of laboratory employees for their assigned functions.

(3) The laboratory shall ensure and document that each laboratory employee meets the employee qualifications.

183. Supervisor or management responsibilities and qualifications

(1) The laboratory shall employ a supervisor or manager employee who shall be responsible for—

(a) overseeing and directing the scientific methods of the laboratory;
(b) ensuring that the laboratory achieves and maintains a laboratory quality assurance program as required by these Regulations; and
(c) providing ongoing and appropriate training to laboratory employees.

(2) To be considered qualified, the supervisor or management employee shall have at minimum—

(a) A doctoral degree in biological, chemical, agricultural, environmental, or related sciences from an accredited college or university;
(b) A master's degree in biological, chemical, agricultural, environmental, or related sciences from an accredited college or university, plus at least 2 years of full-time practical experience;
(c) A bachelor's degree in biological, chemical, agricultural, environmental, or related sciences from an accredited college or university, plus at least 4 years of full-time practical experience; or
(d) A bachelor's degree in any field from an accredited college or university, plus at least 8 years of full-time practical experience, 4 years of which shall have been in a supervisory or management position.

184. Analyst and sampler qualifications

(1) The laboratory shall employ an analyst who, at minimum, shall have either—

(a) earned a master's degree or a bachelor's degree in biological, chemical, agricultural, environmental, or related sciences from an accredited college or university; or
(b) completed two (2) years of college or university education that included coursework in biological, chemical, agricultural, environmental, or related sciences from an accredited college or university, plus at least 3 years of full-time practical experience.

(2) The laboratory shall employ a sampler who, at minimum, shall have either—

(a) completed 2 years college or university education; or
(b) earned 5 CXC passes or a High School Diploma or passed a General Educational Development or High School Equivalency exam, plus at least 1 year of full-time practical experience.

185. Testing facility records

All laboratory records described in this part shall be input into the Antigua and Barbuda Tracking System and shall be maintained in accordance with Part VI and Part IX of these Regulations.

PART IX

BUSINESS RECORDS

186. Business records required

(1) A medicinal cannabis business shall maintain the information required in this Part in a physical format that is readily understood by a reasonably prudent business person and shall also maintain an electronic format through the Antigua and Barbuda Tracking System.

(2) Each medicinal cannabis business shall retain all books and records necessary to fully account for the business transactions conducted under its licence for the current year and seven preceding calendar years;

(a) the medicinal cannabis business' books and records for the preceding six months or complete copies of such records shall be maintained on its licenced premises at all times and shall include, but may not be limited to the following—

(i) medicinal cannabis business licence;
(ii) all applicable individual occupational licences;
(iii) cultivation plan;
(iv) all records evidencing compliance with the environmental protection, public health and safety measures;
(v) all supporting documentation for data or information entered into the Antigua and Barbuda Tracking System;
(vi) all UIDs assigned to product in inventory and all unassigned UIDs;
(vii) UIDs associated with product that has been retired from the Antigua and Barbuda Tracking System, which shall be retained for six (6) months after the date the tags were retired;
(viii) financial records related to the licenced commercial cannabis activity, including but not limited to, bank statements, tax records, contracts, purchase orders, sales invoices, and sales receipts;
(ix) personnel records, including each employee's full name, individual occupational licence number or individual taxpayer identification number, date of employment, and, where applicable, date of termination of employment;
(x) records related to employee training for the Antigua and Barbuda Tracking System or other requirements of this Part and shall include, but may not be limited to, the dates on which training occurred, description of the training provided, and the names of the employees that received the training;
(xi) contracts with other licenced cannabis businesses;
(xii) all permits, licences, and other authorizations to conduct the licensee's commercial cannabis activity;
(xiii) records associated with composting or disposal of cannabis waste;
(xiv) documentation associated with loss of access to the Antigua and Barbuda Tracking System.

(3) The books and records shall fully account for all the transactions of the business and also shall include, but shall not be limited to—

(a) a current employee list which shall provide the full name and licence number of each employee and all non-employee owners, who work at a medicinal cannabis business;
(b) secure facility information regarding its licenced premises, including maintaining the business contact information for vendors that maintain video surveillance systems and security alarm systems;
(c) licenced premises diagram inclusive of a diagram of all approved limited access areas and restricted access areas;
(d) emergency exit plan;
(e) a visitor log which shall list all visitors entering limited access areas or restricted access areas;
(f) all records normally retained for tax purposes;
(g) loss of records and data—
(i) any non-purposeful loss of electronically-maintained records shall not be considered a mitigating factor for violations of this rule;
(ii) licensees are required to exercise due diligence in preserving and maintaining all required records.

(4) A medicinal cannabis business shall maintain accurate and comprehensive inventory tracking records through the Antigua and Barbuda Tracking System and physically where applicable, that account for, reconcile, and evidence all inventory activity for medicinal cannabis from either seed or immature plant stage until the medicinal cannabis or medicinal cannabis infused product is destroyed or sold to another medicinal cannabis business or to an authorized patient or caregiver where applicable.

(5) A medicinal cannabis business shall maintain adequate records for all activities of transport related to medicinal cannabis and medicinal cannabis infused product.

(6) A licensee shall provide on-demand access to on-premises records following a request from the Authority during normal business hours or hours of apparent operation, and shall provide access to off-premises records within three business days following a request from the Authority.

187. Record retention

(1) Each licensee shall keep and maintain the following records related to commercial medicinal cannabis activity for at least seven years—

(a) financial records including, but not limited to, bank statements, sales invoices, receipts and tax records;
(b) personnel records, including each employee's full name, national insurance or individual taxpayer identification number, date employment begins, and date of termination of employment where applicable;

(c) training records including, but not limited to, the content of the training provided and the names of the employees that received the training;
(d) contracts with other licensees regarding commercial medicinal cannabis activity;
(e) permits, licences, and other local authorizations to conduct the licensee's commercial medicinal cannabis activity;
(f) security records, except for surveillance recordings required pursuant to Regulation 94 of these Regulations;
(g) records relating to the composting or destruction of medicinal cannabis goods;
(h) documentation for data or information entered into the Antigua and Barbuda Tracking System; and
(i) all other documents prepared or executed by an owner or their employees or assignees in connection with the licenced commercial medicinal cannabis business.

(2) All required records shall be prepared and retained in accordance with the following conditions—

(a) timely accurate electronic records shall be input into the Antigua and Barbuda Tracking System;
(b) physical records shall be legible; and
(c) records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

(3) The Authority may make any examination of the electronic records or of the books and physical records of any licensee as it considers necessary to perform its duties under the Cannabis Act 2018 and these Regulations.

(4) All records are subject to review by the Authority anytime the licensee is exercising the privileges of the licence or at any other time as mutually agreed to by the Authority and the licensee—

(a) prior notice by the Authority to review records is not necessary; and
(b) the Authority may review records outside of the licensee's standard daily business hours.

(5) Records shall be kept in a manner that allows records to be produced for the Authority immediately upon request at the licenced premises in either hard copy or electronic form, whichever the Authority requests.

188. Sales invoice or receipt requirements

(1) The medicinal cannabis business licensee shall prepare a sales invoice or receipt for every sale, or transfer of medicinal cannabis goods to another medicinal cannabis business licensee or to an authorized patient or caregiver.

(2) Sales invoices and receipts shall be retained electronically and may also be maintained physically but shall be readily accessible for examination by the Division, other local licensing

authorities, any local law enforcement authority and the Antigua and Barbuda Department of Tax and Fee Administration.

(3) Each sales invoice or receipt shall include all of the following—

(a) name, business address, and Authority issued licence number of the seller;
(b) name, business address, and Authority issued licence number of the purchaser;
(c) UID of the authorized patient or caregiver;
(d) the date of any sale or transfer of medicinal cannabis goods shall be the date of sale or transfer to the medicinal cannabis business licensee or authorized patient or caregiver receiving it;
(e) invoice or receipt number;
(f) net weight, count or quantity of medicinal cannabis goods sold or transferred;
(i) for the purposes of these Regulations a licensee shall use wet weight or net weight;
(ii) wet weight and net weight shall be determined following weighing device requirements pursuant to these Regulations and shall be measured, recorded, and reported in either U.S. customary units such as, but is not limited to, ounce or pound or the International System of Units such as, but is not limited to, kilograms, grams, or milligrams;
(iii) for the purposes of this Regulation, "count" means the numerical count of the individual plants or individual packaged units of medicinal cannabis goods.
(g) cost to the purchaser, including any discount applied to the total price, shall be recorded on the invoice;
(h) description for each item, including strain or cultivar, and name of product;
(i) signature or Business Seal or Stamp of the seller, or designated representative of the seller, acknowledging accuracy of the medicinal cannabis goods being sold or transferred;
(j) signature or Business Seal or Stamp of the purchaser, or designated representative of the purchaser, acknowledging receipt or rejection of the medicinal cannabis goods.

189. Independent audit may be required

(1) When the Authority considers it necessary, it may require a medicinal cannabis business to undergo an audit by an independent accountant and the scope of the audit may include, but need not be limited to, financial transactions and inventory control measures.

(2) In such instances, the Authority may attempt to mutually agree upon the selection of the independent accountant with a medicinal cannabis business, however, the Authority always retains the right to select the independent accountant regardless of whether a mutual agreement can be reached.

(3) The medicinal cannabis business will be responsible for all direct costs associated with the independent audit.

(4) The Authority has discretion to determine when an audit by an independent accountant is necessary.

(5) The following is a non-exhaustive list of examples that may justify an independent audit—

(a) a medicinal cannabis business does not provide requested records to the Authority;
(b) the Authority has reason to believe that the medicinal cannabis business does not properly maintain its business records;
(c) the Authority has reason to believe that the medicinal cannabis has committed a violation related to record keeping or inventory control; or
(d) the Authority has reason to believe that the medicinal cannabis has committed a violation related to diversion.

(6) As determined by the Authority, the scope of an audit conducted by the Authority would not be so extensive as to jeopardize the regular duties and responsibilities of the Authority audit or enforcement staff.

(7) A medicinal cannabis business shall pay the cost of the audit and timely cooperate with the Authority's requirement that it undergo an audit in accordance with these Regulations.

(8) Failure to comply with this rule may constitute a licence violation affecting public safety.

190. Inventory audits

(1) The Authority may perform an audit of the physical inventory and inventory as reported in the Antigua and Barbuda Tracking System of any licensee at the Authority's discretion.

(2) Inventory audits of the licensee shall be conducted during standard business hours or at other reasonable times as mutually agreed to by the Division and the licensee.

(3) Prior notice of an inventory audit is not required.

191. Notification of diversion, theft, loss, or criminal activity

(1) A licensee shall notify the Division and law enforcement authorities within twenty four (24) hours of discovery of any diversion, theft, loss of, or criminal activity related to licensee's medicinal cannabis goods or upon discovering any of the following—

(a) any discrepancy or any significant discrepancy identified during inventory and the level of significance shall be determined by the Authority;
(b) diversion, theft, loss, or any criminal activity pertaining to the operation of the medicinal cannabis business licensee;
(c) diversion, theft, loss, or any criminal activity by any agent or employee of the medicinal cannabis business, pertaining to the operation of the medicinal cannabis business licensee;

(d) the loss or unauthorized alteration of records related to medicinal cannabis goods, authorized patients, authorized caregivers, or medicinal cannabis business employees or agents; or
(e) any other breach of security.

192. Inspections, investigations, and audits applicability

(1) A licensee or applicant shall be subject to inspection, investigation, or audit of their licenced premises and records by the department to determine compliance with applicable laws and Regulations.

(2) An inspection, investigation or audit may be conducted by the Division in collaboration with an officer from the Royal Police Force of Antigua and Barbuda, a Public Health Officer, Development Control Authority Officials, Antigua and Barbuda and Barbuda Fire Department Officials or an official from Antigua Public utilities authority.

(3) The Authority shall conduct inspections, investigations, examinations, and audits of licensees including, but not limited to, a review of any books, records, accounts, inventory, or onsite operations specific to the licence.

(4) The Authority may conduct an inspection, investigation, examination, or audit for any of the following purposes—

(a) to determine accuracy and completeness of the application prior to issuing a licence;
(b) to determine compliance with licence requirements including, but not limited to, the cultivation plan;
(c) to audit or inspect any records outlined in this Part of these Regulations;
(d) to respond to a complaint received by the Authority regarding the licensee;
(e) to inspect incoming or outgoing shipments of medicinal cannabis goods; or
(f) as considered necessary by the Authority.

(5) Inspections, investigations, examinations, and audits of a licenced premises shall be conducted at any time, or as otherwise agreed to by the Division and the licensee or its agents, employees, or representatives.

(6) Prior notice of inspection, investigation, or examination is not required.

(7) No applicant, licensee, or any agent or employee shall interfere with, obstruct, or impede the Authority's inspection, investigation, or audit and this includes, but is not limited to, the following actions—

(a) denying the Authority access to the licenced premises;
(b) providing false or misleading statements;
(c) providing false, falsified, fraudulent, or misleading documents and records; or
(d) failing to provide records, reports, and other supporting documents.

(8) Where an inspection, investigation, examination, or audit, has been completed, the Authority shall notify the licensee of any violation or action the Authority may be taking, where applicable.

193. Manager or staff change to be reported

(1) A medicinal cannabis business shall provide the Authority with a written report within seven days after any change in manager or staff occurs.

(2) A medicinal cannabis business shall also maintain a copy of this written report with its business records.

(3) Failure to report a change in a timely manner may result in disciplinary action.

194. Schedule of taxes on medicinal cannabis business operations

(1) The Antigua and Barbuda Sales Tax of 15% is levied on a taxable supply of all medicinal cannabis goods, medicinal derivatives and medicinal cannabis infused products sold within the State of Antigua and Barbuda;

(2) An export tax duty of 25% is levied on the export of medicinal cannabis, medicinal derivatives and medicinal cannabis infused products meeting all other export requirements and intended for export.

(3) An import tax duty of 10% is levied on the import of non-prescribable medicinal cannabis goods that meets all other import requirements and intended for import.

(4) Import tax duty of 10% levied on the import of prescribable medicinal cannabis goods, meeting all other import requirements and intended for import shall follow tax schedules for medicinal preparations containing cannabis.

PART X

LABELLING AND PACKAGING

195. Packaging requirements - general requirements

(1) The sale of medicinal cannabis to an authorized patient or caregiver is prohibited unless previously placed within a container by a medicinal cannabis dispensary or medicinal cannabis cultivation operation--

(a) the container shall be designed to be child resistant and to ensure that the contents are kept secure and shall be designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly;

(b) The container shall be opaque and sealed and shall not allow the product to be seen without opening the packaging material;

(2) The sale of a medicinal cannabis infused product is prohibited unless the medicinal cannabis infused product has previously been placed within a Container by a medicinal cannabis-infused products manufacturer;

(a) the container shall be designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly;
(b) the container or packaging shall not allow the product to be seen without opening the packaging material.

(3) Single-use plastic packaging shall not be allowed, instead, licensees are required to use re-usable plastic, glass or metal containers to meet the standards of child-proof packaging as specified in this Regulation, for all retail medicinal cannabis goods with the exception of edible infused medicinal cannabis products.

196. Labelling requirements - general requirements

(1) All medicinal cannabis and medicinal cannabis infused product sold, transferred, or otherwise provided to an authorized patient or caregiver shall be in a container that is labelled with all required information, and that specifically excludes certain text.

(2) Labelling text on a container shall not make any false or misleading statements regarding health or physical benefits to the consumer.

(3) Labelling shall not make any statements toward the product being a “cure” or “treatment” for any ailment, sickness or disease.

(4) Labelling text on a container shall be no smaller than 1/16 of an inch.

(5) Labelling text on a container shall be clearly printed and in the english language.

(6) Labelling text on a container shall be unobstructed and conspicuous.

(7) The label shall also list—

(a) the batch number or numbers assigned by the medicinal cannabis cultivation operation to the medicinal cannabis plant or plants tested and approved batch from which the medicinal cannabis contained within the container was harvested;
(b) any batch number or numbers assigned by the medicinal cannabis processor and extractor operation to the medicinal cannabis extract or concentrate tested and

approved batch from which the medicinal cannabis extract or concentrate contained within the container was processed;

(c) any batch number or numbers assigned by the medicinal cannabis infused products manufacturer operation to the medicinal cannabis infused product tested and approved batch from which the medicinal cannabis infused product contained within the container was manufactured; and

(d) a complete list of solvents and chemicals used in the creation of any medicinal cannabis extract or concentrate and included on any infused product that uses extract or concentrate in its ingredients.

(8) Each packaged product label shall include a unique identifier for the purposes of identifying and tracking medicinal cannabis and medicinal cannabis infused products.

(9) For each packaged product sold at a dispensary, the label shall include the statement - "FOR MEDICAL USE ONLY."

(10) Packages and labels shall not be made to be attractive to children.

(11) All labelling and packaging shall follow requirements set by the Authority, in consultation with the Antigua and Barbuda Bureau of Standards, and in accordance with the Standards Act 2017.

(12) No Licensee shall sell, transfer, or give away any medicinal cannabis or medicinal cannabis infused product that does not contain a Label with a list of all ingredients, in decreasing order of constituent amounts, including all chemical or natural additives.

(13) For medicinal cannabis or medicinal cannabis infused product, the product identity and net weight statements shall appear on the portion of the label displayed to the authorized patient.

(14) A Licensee may affix multiple labels to a container, provided that none of the information required by these rules is completely obstructed.

197. Specific Labelling Requirements - Medicinal Cannabis

(1) A medicinal cannabis container label shall include the information as follows—

(a) the licence number of the Medicinal Cannabis Cultivation Facility, if different than the Medicinal Cannabis Dispensary's licence number, identifying where the medicinal cannabis within the container was grown;

(b) identification of the source and date of cultivation;

(c) the strain of medicinal cannabis or composition of medicinal cannabis extract;

(d) the date of manufacturing and packaging;

(e) the licence number of the medicinal cannabis dispensary that sold the medicinal cannabis to the authorized patient or caregiver;

(f) the following statements—

(i) "This product contains medicinal cannabis and is only for use by registered individuals."; and

(ii) "Medicinal product - keep out of reach of children."

(g) list of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, by percentage of net weight.

(2) A label may bear an appellation of origin of the strain of medicinal cannabis contained in the package.

(3) Each individual medicinal cannabis flower or medicinal cannabis extract package shall contain the following statement, in bold print--

"GOVERNMENT WARNING: THIS PACKAGE CONTAINS MEDICINAL CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MEDICINAL CANNABIS SHALL ONLY BE POSSESSED OR CONSUMED BY PERSONS 18 YEARS OF AGE OR OLDER UNLESS AUTHORIZED BY A MEDICAL PRACTITIONER. MEDICINAL CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MEDICINAL CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

198. Specific labelling requirements - medicinal cannabis infused product

(1) A medicinal cannabis infused product container label shall include the following information—

(a) the licence number of the medicinal cannabis business where the medicinal cannabis used to manufacture the medicinal cannabis infused product within the container was grown, processed or extracted;
(b) the licence number of the medicinal cannabis Infused products manufacturer, where applicable;
(c) the licence number of the Medicinal Cannabis Dispensary that sold the medicinal cannabis infused product to the patient;
(d) the following statements—
    (i) "this product contains medicinal cannabis and is only for use by registered individuals."; and
    (ii) "medicinal product - keep out of reach of children."
(e) list of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD) and any other cannabinoid amount per serving and for the package total in milligrams;
(f) the number of servings per package;
(g) if a medicinal cannabis infused product is made specifically for a designated patient, the label of that product shall state the patient's medicinal cannabis recommendation number;
(h) the list of ingredients and company name statements shall be conspicuously listed on the package;
(i) a nutrition facts Tribunal may be required if nutritional claims are made on the label of any medicinal cannabis infused product;

(j) a list of all ingredients used to manufacture the edible medicinal cannabis infused product; which may include a list of any potential allergens contained within, or used in the manufacture of the medicinal cannabis infused product;

(k) a statement, that the medicinal cannabis infused product, if perishable, shall be refrigerated.

(2) A medicinal cannabis infused product package label shall also show an expiration date—

(a) for perishable medicinal cannabis infused product, upon which the product will no longer be fit for consumption; or

(b) a use-by-date, upon which the product will no longer be optimally fresh, shall be placed on the product label; and

(c) once a label with a use- by or expiration date has been affixed to a container of a medicinal cannabis infused product, a licensee shall not alter that date or affix a new label with a later use-by or expiration date.

(3) Each individual medicinal cannabis infused product package shall contain the following statement, in bold print—

"GOVERNMENT WARNING: THIS PRODUCT CONTAINS MEDICINAL CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MEDICINAL CANNABIS INFUSED PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 18 YEARS OF AGE OR OLDER UNLESS AUTHORIZED BY A MEDICAL PRACTITIONER. THE INTOXICATING EFFECTS OF MEDICINAL CANNABIS INFUSED PRODUCTS MAY BE DELAYED UP TO TWO HOURS. MEDICINAL CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MEDICINAL CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

199. Exit packaging

(1) A medicinal cannabis dispensary shall ensure that all medicinal cannabis goods sold to an authorized patient, leaves the licenced premises within a sealed exit package meeting the requirements of this Regulation.

(2) An authorized patient or caregiver shall ensure that all medicinal cannabis goods in his possession, when in any public place, is carried within a sealed exit package meeting the requirements of this Regulation.

(3) Medicinal cannabis goods, whether individually pre-packaged or not, when leaving the licenced premises of a licenced medicinal cannabis dispensary, or, when in possession in public by an authorized patient or caregiver shall be sealed within an exit package and such exit package shall—

(a) be either a heavy gauge opaque paper bag or an opaque container;

(b) be sealed in a tamper-proof method, that if opened, could not be resealed without being noticeable;
(c) display the following information—
(i) the name of the medicinal cannabis dispensary from which the medicinal cannabis goods were purchased;
(ii) the UID of the authorized patient or caregiver;
(iii) the contents of the package;
(iv) the purchase date;
(v) the medicinal cannabis dispensary business stamp or seal.

200. Packaging and labelling offences

(1) No person shall manufacture, sell, deliver, hold, or offer for sale any medicinal cannabis or medicinal cannabis infused product that is misbranded;

(2) No person shall misbrand any medicinal cannabis or medicinal cannabis infused product.

(3) No person shall receive in commerce any medicinal cannabis or medicinal cannabis infused product that is misbranded or to deliver or offer for delivery any such medicinal cannabis or medicinal cannabis infused product.

(4) A cannabis product is misbranded if it is any of the following—

(a) manufactured, packed, or held in this state in a manufacturing premises not duly licenced as provided in these Regulations;
(b) its labelling is false or misleading in any particular;
(c) its labelling or packaging does not conform to the requirements of these Regulations or to any other labelling or packaging requirement established pursuant to these Regulations.

PART XI

SIGNAGE, MARKETING, AND ADVERTISING

201. Part XI definitions

In this Part of these Regulations, unless the context otherwise requires—

"Advertise" means the publication or dissemination of an advertisement;

"Advertisement" includes any written or verbal statement, illustration, or depiction which is calculated to induce sales of medicinal cannabis or medicinal cannabis infused products, including any written, printed, graphic, or other material, billboard, banner, sign, or other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, any form of social media or in any other media; except that such term shall not include—

(a) any label affixed to any cannabis or cannabis products, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labelling under provisions of this division;

(b) any editorial or other informational or educational reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any licensee, and which is not written by or at the direction of the licensee.

"Advertising sign" is any sign, poster, display, billboard, or any other stationary or permanently affixed advertisement promoting the sale of medicinal cannabis or medicinal cannabis infused products which are not cultivated, manufactured, distributed, or sold on the same lot or premises;

"Health-related statement" means any statement related to health, and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of medicinal cannabis or medicinal cannabis infused products and any health benefits, or effects on health;

"Market" or "Marketing" means any act or process of promoting or selling medicinal cannabis or medicinal cannabis infused products, including, but not limited to, sponsorship of sporting

events, point-of-sale advertising, and development of products specifically designed to appeal to certain demographics.

202. Advertising and marketing - limitations and prohibited acts

(1) A medicinal cannabis business shall not display upon or in proximity to, or referring to the licenced premises, use, publish or exhibit, or permit to be used, or published, any sign, advertisement, display, notice, symbol or other device which are inconsistent with the local laws and Regulations in which the licensee operates.

(2) No medicinal cannabis business shall display upon or in proximity to, or referring to the licenced premises, use, publish or exhibit, or permit to be used, or published, any sign, advertisement, display, notice, symbol or other device which uses misleading, deceptive, or false advertising.

(3) No advertising or marketing for a sacramental cannabis cultivation operation or sacramental dispensary shall be placed in broadcast, cable, radio, print, any form of social media, digital communications or in any outdoor format;

(a) any advertising or marketing for an exempt religious event, where cannabis is to be used as a sacrament, shall be first approved and authorized by the Authority.

(4) No advertising or marketing for a medicinal cannabis business or any medicinal cannabis or medicinal cannabis infused product shall be placed in broadcast, cable, radio, print, digital communications or in any outdoor format;

(a) a medicinal cannabis business may advertise or market its business and its medicinal cannabis or medicinal cannabis infused products on its business website and may conduct business through its website providing all tracking and monitoring Regulations are followed;

(b) a medicinal cannabis business may advertise or market its business but not its medicinal cannabis or medicinal cannabis infused products on its social media accounts and shall not make these accounts publicly available, but shall use the lock features available to keep the accounts private

(i) a medicinal cannabis business shall not conduct any business through its social media accounts.

(5) The only signage a medicinal cannabis business shall be allowed to display to the public, is signage stating the name of the business at the entrance to the licenced premises;

(a) the business name signage shall be accompanied by the clearly visible statement—
"AUTHORIZED PERSONS ONLY"

(6) Where advertising or marketing is allowed by these Regulations, the licensee shall not do any of the following—

(a) advertise or market in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression;
(b) publish or disseminate advertising or marketing containing any statement concerning a brand or product that is inconsistent with any statement on the labelling thereof;
(c) publish or disseminate advertising or marketing containing any statement, design, device, or representation which tends to create the impression that the medicinal cannabis originated in a particular place or region, unless the label of the advertised product package bears an appellation of origin, and such appellation of origin appears in the advertisement;
(d) advertise or market on a billboard or similar advertising device;
(e) advertise or market medicinal cannabis or medicinal cannabis infused products in a manner intended to encourage persons under 21 years of age to consume or desire to consume medicinal cannabis or medicinal cannabis infused products; or
(f) publish or disseminate advertising or marketing that is attractive to children;

(7) A licensee shall not give away any amount of medicinal cannabis or medicinal cannabis infused products, as part of a business promotion or other commercial activity unless the medicinal cannabis and medicinal cannabis infused product—

(a) is entered properly into the Antigua and Barbuda Tracking system;
(b) meets all other requirements of these Regulations; and
(c) has the taxes calculated on the regular sale price of each of the packaged medicinal cannabis or medicinal cannabis infused products that are part of the activity and input into the tracking system and paid by the Licensee.

(8) A licensee shall not include on the label of any cannabis or cannabis product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption.

(9) These provisions shall not apply to the advertising or marketing of a medicinal cannabis business, medicinal cannabis or medicinal cannabis infused product inside a licenced premises and which are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise medicinal cannabis or medicinal cannabis infused products in a manner intended to encourage consumption or desire to consume by persons under 18 years of age.

(10) This Part of these Regulations does not apply to any non-commercial speech.

203. Intellectual property rights

(1) Individuals shall be allowed to apply for intellectual property rights regarding their medicinal cannabis goods.

(2) Application for intellectual property rights shall be made at the Intellectual Property office of Antigua and Barbuda and shall follow all guidelines issued by such.

PART XII

OFFENCES OR VIOLATIONS AND PENALTIES

204. Notice of offence or violation

(1) The Authority may issue a notice of offence or violation to a licensee that is in violation of applicable statutes and Regulations.

(2) A notice of offence or violation shall be served either through the Antigua and Barbuda Tracking System or in writing.

(3) A Notice of offence or violation shall be served upon the licensee or legal owner of the property where applicable.

(4) The notice of offence or violation shall contain all of the following—

(a) a brief statement of the alleged offence or violation;
(b) the category of offence or violation;
(c) the proposed penalty;
(d) a statement of whether the offence or violation is correctable and a time frame in which the offence or violation shall be corrected; and
(e) notice of an administrative hold of property, if applicable.

(5) The right to an informal hearing will be considered waived if a respondent fails to respond in writing within three (3) calendar days from the date the notice of offence or violation was received by the respondent.

205. Notice of action against the licensee

(1) A notice of action against the licensee shall follow a notice of offence or violation and shall be issued in accordance with the following procedure—

(a) the Authority shall give notice of the action and an opportunity to be heard shall be granted to the licensee prior to the issuance, or effective date, of the notice of action, if practicable;
(b) notices and hearing arrangements, given by the Authority, under this Regulation may be oral or written and may be provided by telephone, personal service, mail, facsimile transmission, electronic mail, by the Antigua and Barbuda Tracking System or other electronic means, as the circumstances permit and as decided by the Authority per case;
(c) notice may be given to the licensee, any person meeting the definition of owner of the licensee or other licenced personnel at the premises.

(2) Upon receipt of the notice, the licensee may request a hearing within three (3) business days by submitting a written request to the Authority.

(3) The hearing shall commence within five (5) business days of receipt of the written request for hearing.

(4) The hearing may be conducted in the same manner as an informal hearing or as an Administrative Hearing and the manner of hearing shall be decided by the Authority.

(5) The following actions may be taken against a licensee—

(a) mandating fines to be paid by the licensee;
(b) the non-summary suspension of a licence;
(c) a restraining order for the hold of medicinal cannabis, non-infused medicinal cannabis product, or medicinal cannabis infused product;
(d) the summary suspension of a licence;
(e) the
revocation of a licence

(6) The notice of action issued by the Authority shall include a brief explanation of the factual and legal basis and reasons for the action to be taken, to justify any determination the Authority's decision to take the specific action.

206. Surrender of licence

(1) Any licensee may apply to surrender any licence by delivering to the Authority written notice that the licensee surrenders that licence.

(2) The surrender of a licence becomes effective thirty (30) days after receipt of an application to surrender the licence or within a shorter period of time that the Authority may determine, unless a revocation or suspension proceeding, including but not limited to, investigation or examination, is pending when the application is filed, or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within thirty (30) days after the application is filed.

(a) if a proceeding is pending or instituted, the surrender of a licence becomes effective at the time and upon the conditions that the Authority determines.

(3) A licensee that abandons or quits the licenced premises, or that closes the licenced premises for a period exceeding thirty (30) consecutive calendar days without the notifying the Authority pursuant to this Regulation, shall be considered to have surrendered its licence at the time and upon the conditions that the Authority determines.

(4) The surrender of a licence does not affect the licensee's civil or criminal liability for acts committed prior to the surrender of the licence.

(5) The power of investigation and examination by the Division is not terminated by the surrender, suspension, or revocation of any licence issued by the Authority and the Authority shall have continuous authority to exercise the powers set forth in the Cannabis Act, 2018 and the rules and Regulations promulgated thereunder.

207. Disciplinary process - non-summary suspensions

(1) A non- summary suspension shall be served to a Licensee that commits an offence that does not warrant immediate revocation of the Licence.

(2) If the Authority, on its own initiative or based on a complaint, has reasonable cause to believe that a licensee has violated these Regulations, any rule promulgated pursuant to it, or any of its orders the Authority shall issue and serve upon the licensee an Order to Show Cause as to why the Licensee's licence should not be suspended or revoked.

(3) The Order to Show Cause shall identify the statute, rule, Regulation, or order allegedly violated, and the facts alleged to constitute the violation and shall also provide advisement that the licence is temporarily suspended.

(4) Disciplinary hearings will be conducted in accordance with these Regulations.

208. Disciplinary process - summary suspensions

(1) A summary suspension will occur when the Authority has reason to believe and finds that a licensee has been guilty of a deliberate and wilful violation of any applicable law or Regulation, or has committed an infraction of such magnitude that it is imperative its licence be revoked to protect the public safety and welfare.

(2) When the Authority has reasonable grounds to believe and finds that a Licensee has been guilty of a deliberate and wilful violation of any applicable law or Regulation, or that the public health, safety, or welfare imperatively requires emergency action it shall serve upon the licensee a Suspension Order that temporarily or summarily suspends the licence—

(a) the Suspension Order shall identify the nature of the Authority's basis for the summary suspension;

(b) The Suspension Order shall also provide an advisement that the Licensee has committed a violation of the medicinal cannabis Regulations.

(3) Proceedings for a suspension or revocation hearing shall be promptly instituted and determined after the Suspension Order is issued.

(4) Summary suspension hearings will be expedited to the extent practicable and shall be conducted in accordance with these Regulations.

(5) When the Authority has revoked a licence, either before or after a summary hearing, the licensee shall post an advertisement that the Licence has been revoked for violation of the medicinal cannabis Regulations affecting public health and safety.

209. Suspension notices

(1) A licensee whose licence has been suspended, whether summarily or after an administrative hearing, shall post two notices in conspicuous places, one on the exterior and one on the interior of its premises, for the duration of the suspension.

(2) The notices shall be at least 17 inches in length and 14 inches in width containing lettering not less 1/2'' in height;

(a) for a non-summary suspension following issuance of a Final Authority Order, the sign shall be in the following form—

NOTICE OF TEMPORARY SUSPENSION

MEDICINAL CANNABIS LICENCES ISSUED FOR THESE PREMISES HAVE BEEN

TEMPORARILY SUSPENDED BY ORDER OF THE ANTIGUA AND BARBUDA MEDICINAL CANNABIS AUTHORITY FOR POSSIBLE VIOLATION OF THE ANTIGUA AND BARBUDA MEDICINAL CANNABIS REGULATIONS

(b) for a summary suspension pending issuance of a Final Authority Order, the sign shall be in the following form--

NOTICE OF SUMMARY SUSPENSION

MEDICINAL CANNABIS LICENCES ISSUED FOR THESE PREMISES HAVE BEEN SUSPENDED BY ORDER OF THE ANTIGUA AND BARBUDA MEDICINAL CANNABIS AUTHORITY FOR VIOLATION OF THE ANTIGUA AND BARBUDA MEDICINAL CANNABIS REGULATIONS

(c) for a revocation of licence, whether pending issuance of a Final Authority Order or not, the sign shall be in the following form—

NOTICE OF REVOCATION

MEDICINAL CANNABIS LICENCES ISSUED FOR THESE PREMISES HAVE BEEN REVOKED BY ORDER OF THE ANTIGUA AND BARBUDA MEDICINAL CANNABIS AUTHORITY FOR VIOLATION OF THE ANTIGUA AND BARBUDA MEDICINAL CANNABIS REGULATIONS AFFECTING PUBLIC HEALTH AND SAFETY

(3) Any advertisement or posted signs that indicate that the premises have been closed or business suspended for any reason other than by the manner described in this rule shall be considered a violation.

210. Prohibited activity during suspension

(1) During any period of active licence suspension, a Medicinal Cannabis Cultivation Operation Licensee—

(a) unless otherwise ordered by the Authority, may maintain its on hand inventory and otherwise care for its medicinal cannabis plant inventory;
(b) shall not be sell or otherwise remove or destroy any medicinal cannabis from the licenced premises unless and until those provisions related to the proper destruction of unauthorized medicinal cannabis are met, and the Authority orders forfeiture and destruction.

(2) During any period of active licence suspension a medicinal cannabis infused products manufacturer or medicinal cannabis processing and extraction licensee—

(a) unless otherwise ordered by the Authority, shall not manufacture any medicinal cannabis infused product or medicinal cannabis extracts or concentrates;
(b) shall not permit the selling, distribution, transfer, or transport of medicinal cannabis, medicinal cannabis extracts or medicinal cannabis infused product on or from the licenced premises; and

(c) unless otherwise ordered by the Authority, may maintain medicinal cannabis infused product or medicinal cannabis extracts on the licenced premises;
(d) shall not allow medicinal cannabis infused product or medicinal cannabis extracts to be removed from the licenced premises or destroyed unless and until those provisions related to the proper destruction of unauthorized cannabis are met, and the Authority orders forfeiture and destruction.

(3) During any period of active licence suspension, a Medicinal Cannabis Dispensary Licensee—

(a) unless otherwise ordered by the Authority, shall not permit the selling, serving, giving away, distribution, transfer, or transport of medicinal cannabis or medicinal cannabis infused product on the licenced premises;
(b) shall not allow patients to enter the licenced premises; and
(c) shall not allow medicinal cannabis and medicinal cannabis infused product to be removed from the licenced premises or destroyed unless and until those provisions related to the proper destruction of unauthorized medicinal cannabis are met, and the Authority orders forfeiture and destruction.

(4) During any period of active licence suspension, a medicinal cannabis testing facility, medicinal cannabis transport or research and development licensee—

(a) unless otherwise ordered by the Authority, shall not permit the testing, research or development or transport of medicinal cannabis, medicinal cannabis extract or medicinal cannabis infused product on the licenced premises;
(b) shall not allow unauthorized persons to enter the licenced premises; and
(c) shall not allow medicinal cannabis, medicinal cannabis extract and medicinal cannabis infused product to be removed from the licenced premises or destroyed unless and until those provisions related to the proper destruction of unauthorized medicinal cannabis are met, and the Authority orders forfeiture and destruction.

211. Seizures of medicinal cannabis goods

An official within the Ministry of Health, may seize cannabis and cannabis products in any of the following circumstances—

(a) the cannabis or cannabis product is subject to recall or embargo by the Authority or any local licensing authority;
(b) the cannabis or cannabis product is subject to destruction pursuant to these Regulations;
(c) the cannabis or cannabis product is seized related to an investigation or disciplinary action for an offence or violation of this division.

212. Violations and penalties

(1) The general classes of violations of the medicinal cannabis Regulations are as follows—

(a) serious licence violations affecting public safety;
(b) licence violations affecting public safety;
(c) licence violations; and
(d) licence infractions.

(2) The Authority will make determinations regarding the penalty schedule or type of penalty to be imposed based on the severity of the violation.

213. Serious licence violations affecting public safety

(1) Serious licence violations affecting public safety are violations that have an immediate impact on the health, safety, and welfare of the public at large and is considered the most severe class of violation and may include, but is not limited to—

(a) medicinal cannabis sales to minors;
(b) permitting the diversion of medicinal cannabis outside the regulated distribution system;
(c) possessing medicinal cannabis inventory or medicinal cannabis infused products inventory obtained from outside the regulated distribution system or from an unauthorized source;

(2) The range of penalties for this category of violation may include licence summary suspension pending a hearing or immediate revocation depending on the mitigating and aggravating circumstances.

214. Licence violations affecting public safety

(1) Licence violations affecting public safety are violations that have an impact on the health, safety, and welfare of the public at large.

(2) License violations affecting public safety is a severe class of violation and may include, but is not limited to—

(a) medicinal cannabis sales to non-patients;
(b) consuming cannabis on the licenced premises;
(c) medicinal cannabis sales in excess of the relevant transaction limit;
(d) misstatements or omissions in the point of sale system, tracking system or unique identifier system;
(e) failure to continuously escort a visitor in a limited access area;
(f) failure to maintain books and records to fully account for all transactions of the business; or

(g) packaging or labelling violations that directly impact patient safety.

(3) The range of penalties for this category of violation may include licence suspension, a fine per individual violation, a fine in lieu of suspension of up to $250,000, or licence revocation depending on the mitigating and aggravating circumstances.

(4) Sanctions may also include restrictions on the licensee.

215. Licence violations.

(1) Licence violations are more severe than licence infractions but generally does not have an immediate impact on the health, safety and welfare of the public at large.

(2) Licence violations may include but are not limited to—

(a) advertising or marketing violations;
(b) packaging or labelling violations that do not directly impact patient safety;
(c) failure to maintain minimum security requirements;
(d) failure to keep and maintain adequate business books and records;
(e) minor or clerical errors in the inventory tracking procedures.

(3) The range of penalties for this category of violation may include a written warning, licence suspension, a fine per individual violation, a fine in lieu of suspension of up to $100,000, or licence revocation depending on the mitigating and aggravating circumstances.

(4) Sanctions may also include restrictions on the licensee.

216. Licence infractions.

(1) Licence Infractions are the least severe class of violation and may include, but is not limited to—

(a) failure to display required badges;
(b) unauthorized modifications of the premises of a minor nature;
(c) failure to notify the Authority of a change in management or staff

(2) The range of penalties for this category of violation may include a verbal or written warning, licence suspension, a fine per individual violation, or a fine in lieu of suspension of up to $25,000 depending on the mitigating and aggravating circumstances.

(3) Sanctions may also include restrictions on the licence.

217. Specific violations and possible penalties

(1) Table A below shall be used to establish the initial level of severity of the referenced particular violations of these Regulations and the corresponding penalty range for different violation classes.

TABLE A:		Violation Type			
		Licence Infraction	Licence Violation	Licence Violation affecting Public Safety	Serious Licence Violation affecting Public Safety
	Description of Violation	Fine Range	Fine Range	Penalty and Fine Range	Penalty
		$5000 – $25,000	$25,000 - $100,000	Non-Summary Suspension with hearing Fine of $100,000 - $250,000	Summary Suspension Revocation of Licence
	Licensee engaged in commercial cannabis activity with an unauthorised adult.	-	-	X	
	Licensee continued to operate after revocation of state licence.	-	-	X	X
	Licensee used a water source that was not identified or permitted on his or her application.	X	-		

	Licensee has flowering medicinal cannabis plants extending beyond the identifiable boundary of a canopy area as identified and labelled on the licensee's premises diagram.	X	-	-	
	Licensee shared area outside the canopy where only immature plants shall be maintained, as designated on the licensee's premises diagram, with another cultivation licence held by the licensee.	-	X	-	
	Licensee shared processing area, as designated on the licensee's premises diagram, with another cultivation licence held by the licensee.	X	-	-	
	Licensee shared packaging area, as designated on the licensee's premises diagram, with another cultivation licence held by the licensee.	X	-	-	
	Licensee shared area or areas for physically segregating medicinal cannabis goods subject to a restraining order as designated on the licensee's premises diagram, with another cultivation licence held by the licensee.	-	X	-	
	Failure to dispose of medicinal cannabis waste as identified in the licensee's approved waste management plan.	-	X		
	Failure to deposit medicinal cannabis waste at fully permitted solid waste landfill or transformation facility; manned, fully permitted composting facility or manned composting operation; manned, fully permitted in vessel digestion facility; manned, fully permitted in-vessel digestion operation; or manned, fully permitted chip and grind operation or facility.	-	X	-	

	Licensee total canopy size on licenced premises exceeded the total allowable canopy size for the licence type.	-	X		
	Failure to obtain a separate licence for each premises where the person licensee engaged in commercial medicinal cannabis cultivation.	-	-	X	
	Licensee transferred or assigned his or her cultivation licence to another person or property without Authority approval	-	-		X
	Licensee transferred medicinal cannabis goods from his or her licenced premises to another licensee without using a licenced transporter.	-	-	X	

	Failure to prominently display licence on licenced premises where it can be viewed by local agencies and the public	X	-	-	
	Licensee sublet a portion of the licenced premises.	-	X	-	
	Failure to notify the Authority in writing within ten (10) calendar days of any changes to any item listed in an application.	X			
	Failure to submit a new application for a change in business entity type that includes any change of ownership.	-	X	-	
	Failure to notify the Authority in writing of a penalty or judgment of a criminal conviction or civil judgment rendered against the licensee or any owner within forty-eight (48) hours of receiving a penalty or judgement of a criminal penalty or civil judgement.	X	-	-	

	Failure to notify the Authority in writing of a revocation of a local licence, permit, or other authorization within forty-eight (48) hours of the revocation.		X	-	
	Failure to notify the Authority in writing of an administrative order for violations of labor standards against the licensee or any owner in his or her individual capacity.	X		-	

	Failure to notify the Authority in writing of a change in the licensee's designated Antigua and Barbuda Tracking System account manager.	X		-	
	Licensee made physical modifications to the licenced premises that substantially altered the licenced premises or used the licenced premises in a different manner specified in the premises diagram originally filed with the licence application without receiving prior written approval from the Authority.	-	X	-	
	Failure to file a request for approval of a premises modification with the Authority associated with a physical modification of the licenced premises.	-	X	-	
	Failure to provide correct documentation requested by the Authority to evaluate the request for approval of a premises modification.	-	X	-	
	Failure to notify the Authority within ten (10) calendar business days of the death, incapacity, receivership, assignment for the benefit of creditors of a licensee, or other event rendering a licensee incapable of performing the duties associated with the licence.	X	-	-	

	Failure to move Medicinal cannabis goods to a secure location where access to the cannabis is restricted to the licensee, its employees, and contractors.	-	X	-	

	Failure to notify the Authority, in writing, within twenty-four (24) hours of moving medicinal cannabis goods and requesting relief	X	-	-	
	Failure to provide the Authority access to the location where Medicinal cannabis goods were moved pursuant to disaster	-	X	-	
	Failure to submit, in writing, a request for temporary relief that clearly indicates the statutory and regulatory Regulations from which relief is being requested, the time period for which the relief is requested, and the reason relief is needed, within ten (10) calendar days of moving medicinal cannabis goods pursuant to disaster	X	-	-	
	Failure to allow the Authority to collect samples for the Authority's own laboratory analysis from cannabis transferred to a licenced distributor.	-	X	-	
	Licensee not accepted returns of medicinal cannabis plants or nonmanufactured products transferred to another licensee after testing fails	-	X	-	

	Failure to comply with packaging requirements.	X	-	-	
	Failure to comply with labelling requirements.	X		-	

	Failure to use weighing devices approved and tested		X		
	Failure to become licenced as a special dispensing licensee for determining any sale or measurement of medicinal cannabis goods		X		
	Failure to issue manager or staff licence		X	-	
	Failure to prohibit medicinal cannabis plants maintained outside the designated canopy area from flowering.	-	X		
	Failure to move flowering medicinal cannabis plants located outside the designated canopy area to the designated canopy area without delay and report the movement and UID tagging in the Antigua and Barbuda Tracking System.	-	-	X	

	Failure to properly apply UIDs to cannabis plants used for seed or clone production		-	X	
	Licensee propagating immature plants for distribution or seed for distribution without a nursey licence.	-	-		X
	Licensee processed cannabis on the licenced premises in an area not designated for processing as identified on his or her approved cultivation plan.	-	X	-	
	Processing cannabis on licensee's premises without compliance to packaging or labelling requirements	-		X	
	Failure to properly apply UIDs to mature cannabis plants used for seed production	-	-	X	

	Licencee allowed nonmanufactured cannabis products to enter the commercial distribution chain other than seed.	-	-	X	
	Licensee conducted research and development in areas that were not identified in his or her approved cultivation plan.	-	X		
	Failure to properly tag with a UID, mature plants maintained in the area on the licenced premises designated for research and development.	-		X	

	Licensee allowed Medicinal cannabis goods from the research and development area to enter the commercial distribution chain.	-	-	X	
	Failure to adhere to Tracking System requirements for aggregation of cannabis products	-	-	-	X
	Failure to adhere to product packaging and labelling requirements, for non-infused medicinal cannabis products.	-		X	
	Processor licensee cultivated cannabis plants on his or her licenced premises.	-	-		X
	Failure to comply with specified general environmental protection measures.		X		
	Failure to comply with specified renewable energy requirements.	X	-		
	Failure to comply with specified generator requirements.	X	-		

	Failure to comply with specified pesticide use requirements.	-		X	
	Failure to dispose of medicinal cannabis waste in a secure waste receptacle or in a secured area on the licenced premises.	-	X		
	Failure to comply with the method(s) for managing medicinal cannabis waste as identified on the licensee's waste management plan.		X	-	

	Failure to obtain and retain required information from the Authority, waste hauler franchised or contracted by the Authority, or private waste hauler permitted by the Authority that collects and processes the licensee's medicinal cannabis waste.	X	-	-	
	Failure to obtain and retain a copy of a receipt from the Authority, waste hauler franchised or contracted by the Authority, or private waste hauler permitted by the Authority evidencing subscription to a waste collection service.	X	-	-	
	Failure to obtain and retain, for each delivery of cannabis waste by the licensee, a copy of a certified weight ticket, or receipt documenting delivery, prepared by a representative(s) of a solid waste facility receiving self-hauled medicinal cannabis waste.	X	-	-	
	Failure to use Antigua and Barbuda Tracking System and to ensure the cannabis waste materials are identified, weighed, and tracked while on the licenced premises and when disposed of.	-		X	

	Failure to maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.	-			X
	Failure to provide or deliver required records, upon request.	-		X	
	Failure to maintain all required records.	-		X	
	Failure to maintain suitability of records for inspection by the Authority.		X		
	Failure to prepare a sales invoice or receipt for every sale or transport of medicinal cannabis goods to another licensee.	-	X		
	Failure to accurately and completely enter data and information into the Antigua and Barbuda Tracking System.			X	
	Failure to identify an owner, a designated responsible party, or designated agent in the licensee's organization to be the licensee's tracking system account manager.	-	X		
	Failure of the licensee's designated Antigua and Barbuda Tracking System account manager to complete Antigua and Barbuda Tracking System training as required by the Authority.	-	X	-	
	Failure to properly train all Antigua and Barbuda Tracking System users before the users were permitted to access the Antigua and Barbuda Tracking System.	-	X	-	

	Failure to maintain an accurate and complete list of all Antigua and Barbuda Tracking System users and to update the list immediately when changes occurred.	-	X	-	
	Failure to cancel an Antigua and Barbuda Tracking System user account within three (3) calendar days when that individual is no longer a representative of the licensee.	-	X	-	
	Failure to correct data entered into the Antigua and Barbuda Tracking System in error within three (3) calendar business days of discovery of the error.	-	X		
	Failure to notify the Authority immediately for any loss of access that exceeds three (3) calendar days.	-	X		
	Failure to prepare and maintain comprehensive records detailing all tracking inventory activities which occurred during a loss of access/connectivity to the Antigua and Barbuda Tracking System.	-		X	
	Failure to enter all inventory tracking activities that occurred during a loss of access to the Antigua and Barbuda Tracking System within three (3) calendar business days of the loss of access.	-	X		
	Failure to document the date and time when licensee lost access to the tracking system, the cause of the loss, and when access was restored.	-		X	

	Licensee transferred medicinal cannabis goods to a distributor without having access to the Antigua and Barbuda Tracking System.	-	X	-	
	Failure to request UIDs as prescribed by the Authority.	-	X		

	Failure to use only UIDs provisioned and distributed by the Authority, or the Authority's designee.	-		X	
	Failure to maintain a sufficient supply of UIDs to support tagging requirements.	-	X	-	
	Failure to use Antigua and Barbuda Tracking System to document receipt of provisioned and distributed UIDs within three (3) calendar business days of physical receipt of the UIDs by the licensee.	-	X	-	
	Failure to properly assign a UID to each lot of immature plants.	-	X		
	Licensee had more than one hundred (100) immature plants in a lot.	-	X	-	
	Failure to keep immature plants contiguous to one another to facilitate identification of the immature lot by the Authority.	-	X	-	
	Failure to label each plant in an immature lot with a label containing the UID number assigned to the immature lot by the licensee.	-	X		
	Licensee failed to properly apply UID to immature plants transported from a licenced nursery, via a licenced distributor, to a licenced cultivation site.	-	X		

	Licensee failed to properly apply UID to immature plants intended for sale.	-	X	-	
	Failure to apply UID to all individual plants at the time the plants were moved to the designated canopy area, identified in the	-	X		

	licensee's approved cultivation plan or when individual plants began flowering				
	Licensee applied UID to an individual plant that was not associated with the UID for the lot of immature plants from which it was derived.	-	X	-	
	Licensee failed to properly place and maintain the required UID on each mature plant.	-		X	
	Licensee removed UID from the mature plant to which it was attached and assigned prior to the plant being harvested, destroyed, or disposed.	-		X	
	Failure to assign a unique harvest batch name that is associated with all UIDs for each individual plant, or portion thereof, contained in the harvest batch.	-		X	
	Failure to assign a UID to Medicinal cannabis goods corresponding to the unique harvest batch name from which the Medicinal cannabis goods were derived.	-	X		

	Failure to retire UIDs in the Antigua and Barbuda Tracking System associated with the destruction or disposal of Medicinal cannabis goods within three (3) calendar business days of the destruction or disposal.	-	X		
	Failure to obtain a unique Antigua and Barbuda Tracking System user log-on for each user entering information into the tracking system.		X	-	
	Licensee, designated account manager, or Antigua and Barbuda Tracking System user used or shared his or her unique log-on with another person.	X	-	-	

	Licensee, account manager, user, employee, or agent misrepresented mispresented or falsified data and information entered into the Antigua and Barbuda Tracking System.	-		X	
	Failure to monitor notifications and/or resolve issues included in the notification in the time frame specified in the notification.		X	-	
	Failure to report through the Antigua and Barbuda Tracking System any and all transfers of Medicinal cannabis goods to another licenced entity prior to movement of the Medicinal cannabis goods off the licenced premises.	-		X	

	Failure to report through the Antigua and Barbuda Tracking System any and all receipt or rejection of medicinal cannabis goods received or rejected by the licensee on his or her licenced premises from another licensee within twenty-four (24) hours of receipt or rejection of the products.	-	X		
	Failure to report in the Antigua and Barbuda Tracking System information related to the disposition of medicinal cannabis goods on the licenced premises within three (3) calendar business days of the change in disposition.	-	X	-	
	Licensee failed to record all required information for each transfer of Medicinal cannabis goods to, or Medicinal cannabis goods received from, other licenced premises.	-	X	-	
	Annual licensee failed to report all commercial cannabis activity the annual licensee conducted with provisional licensees in the Antigua and Barbuda Tracking System	-	X		

	Failure to reconcile all on-premises and in-transit medicinal cannabis goods inventories at least once every thirty (30) calendar fourteen (14) business days.	-		X	

	Failure to record the dry weight of all harvested cannabis once all drying and curing activities have been completed, or within sixty (60) calendar days from the initial harvest date, whichever is sooner.	-		X	
	Failure to close out physical inventory of all medicinal cannabis goods and UIDs in the Antigua and Barbuda Tracking System.	-	X	-	
	Failure to record all transfers and sales	-		X	
	Cultivation licensee failed to ensure an inspector was present for harvest or processing	-		X	
	licensee failed to timely and properly enter in the Antigua and Barbuda Tracking System the information associated with each existing immature lot, individual mature plant, and Medicinal cannabis goods physically located on the licenced premises	-	X		

	Failure to notify the Authority and law enforcement authorities within three (3) calendar business days of discovery of any diversion, theft, loss of, or criminal activity related to licensee's Medicinal cannabis goods.	-	X		

	Applicant, licensee, its agent, or employees denied the Authority access to the licenced premises.	-		X	
	Licensee provided false or misleading statements.	-		X	
	Licensee provided false, falsified, fraudulent, or misleading documents and records.	-	-		X
	Failure to provide records, reports, and other supporting documents.	-	-	X	
	Failure to physically segregate all designated medicinal cannabis goods subject to hold within twenty-four (24) hours of receipt of a restraining order.	-	X		
	Licensee sold, donated, transferred, transported, or destroyed Medicinal cannabis goods subject to hold.	-	-	X	
	Failure to put all Medicinal cannabis goods on hold into separate batches.	-		X	
	Failure to identify in the Antigua and Barbuda Tracking System Medicinal cannabis goods subject to a restraining order which were voluntarily surrendered by the licensee.	-		X	
	Failure to maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste			X	
	Failure to keep and maintain records for at least seven (7) years from the date the document was created.		X		

	Failure to provide or deliver required records, upon request			X	
	Failure to provide the Authority with ability to review all records subject to review by the Authority during standard business hours or at any other reasonable time as mutually agreed to by the Authority and the licensee.			X	
	Failure to maintain on the licenced premises, the Authority issued cultivation licence.	X			
	Failure to maintain on the licenced premises, the licensee's cultivation plan.	X			
	Failure to maintain on the licenced premises, all records evidencing compliance with environmental protection measures	X			
	Failure to maintain on the licenced premises, all supporting documentation for data or information entered into the Antigua and Barbuda Tracking System		X		
	Failure to maintain on the licenced premises, all UIDs assigned to product in inventory and all unassigned UIDs		X		
	Failure to retain UIDs for six (6) months after the date the tags were retired.		X		
	Failure to maintain on the licenced premises, all financial records related to the licenced commercial cannabis activity, including but not limited to, bank statements, tax records, contracts, purchase orders, sales invoices, and sales receipts	X			

	Failure to maintain on the licenced premises, personnel records, including each employee's full name, national insurance number or individual taxpayer identification number, date of employment, and, if applicable, date of termination of employment.	X			
	Failure to maintain on the licenced premises, records related to employee training for the Antigua and Barbuda Tracking System or other requirements of this Part. Records shall include, but are not limited to, the date(s) training occurred, description of the training provided, and the names of the employees that received the training.	X			
	Failure to maintain on the licenced premises, contracts with other state licenced cannabis businesses	X			
	Failure to maintain on the licenced premises, all permits, licences, and other authorizations to conduct the licensee's commercial cannabis activity.	X			
	Failure to maintain on the licenced premises, records associated with composting or disposal of cannabis waste	X			
	Failure to maintain on the licenced premises, documentation associated with loss of access to the Antigua and Barbuda Tracking System		X		

(2) The Authority may take into consideration any aggravating and mitigating factors surrounding the violation which could impact the type or severity of penalty imposed.

(3) The penalty structure is a framework providing guidance as to the range of violations, suspension description, fines, and mitigating and aggravating factors.

(4) The circumstances surrounding any penalty imposed will be determined on a case-by-case basis.

(5) For all administrative offences involving a proposed suspension, a licensee may petition the Authority for permission to pay a monetary fine, in lieu of having its licence suspended for all or part of the suspension.

218. Statute of limitations

(1) All accusations against licensees shall be filed by the Authority within five years after the performance of the act or omission alleged as the ground for disciplinary action.

(2) Subregulation (1) of this Regulation shall not constitute a defence to an accusation alleging fraud or misrepresentation as a ground for disciplinary action.

(3) The cause for disciplinary action in that case shall not be considered to have accrued until discovery, by the Authority, of the facts constituting the fraud or misrepresentation, and, in that case, the accusation shall be filed within five years after that discovery.

PART XIII

APPEALS

219. Appeal of the Authority decision

(1) Any person aggrieved by a decision of the Authority may appeal to the Appeals Tribunal established in section 62 of the Cannabis Act 2018, where the Authority—

(a) denies an application for any licence;
(b) denies a renewal of any licence;
(c) places a licence on probation;
(d) imposes a condition on any licence;
(e) assesses and imposes any fine or penalty on a licensee; or
(f) cancels, suspends, revokes, a licence, or otherwise disciplines any licensee as provided for under these Regulations.

(2) Any person may appeal a decision of the Authority to the Appeals Tribunal by filing a Notice of Appeal with the Appeals Tribunal within seven (7) days of the date of the decision.

(3) The Notice of Appeal shall include a statement giving the basis and grounds for the appeal with supporting evidence.

(4) Any person who appeals a decision of the Authority shall serve a copy of the Notice of Appeal on the Authority and any other party that is involved, within three (3) days of the filing of the Notice of Appeal.

(5) Any person who fails to properly file a Notice of Appeal within the time provided in these Regulations shall be considered to have waived the right to appeal the decision of the Authority to the Appeals Tribunal.

(6) The Appeals Tribunal may modify deadlines and procedures related to the filing of appeals upon motion by either party for good cause shown.

(7) The Appeals Tribunal shall limit its review of the decision of the Authority to the following questions—

(a) whether the Authority has proceeded without or in excess of its jurisdiction;

(b) whether the Authority has proceeded in the manner required by law;

(c) whether the decision of the Authority is supported by the evidence presented before it in the light of the whole record.

(8) the Appeals Tribunal shall not receive or consider any evidence that was not before the Authority for consideration and where the Appeals Tribunal finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the Authority, it may enter an order remanding the matter to the Authority for reconsideration in the light of that evidence.

(9) Following the hearing of an appeal, the Appeals Tribunal shall enter an order either affirming or reversing the decision of the Authority or the Appeals Tribunal or may remand the case for further proceedings before or reconsideration by the Authority—

(a) where the order of the Appeals Tribunal reverses the decision of the Authority, the Appeals Tribunal may direct the reconsideration of the matter in the light of its order and may direct the Authority to take such further action as is specially enjoined upon it by law; and

(b) the order shall not limit or control in any way the discretion vested by law in the Authority.

(10) Representatives of the Authority and each party to the review proceedings before the Appeals Tribunal shall have the right to appear in person in the proceedings.

220. Hearing notices

(1) The Appeals Tribunal shall send a notice of the hearing date to the denied applicant or respondent either by personal service on the denied applicant or in writing by first-class mail to the last mailing address on record of the denied applicant or by notice through the Antigua and Barbuda Tracking System.

(2) The Appeals Tribunal shall notify the Authority and denied applicant or respondent of the date, place, time and nature of the hearing regarding denial of the licence application or whether discipline should be imposed against the applicant's or respondent's licence at least ten (10) days prior to the date of such hearing, unless otherwise agreed to by both parties.

(3) The notice shall be sent to the denied applicant or respondent in writing by personal service or by first-class mail to the last mailing address of record.

(4) Hearings shall be scheduled and held as soon as is practicable.

221. Appeal of the Tribunal Decision

Either Party to a proceeding before the Appeals Tribunal who is dissatisfied with the decision of the Appeals Tribunal may within fourteen (14) days after being notified of the decision, file a notice of appeal, to a Judge in Chambers at the High Court and every such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed by rules of Court.

222. Commencement

These Regulations shall come into effect the 20th April, 2019.

SCHEDULE

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 1 (Regulation 14)

Place of Worship Authorization Application

1. Applicant Name		
Applicant Address		
Applicant Government ID, Type & Number	Email Address	Phone
Organisation Name	Organisation Registration Number	
Organisation Address		
Place of Worship Premesis Address		
Religious Leader Name		
Religious Leader Address		
Religious Leader Government ID, Type & Number	Email Address	Phone

2. Please include (on separate additional sheets), the following:
   a. Survey Plan of the land on which the proposed place of worship is to be approved
   b. Proof of Land Ownership or Lease

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 2 (Regulation 15)

Sacramental Cultivation Authorization Application

1. Applicant Name			
Applicant Address			
Applicant Government ID, Type & Number	Email Address		Phone
Organisation Name		Organisation Registration Number	
Organisation Address			
Proposed Cultivation Address			
Religious Leader Name			
Religious Leader Address			
Religious Leader Government ID, Type & Number	Email Address		Phone

2. Please include (on separate additional sheets) in reference to the proposed cultivation premesis, the following:
   a. Survey Plan
   b. Proof of Land Ownership or Lease
   c. Property Diagram
   d. Premesis Diagram
   e. Complete Security Plan
   f. Proposed Transport Plan
   g. Cultivation Plan
   h. Operations Plan
   i. Proof of Sureity Bond

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 3 (Regulation 16)

Sacramental Dispensary Authorization Application

1. Applicant Name			
Applicant Address			
Applicant Government ID, Type & Number	Email Address		Phone
Organisation Name		Organisation Registration Number	
Organisation Address			
Proposed Sacramental Dispensary Address			
Religious Leader Name			
Religious Leader Address			
Religious Leader Government ID, Type & Number	Email Address		Phone

2. Please include (on separate additional sheets) in reference to the proposed cultivation premesis, the following:
   a. Survey Plan
   b. Premesis Diagram
   c. Premesis Plan
   d. Property Diagram
   e. Operations Plan
   f. Tracking and Monitoring Plan
   g. Record Keeping Plan
   h. Security Plan

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 4 (Regulation 17)

Sacramental Transport Authorization Application

Please provide a detailed response to the items below. If more space is needed additional pages may be added. Microbusinesses must complete this form for each commercial cannabis activity they intend to engage in.

Business Name and Application Type:

Primary Contact Name, Email, and Phone Number:

1. Identify whether the applicant intends to transport cannabis goods, or will be contracting for transportation services.

2. If transporting cannabis goods, provide the following information:

   a. Whether the applicant intends to transport to all license types, or is limiting transportation to only certain license types.

   b. The hours of operation that the applicant intends to transport cannabis goods and whether the applicant expects to transport overnight.

   c. Vehicle and trailer information, which includes:

      i. Number of vehicles to be used.

ii. Type of vehicles or trailers to be used, including make, model, year, and vehicle identification number.

iii. Registration and insurance information for each vehicle being used.

iv. Whether the applicant has or will be applying for a transport class permit, list permit numbers (if applicable).

d. Driver information, which includes:

i. All employees that are or will be transporting cannabis goods, either as a driver, or a passenger, including name and age of employee, driver's license information, and list the roles and responsibilities for each employee.

ii. Will any security personnel accompany employees transporting cannabis goods? Specify whether security personnel will be employees or contracted. If contracting for security, provide the name of the company, license number, contact person, and phone number.

e. Information regarding the storage of cannabis goods in the vehicle, which includes:

i. A description of how the applicant intends to store cannabis goods in each vehicle or trailer, i.e., what area of the vehicle or trailer will be used for storage.

ii. A description of how the applicant intends to secure cannabis goods in each vehicle.

iii. A description of how the applicant will ensure that cannabis goods are not visible or identifiable from outside each vehicle.

f. Information regarding all security measures the applicant will have in place for the transportation of cannabis goods, including, but not limited to:

i. Describe the alarm systems for each vehicle.

ii. Other security measures used during the transporting of cannabis goods.

g. Whether the applicant is located within a building or on the same parcel of land as another licensee, for which transportation by motor vehicle is not operationally feasible, and how the applicant will be transporting cannabis goods, if not by motor vehicle.

3. If contracting for transportation services, provide a list of transportation services used, and a copy of the contract for each, if applicable.

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 5 A (Regulation 36)

CANNABIS BUSINESS LICENSE APPLICATION FORM

For Authority Use Only

Application Number: _____

SECTION A – APPLICATION TYPE	For Authority Use Only
☐ Medicinal Cannabis Cultivation	PROVISIONAL LICENSE ID NUMBER (IF APPLICABLE):
☐ Medicinal Cannabis Business (Except Medicinal Cannabis Cultivation)	PROVISIONAL LICENSE ID NUMBER (IF APPLICABLE):
☐ New Application ☐ Renewal ☐ Late Renewal ☐ Transfer of Ownership	CURRENT CULTIVATION LICENSE NUMBER: CURRENT LICENSE EXPIRATION DATE:
☐ Update to License Information	CURRENT CULTIVATION LICENSE NUMBER: CURRENT LICENSE EXPIRATION DATE:

SECTION B – LICENSE TYPES AND APPLICATION FEES

License Types	Application Fees in USD
☐ Medicinal Cannabis Cultivation	
☐ Tier 1 - Up to 2500 square feet	$15,000
☐ Tier 2 - 2501 to 20,000 square feet	$25,000
☐ Tier 3 - 20,001 to 1 acre	$40,000
☐ Tier 4 - 1 acre to 5 acres	$70,000
☐ Tier 5 - 5 acres or more	$80,000
☐ Medicinal Cannabis Processing and Extraction	$80,000
☐ Medicinal Cannabis Infused Product Manufacturer	$40,000
☐ Medicinal Cannabis Dispensary	$50,000
☐ Medicinal Cannabis Lounge	$10,000
☐ Medicinal Cannabis Transport	$10,000
☐ Medicinal Cannabis Testing Facility	$10,000
☐ Medicinal Cannabis Research and Development	$5000
☐ Medicinal Cannabis Export	$1000
☐ Medicinal Cannabis Import	$1000
☐ Change of Location	$5000
☐ Change of Owner	$10,000

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SECTION C
C.1 – BUSINESS ENTITY STRUCTURE (Check Only One Per Application)*

☐ Corporation	☐ Limited Liability Company (LLC)	☐ Sovereign Entity
☐ General Partnership	☐ Limited Liability Partnership (LLP)	☐ Sole Proprietorship (Individual)
☐ Joint Venture	☐ Limited Partnership	☐ Trust
☐ Other (If checked, required to specify entity structure):		

Is this applicant business entity a foreign corporation?	☐ No	☐ Yes* (If yes, the attachment below is required) REQUIRED ATTACHMENT: Proof of applicant's authorization to conduct business within Antigua & Barbuda
Is this applicant business entity a cooperative entity?	☐ No	☐ Yes* (If yes, the field and attachment below are required) NAME OF COOPERATIVE ENTITY: REQUIRED ATTACHMENT: List of all members of the cooperative entity.

C.2 – BUSINESS INFORMATION

LEGAL BUSINESS NAME:*			
LAST NAME:*	FIRST NAME:*		
BUSINESS TITLE:	TAXPAYER IDENTIFICATION NUMBER:*		
BUSINESS ADDRESS:*	CITY:*	STATE:*	
ZIP CODE:* where applicable	COUNTY:	COUNTRY:*	
PHONE NUMBER:*	EMAIL ADDRESS:*		
BUSINESS TAX IDENTIFICATION NUMBER	BUSINESS REGISTRATION NUMBER		

*Required



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C.3 – CANNABIS LICENSES – DISCLOSURE OF FINANCIAL INTEREST

LEGAL BUSINESS NAME	TYPE OF LICENSE	LICENSE NUMBER	ISSUED BY	DATE INTEREST OBTAINED

C.4 – DESIGNATED RESPONSIBLE PARTY INFORMATION

NOTE: The Designated Responsible Party must be an owner with legal authority to bind the applicant entity.

LEGAL LAST NAME:*	LEGAL FIRST NAME:*	BUSINESS TITLE:*

MAILING ADDRESS:*	CITY:*	STATE:*

ZIP CODE:*	COUNTY:*

PHONE NUMBER:*	E-MAIL ADDRESS:*	PREFERRED METHOD OF CONTACT:*	
		☐ Standard Mail	☐ E-mail

C.5 – AGENT FOR SERVICE OF PROCESS

NOTE: An individual who resides in Antigua & Barbuda or a corporation designated to accept service of process (court papers) on behalf of the licensee or applicant entity

LEGAL LAST NAME:*	LEGAL FIRST NAME:*	BUSINESS NAME:

MAILING ADDRESS:*	CITY:*	STATE:*	ZIP CODE:*

PHONE NUMBER:*	E-MAIL ADDRESS:*	PREFERRED METHOD OF CONTACT:*	
		☐ Standard Mail	☐ E-mail

*Required

ANTIGUA AND BARBUDA
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SECTION D
D.1 – OWNER(S) INFORMATION
NOTE: List the names of all owners/associated businesses below. If there are multiple owners, please attach additional pages of Section D.

OWNER'S LEGAL LAST NAME:*	OWNER'S LEGAL FIRST NAME:*
TAXPAYER IDENTIFICATION NUMBER:*	DATE OF BIRTH:*
BUSINESS REGISTRATION NUMBER:*	GOVERNMENT ISSUED ID NUMBER:* ☐ ANTIGUA & BARBUDA ☐ OTHER
PERCENTAGE OF OWNERSHIP (%):*	DATE OWNER ACQUIRED INTEREST:*
HOME ADDRESS:*	CITY:*
STATE:*	ZIP CODE:*
PHONE NUMBER:*	COUNTY:*
E-MAIL ADDRESS:*	PREFERRED METHOD OF CONTACT:*
	☐ Standard Mail ☐ E-mail

D.2 – FINANCIAL INTEREST HOLDERS AND INVESTMENTS INTO THE PROPOSED APPLICANT'S OPERATIONS
NOTE: All financial interest holders, investors, and shareholders must be disclosed to the Authority.

NAME	VALUE OF INVESTMENT OR INTEREST	STRUCTURE OF INVESTMENT OR INTEREST

*Required

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D.3 – OWNER DISCLOSURES	Yes	No
1. Have you ever been convicted of or entered a plea of guilty or nolo contendere to any misdemeanor or felony in the Antigua & Barbuda or a foreign country? If yes, please complete the suplemental Criminal Conviction Disclosure Form *	☐	☐
2. Have you had a license sanctioned, suspended, or revoked in the past three years by a licensing authority, a city, county, or country for unauthorized commercial cannabis activities? *	☐	☐
3. Have you been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands? *	☐	☐
4. Have you ever had a commercial cannabis license or other professional license suspended, revoked, or denied, or otherwise subject to discipline or fine by this state or any other country? *	☐	☐

D.4 – OWNER REQUIRED ATTACHMENTS

- ☐ Copy of each owner's, and each financial interest owner's government issued identification *
- ☐ Copy of each owner's, and each financial interest owner's tax compliance certificate *

If applicable:

- ☐ History of convictions if indicated in Section D.3
- ☐ Evidence of dismissal or rehabilitation under state law
- ☐ Complete list of every individual who has a financial interest in the applicant's medical cannabis business
- ☐ Complete criminal record of all owners and financial interest holders
- ☐ Complete background check of all owners
- ☐ Financial information contained in subregulation (2) (v) of regulation 36
- ☐ Name, Date of Birth, Place of Birth, Mailing Address, Telephone Contact, Email Address, and Current Employer of all owners and financial interest holders
- ☐ Complete Business Plan
- ☐ Proof of funds and source of funds documentation

D.5 – OWNER DECLARATIONS

1. I am responsible for knowing and complying with all laws and regulations of Antigua & Barbuda applicable to Medicinal Cannabis Business Operations.
   I understand I am responsible for compliance with subsequent updates to cannabis laws and regulations.
2. Under penalty of perjury I hereby declare the information contained within and attached to this application is complete, true, and accurate. I understand a misrepresentation of fact is cause for rejection of this application, denial of the license, or revocation of an issued license.

Print Name:*

Owner Signature:* Date:*

*Required

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SECTION E
E.1 – PREMISES INFORMATION
NOTE: If multiple Premises Addresses are used, please attach additional pages.

PREMISES PHYSICAL ADDRESS:	CITY:*	PARISH:
ZIP CODE:	COUNTY:*	
LAND REGISTRATION NUMBER:*	DATE OF INITIAL OPERATION:	

☐ By checking this box, the business acknowledges all required records shall be kept in a manner that allows the records to be provided at the licensed premises or delivered to the Authority, upon request.*

PROPERTY OWNERSHIP TYPE:*

☐ Own (If checked, the attachment to the right is required)	REQUIRED ATTACHMENT: A copy of the title or deed to the property.
☐ Rent/Lease (If checked, the attachments and fields to the right are required)	REQUIRED ATTACHMENT: (1) A document from the property owner or property owner's agent where the medicinal cannabis activity will occur that states the applicant has the right to occupy the property and acknowledges that the applicant may use the property for medicinal cannabis cultivation. (2) A copy of the lease or rental agreement, or other contractual documentation. PROPERTY OWNER'S MAILING ADDRESS: PROPERTY OWNER'S PHONE NUMBER:
☐ Other (If checked, the attachments and fields to the right are required)	REQUIRED ATTACHMENT: (1) A document from the property owner or property owner's agent where the medicinal cannabis activity will occur that states the applicant has the right to occupy the property and acknowledges that the applicant may use the property for medicinal cannabis cultivation. (2) A copy of the lease or rental agreement, or other contractual documentation. PLEASE DESCRIBE IN DETAIL: PROPERTY OWNER'S MAILING ADDRESS: PROPERTY OWNER'S PHONE NUMBER:

*Required

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E.2 – SOURCE OF WATER SUPPLY (Required for All Cultivation License Types)* **NOTE: Check all applicable water supply sources for cultivation. If more space is needed, please attach additional pages.**	
☐ Retail Water Supplier (If checked, the field to the right is required)	NAME OF RETAIL WATER SUPPLIER:
☐ Small Retail Water Supplier – Delivery or Pickup from a Surface Waterbody or Underground Stream (If checked, the fields to the right are required)	NAME OF RETAIL WATER SUPPLIER UNDER CONTRACT: POINT OF DIVERSION GEOGRAPHIC LOCATION COORDINATES (LATITUDE AND LONGITUDE): AUTHORIZED PLACE OF USE FOR WATER RIGHT USED BY THE SUPPLIER: MAXIMUM AMOUNT OF WATER DELIVERED (GALLONS) IN ANY ONE YEAR:
☐ Small Retail Water Supplier – Delivery or Pickup of Water from a Groundwater Well (If checked, the fields and attachment to the right are required)	NAME OF RETAIL WATER SUPPLIER UNDER CONTRACT: GROUNDWATER WELL'S GEOGRAPHIC LOCATION COORDINATES (LATITUDE AND LONGITUDE): MAXIMUM AMOUNT OF WATER DELIVERED (GALLONS) IN ANY ONE YEAR: REQUIRED ATTACHMENT: ☐ A copy of the well log filed with the Antigua Public Utilities Authority for each percolating groundwater well used to divert water delivered to the business. If no well log is available, provide evidence from the Antigua Public Utilities Authority showing the Water Department does not have a record of the well log.
☐ Groundwater Well (If checked, the field and attachment to the right are required)	GROUNDWATER WELL'S GEOGRAPHIC LOCATION COORDINATES (LATITUDE AND LONGITUDE): REQUIRED ATTACHMENT: ☐ A copy of the well log filed with the Antigua Public Utilities Authority. If no well log is available, provide evidence from the Antigua Public Utilities Authority indicating that the Water Department does not have a record of the well log.
☐ Rainwater Catchment System (If checked, the fields to the right are required)	TOTAL SQUARE FOOTAGE OF CATCHMENT FOOTPRINT AREA(S): TOTAL STORAGE CAPACITY (IN GALLONS): DETAILED DESCRIPTION OF TYPE, NATURE, AND LOCATION OF EACH CATCHMENT SURFACE:
☐ Diversion from a Waterbody or an Underground Stream Flowing in a Known and Definite Channel (If checked, the field and attachment to the right are required)	STATEMENT/APPLICATION/PERMIT/LICENSE/ SMALL IRRIGATION USE REGISTRATION IDENTIFICATION NUMBER(S): REQUIRED ATTACHMENT: Choose one of the following required attachments: ☐ A copy of any applicable registrations, permits, or licenses or proof of a pending application, of approval of a water diversion by the Antigua Public Utilities Authority; ☐ A copy of any statements of diversion and use filed with the Antigua Public Utilities Authority detailing the water diversion and use; ☐ A copy of documentation submitted to the Antigua Public Utilities Authority demonstrating that the diversion is authorized under a riparian right.

*Required

E.3 – POWER SOURCE
NOTE: Check all that apply.

☐ Grid	☐ Solar	☐ Generator – Rated 50 HP and Greater	☐ Generator – Rated Under 50 HP	☐ Other **(If checked, describe the power source):**

SECTION F – LOCAL AUTHORIZATION (add pages as necessary)

Local Authority Type: ☐ Health ☐ Fire ☐ Other

LOCAL AUTHORITY NAME:	LOCAL AUTHORITY REPRESENTATIVE:	EXPIRATION DATE:

LOCAL AUTHORITY ADDRESS:	CITY:	PARISH:

ZIP CODE:	COUNTRY:	PHONE NUMBER:

SECTION G – APPLICATION ATTACHMENTS

- ☐ Evidence of Surety Bond*
- ☐ Property Ownership Documentation or Legal Right to Occupy and Use*
- ☐ Cultivation Plan – Premises Diagram*
- ☐ Cultivation Plan – Property Diagram*
- ☐ Cultivation Plan – Waste Management Plan*
- ☐ Security Plan*
- ☐ Standard Operating Procedures*
- ☐ Tax Compliance Certification*
- ☐ Occupational Safety and Health Administration (OSHA) Compliance*
- ☐ List of Persons with a Financial Interest*
- ☐ Incoorperation Documents*
- ☐ Pest Management Plan*

If applicable:

- ☐ Cultivation Plan – Lighting Diagram
- ☐ Cooperative Association Member List
- ☐ Foreign Corporation Letter of Qualification
- ☐ Antigua Public Utilities Authority (APUA) Authorization
- ☐ Development Control Authority Authorization
- ☐ Source of Funds Documentation
- ☐ Any other supporting documents that may be required

*Required

SECTION H – DISCLOSURES AND DECLARATIONS		
H.1 – DISCLOSURES	Yes	No
Does the business hold an ownership interest in real property, personal property, or other assets associated with, or used in, any cannabis testing laboratory license types as defined in Part VIII of the Antigua & Barbuda Cannabis Regulations No.17 of 2019.*	☐	☐
Has the business had a license sanctioned, suspended, or revoked in the past three years by a licensing authority, in country for unauthorized commercial or medical cannabis activities?*	☐	☐
Does the business or any of its officers or directors have any documented conduct that constitutes grounds for denial of licensure pursuant to Antigua & Barbuda Cannabis Regulations No.17 of 2019.*	☐	☐
Has the business or any of its officers or directors, been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Antigua & Barbuda Cannabis Regulations No.17 of 2019.*	☐	☐
H.2 – DECLARATIONS		
The date operations began is complete, true, and accurate.		
The license type being requested is valid only for the premises location.		
The cultivation premises location is located beyond at least a 600-foot radius from a prohibited location (including but not limited to schools, day care centers, and youth centers) or another radius specified, as required by the Antigua & Barbuda Cannabis Regulations No.17 of 2019.		
The business follows agricultural chemical use protocols pursuant to the Antigua & Barbuda Cannabis Regulations No.17 of 2019		
The business shall not sell alcoholic beverages or tobacco products on or at any licensed premises.		
The business shall comply with all rules and regulations pursuant to the Antigua & Barbuda Cannabis Regulations No.17 of 2019		
The business shall be completely truthful in its reporting, and shall be fully compliant with all rules regarding tracking and monitoring activities.		
All fictitious business names, and all information regarding these, must be disclosed to the authority.		
SECTION I – FINAL AFFIDAVIT		
The business shall comply with all Antigua & Barbuda laws and regulations applicable to medicinal cannabis business operation. The business shall be responsible for compliance with subsequent updates to cannabis laws and regulations.		
I hereby declare the information contained within and attached to this application is complete, true, and accurate. I understand a misrepresentation of fact is cause for rejection of this application, denial of the license, or revocation of an issued license.		
Print Name:*		
Designated Responsible Party Signature:*	Date:*	

*Required

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SECTION J – PAYMENT					
Payment type:	☐ Credit Card	☐ Debit Card	☐ Cheque	☐ Cash	☐ Other
	Transaction fees of 2.99% may be assessed for Credit Card and Debit Card payments.				
Credit/Debit Card Information:					
Credit/Debit Card Authorization:	☐ Visa ☐ MasterCard				
Name on Card:					
Card Number:					
Expiration Date:			Security/CVV Code:		
Billing Address:					
City:		State:		Zip Code:	
Phone Number:		Payment Amount (including 2.99% fee):			
By signing below, I authorize the amount indicated above to be automatically charged to the Credit/Debit card provided.					
Signature of Cardholder:				Date:	

For Authority Use Only

Application Number:_____ Email Address:_____

Business Name:_____ Mailing Address:_____

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 5 B (Regulation 61)

INDIVIDUAL OCCUPATIONAL LICENSE APPLICATION

SECTION A - LICENSE TYPE (Check Only One Per Application)*			
☐ Medicinal Cannabis Business Owner License		☐ Manager License	
☐ Special Dispensing License		☐ Staff License	
Application Type	☐ First Issue	☐ Renewal	☐ Late Renewal

SECTION B - EMPLOYER / OWNER INFORMATION		
LEGAL BUSINESS NAME:*		
EMPLOYER / OWNER LAST NAME:*	EMPLOYER / OWNE FIRST NAME:*	
BUSINESS TITLE:	TAXPAYER IDENTIFICATION NUMBER:*	
BUSINESS ADDRESS:*	CITY:*	STATE:*
ZIP CODE:* where applicable	COUNTY:	COUNTRY: *
PHONE NUMBER:*	EMAIL ADDRESS:*	
BUSINESS TAX IDENTIFICATION NUMBER	BUSINESS REGISTRATION NUMBER	

*Required

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SECTION C - APPLICANT INFORMATION	
APPLICANT LEGAL LAST NAME:*	APPLICANT LEGAL FIRST NAME:*
TAXPAYER IDENTIFICATION NUMBER*	DATE OF BIRTH:*
GOVERNMENT ISSUED ID TYPE AND NUMBER:*	DATE OF COMMENCEMENT OF EMPLOYMENT:*
HOME ADDRESS:*	CITY:*
STATE:*	ZIP CODE:* where applicable
PHONE NUMBER:*	COUNTY:
E-MAIL ADDRESS:*	PREFERRED METHOD OF CONTACT:*
	☐ Standard Mail ☐ E-mail

SECTION D - REQUIRED ATTACHMENTS

- ☐ Suitable evidence of proof of lawful presence or residence.
- ☐ Proof of good moral character and reputation.
- ☐ Whether applicant has had a license denied or revoked and if so, give reasons.
- ☐ Letter of employment

Special Dispensing License Application:

- ☐ Proof of education
- ☐ Proof of completion of required coursework

If applicable:

- ☐ Criminal history
- ☐ Evidence of dismissal or rehabilitation
- ☐ Dated letters of reference

For Tracking Account Manager:

- ☐ Proof of completion of required coursework

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SECTION E - APPLICANT DECLARATIONS	
1. I am responsible for knowing and complying with all laws and regulations of Antigua & Barbuda applicable to Medicinal Cannabis Business Operations. I understand I am responsible for compliance with subsequent updates to cannabis laws and regulations.	
2. Under penalty of perjury I hereby declare the information contained within and attached to this application is complete, true, and accurate. I understand a misrepresentation of fact is cause for rejection of this application, denial of the license, or revocation of an issued license.	
Print Name:*	
Signature:*	Date:*

*Required

SECTION F – PAYMENT					
Payment type:	☐ Credit Card	☐ Debit Card	☐ Cheque	☐ Cash	☐ Other
	Transaction fees of 2.99% may be assessed for Credit Card and Debit Card payments.				
Credit/Debit Card Information:					
Credit/Debit Card Authorization:	☐ Visa ☐ MasterCard				
Name on Card:					
Card Number:					
Expiration Date:			Security/CVV Code:		
Billing Address:					
City:		State:		Zip Code:	
Phone Number:		Payment Amount (including 2.99% fee):			
By signing below, I authorize the amount indicated above to be automatically charged to the Credit/Debit card provided.					
Signature of Cardholder:				Date:	

For Authority Use Only

Application Number:_____ Email Address:_____

Business Name:_____ Mailing Address:_____

ANTIGUA AND BARBUDA
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FORM 6 (Regulation 37)

PREMISES DIAGRAM

The premises diagram must be drawn to scale and clearly identify property boundaries, entrances, exits, interior partitions, walls, rooms, windows and doorways. The activities in each room and the location of all cameras must be identified on the diagram. For more detailed information see the instructions on the back.

Full Name of Applicant	License Type Applied For
Proposed Premises Address	

Diagram

Applicant Signature	Date Signed

Authority Use Only (Signature/Certified Correct)	Printed Name	Inspection Date

PREMISES DIAGRAM INSTRUCTIONS

Scale: diagram must be to scale and cannot contain any highlighting. All markings on the diagram shall be in black and white ink.

Areas: diagram shall show the property boundaries, premises boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, and doorways and shall include a brief statement or description of the principle activity to be conducted in each area of the premises and all limited-access areas.

All applicable cannabis activities must include the following on the diagram: storage, batch sampling, loading/unloading of shipments, packaging and labeling, patient sales, loading for deliveries, extraction, cultivation, or processing. If the premises consist of only a portion of a property, the diagram must be labeled indicating which part of the property is the cannabis premises and what the remaining property is used for.

If the premises is on a property that will contain two or more licenses premises, it shall clearly show the designated entrances and walls under the exclusive control of the applicant for the premises, as well as the entrances and walls for each additional premises. All common areas must be labeled on the diagram, such as: lobbies, bathrooms, hallways and breakrooms, if applicable.

If the premises is located on only a portion of a property that also includes a residence, the diagram shall clearly show the designated building for the premises and the residence.

The premises shall not be in a location that requires persons to pass through an establishment that sells alcohol or tobacco to access the cannabis premises or requires persons to pass through the cannabis premises to access an establishment that sells tobacco or alcohol.

Additional requirements for cultivation licensees: the diagram must include measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any. All roads and water crossings on the property.

Video Surveillance requirement for all license types: camera(s) must be permanently mounted and in a fixed location which must be identified on the premise diagram. Each camera must be numbered for identification purposes. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit and allows for the clear and certain identification of any person and activities in all areas required to be filmed. The areas that shall be recorded include but are not limited to the following: 1) all areas where cannabis goods are weight, packed, stored, loaded and unloaded for transportation, prepared, or moved within the premises; 2) all limited-access areas; 3) all security rooms; 4) areas storing the surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and 5) all entrances and exits to the premises, which shall be recorded from both indoor and outdoor vantage points.

Additional Video Surveillance requirements for dispensary licensees: camera(s) must record point-of-sale areas and areas where cannabis goods are displayed for sale. The camera must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the dispensary area, with sufficient clarity to determine identity.

ANTIGUA AND BARBUDA
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FORM 7 (Regulation 56)

OWNER SUBMITTAL

SECTION A - OWNER INFORMATION

1. Full Name	Date of Birth	City, State, and Country of Birth

Mailing Address	City	State	Zip Code	Phone Number

Government ID, Type & Number	Current Employer	Email Address	Ownership %	Job Title

SECTION B - DECLARATIONS

2. Have you ever been sanctioned by a licensing authority or agency for unauthorized commercial cannabis activities and/or had a license suspended or revoked in the three years immediately preceding the date of this application? ☐ Yes ☐ No
If "Yes", please complete item 9

3. Have you been denied a license by any other state cannabis licensing authority? ☐ Yes ☐ No
If "Yes", please complete item 10

4. Do you have an ownership or financial interest (as defined in the regulations) in a licensed cannabis business? ☐ Yes ☐ No
If "Yes", please complete item(s) 7-8

5. Have you ever been convicted of a crime? ☐ Yes ☐ No
If "Yes", please complete item(s) 11-12

6. Have you ever been involved in any criminal proceedings against yourself, in which you were not convicted of a crime? ☐ Yes ☐ No
If "Yes", please describe (Attach additional sheets if needed)

7. Application Type: ☐ New Application ☐ Transfer of Ownership

OTHER CANNABIS LICENSE(S) (Attach additional sheets if needed)

8. Agency	License Number	Date Issued

9. Agency	License Number	Date Issued

CANNABIS LICENSE(S) SUSPENDED, REVOKED, OR DENIED (Attach additional sheets if needed)

10. License Authority	License Type	Suspension/Revocation Date

Detailed Statement Regarding Suspension/Revocation

11. License Authority	License Type	Denial Date

CRIMINAL VIOLATION(S) For each conviction, provide the information requested below and attach a detailed description of the offense for which you were convicted.

12. Date of Conviction	Code Section	

Date(s) of Incarceration	Date(s) of Probation	Date(s) of Parole

13. Date of Conviction	Code Section	

Date(s) of Incarceration	Date(s) of Probation	Date(s) of Parole

SECTION C - REQUIRED DOCUMENTS

☐ Copy of Government-Issued Identification ☐ Record of ciminal history (if applicable)

SECTION D - AFFIRMATION AND CONSENT

Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of a license, or revocation of a license issued.

Signature	Printed Name	Date Signed

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FORM 8 (Regulation 57)

FINANCIAL INFORMATION FORM

Instructions: You must complete every section on the form for each item that is listed. Forms that are incomplete will be returned.

FINANCIAL HISTORY - Attach additional copies if needed

Section A - List all investments made into the applicant's commercial cannabis business

1. Name of Investor	Address		Phone Number
Term(s) of Investment		Date of Investment	Amount $
2. Name of Investor	Address		Phone Number
Term(s) of Investment		Date of Investment	Amount $
3. Name of Investor	Address		Phone Number
Term(s) of Investment		Date of Investment	Amount $
4. Name of Investor	Address		Phone Number
Term(s) of Investment		Date of Investment	Amount $

Section B - List all loans made to the applicant's commercial cannabis business

1. Name of Lender	Address			Phone Number
Term(s) of Loan	Security Provided For Loan		Date of Loan	Amount $
2. Name of Lender	Address			Phone Number
Term(s) of Loan	Security Provided For Loan		Date of Loan	Amount $
3. Name of Lender	Address			Phone Number
Term(s) of Loan	Security Provided For Loan		Date of Loan	Amount $

Section C - List all funds belonging to the applicant

Financial Institution Name	Address	Account Type	Account Number	Amount $
Financial Institution Name	Address	Account Type	Account Number	Amount $
Financial Institution Name	Address	Account Type	Account Number	Amount $
Financial Institution Name	Address	Account Type	Account Number	Amount $

Section D - List all gifts of any kind given to the applicant for use in conducting commercial cannabis activity

Name of Provider	Address	Phone Number	Value/Description of Gift
Name of Provider	Address	Phone Number	Value/Description of Gift
Name of Provider	Address	Phone Number	Value/Description of Gift

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FORM 9 (Regulation 59)

Change Of Location Form

Licensee Information	
LEGAL BUSINESS NAME:*	
APPLICANT OWNER LAST NAME:*	APPLICANT OWNER FIRST NAME:*
APPLICANT OWNER UNIQUE LICENSE NUMBER:	MEDICAL CANNABIS BUSINESS LICENSE NUMBER:*
BUSINESS ADDRESS:*	
PREMESIS ADDRESS:*	
PHONE NUMBER:*	EMAIL ADDRESS:*
BUSINESS TAX IDENTIFICATION NUMBER	BUSINESS REGISTRATION NUMBER

*Required

Please state the proposed new address:
Explain the reason for requesting the change of location:
Please attach relevant local licensing authorities approvals of the new proposed location for medicinal cannabis business operations:
Please attach Premesis Diagram form detailing proposed new location:
Please attach relevant documents proving the applicant is authorized to use the proposed new location for medicinal cannabis operations:

Applicant Owner Signature

Date

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ANTIGUA AND BARBUDA
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FORM 10 (Regulation 86)

Inventory Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added. Microbusinesses must complete this form for each commercial cannabis activity they intend to engage in.

Business Name and Application Type:

Primary Contact Name, Email, and Phone Number:

1. Using a diagram, indicate where on the licensed premises cannabis goods will be stored.

2. Describe who has access to the areas in which cannabis goods are stored.

3. Describe the security measures in place at the location where cannabis goods are stored.

4. Describe the conditions of the location where the cannabis goods are stored. Can the temperature and/or humidity be controlled?

5. Describe the training provided to employees regarding inventory procedures.

6. Describe the process for receiving new inventory of cannabis goods.

a. Describe where the cannabis goods are received.

b. Identify who will receive the cannabis goods, such as a manager or an employee.

c. Describe how the cannabis goods are moved to the cannabis storage area.

d. Describe what records are produced.

7. Describe the type of inventory records that are produced and maintained regarding the movement of inventory.

8. Describe the process for removing cannabis goods from inventory.

a. Describe what happens to the cannabis goods after they are removed from inventory, including any records that are produced.

9. Describe the methods used to ensure that the cannabis goods stored are preserved and do not degrade.

10. How often is inventory reconciliation conducted?

a. Describe the process for inventory reconciliation and the types of records that are produced.

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 11 (Regulation 88)

Premesis Modification Form

Licensee Information	
LEGAL BUSINESS NAME:*	
APPLICANT OWNER LAST NAME:*	APPLICANT OWNER FIRST NAME:*
APPLICANT OWNER UNIQUE LICENSE NUMBER:	MEDICAL;CANNABIS BUSINESS LICENSE NUMBER:*
BUSINESS ADDRESS:*	
PREMESIS ADDRESS:*	
PHONE NUMBER:*	EMAIL ADDRESS:*
BUSINESS TAX IDENTIFICATION NUMBER	BUSINESS REGISTRATION NUMBER

*Required

Please describe in detail, the proposed modification(s) to the license premesis:

Please submit, in addition to this form, a new Premesis Diagram form, clearly showing the proposed modification(s)

FOR AUTHORITY USE ONLY		
Medicinal Cannabis Authority Approval	☐ YES	☐ NO
Development Control Authority Approval	☐ YES	☐ NO

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 12 (Regulation 92)

Cannabis Cultivation License Application
Supplemental Form - Pest Management Plan

Cultural Pest-Management Control Methods

Biological Pest-Management Control Methods

Chemical Pest-Management Control Methods

Chemical(s) to Be Applied at any Stage of Plant Growth

Product Name	Active Ingredient(s)

Attach additional sheets of paper as needed.

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 13 (Regulation 93)

Security Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added. Applicats must complete this form for each commercial cannabis activity they intend to engage in.

Business Name and Application Type:

Primary Contact Name, Email, and Phone Number:

1. Describe who is responsible for implementing the Security Operating Procedures and list each person's role and responsibilities.

2. Describe how the applicant will ensure all access points will be secured, which includes a description of all entrances and exits, windows, and doorways and the types of locks used.

3. Describe the procedures for allowing individuals access to the premises, which includes:
   a. A list of employees who have access including their roles and responsibilities.

   b. A description of how the applicant will ensure only authorized persons have access to the licensed premises and its limited access areas.

c. A description of how the applicant will maintain an accurate record of all non-employee authorized individuals allowed onsite.

4. Describe how the applicant will comply with the employee badge requirement including how the applicant will assign employee numbers and what the procedures are when an employee changes responsibilities or leaves the employment of the licensee.

5. Provide a description of the video surveillance system, which includes:
a. A description of the types of cameras and video storage equipment.

b. A description of the camera placements and the number of cameras to be used.

c. A description of the procedures for the maintenance of the video surveillance equipment.

d. A description of how the applicant will be notified of video surveillance system-failure or malfunction.

e. A description of how the video surveillance system will be monitored.

f. A description of how the applicant will produce copies of video recordings at the licensed premises immediately upon request of the Authority.

g. A description of how the applicant will share the video surveillance system with other licensees (when sharing services at the same location), if applicable.

6. Provide information regarding the use of security personnel onsite, which includes:
   a. Whether the security personnel will be employed by the applicant or contracted. If contracted, provide the name of the security company, license numbers, contact person, phone number of personnel that will be providing services, and a copy of the contract.

b. Where the security personnel will be stationed on the licensed premises and/or which areas will be covered by roving security.

c. The hours security personnel will be onsite.

d. A description of how the applicant will share security personnel with other licensees (when sharing services at the same location), if applicable.

e. Will the security personnel be armed or unarmed?

7. Provide a description of the security alarm system, which includes:
   a. The name, license number, address, phone number, and contact person of the alarm company that installed, maintains, and monitors the alarm system.

b. How the applicant will ensure the alarm system remains operational, including the frequency of maintenance checks by the alarm company.

c. A description of the alarm system features, including whether it has motion detection sensors inside the premises.

d. A description of how an alarm will be responded to, including whether law enforcement personnel will be notified.

e. A description of how licensees will be sharing the alarm system with other licensees (when sharing services at the same location), if applicable.

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 14 (Regulation 95)

Cannabis Cultivation License Application
Supplemental Form - Waste Management Plan

☐ On-site compostingof waste

☐ Waste hauled by localagency, a waste hauler franchised or contracted by the Authority, or a private waste hauler permitted by the Authority.

Company License No.:

Company name:

Company business address:

Primary contact person's name:

Primary contact person's phone number:

☐ Self-haul to one or more of the following:

- ☐ a manned fully permitted solid-waste landfill or transformation facility
- ☐ a manned fully permitted composting facility or manned composting operation
- ☐ a manned fully permitted in-vessel digestion facility or manned in-vessel digestion operation
- ☐ a manned fully permitted transfer/processing facility or manned transfer/processing operation
- ☐ a manned fully permitted chip-and-grind operation or facility

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 15 (Regulation 110)

Transportation Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added. Microbusinesses must complete this form for each commercial cannabis activity they intend to engage in.

Business Name and Application Type:

Primary Contact Name, Email, and Phone Number:

1. Identify whether the applicant intends to transport cannabis goods, or will be contracting for transportation services.

2. If transporting cannabis goods, provide the following information:

   a. Whether the applicant intends to transport to all license types, or is limiting transportation to only certain license types.

   b. The hours of operation that the applicant intends to transport cannabis goods and whether the applicant expects to transport overnight.

   c. Vehicle and trailer information, which includes:

      i. Number of vehicles to be used.

ii. Type of vehicles or trailers to be used, including make, model, year, and vehicle identification number.

iii. Registration and insurance information for each vehicle being used.

iv. Whether the applicant has or will be applying for a transport class permit, list permit numbers (if applicable).

d. Driver information, which includes:

i. All employees that are or will be transporting cannabis goods, either as a driver, or a passenger, including name and age of employee, driver's license information, and list the roles and responsibilities for each employee.

ii. Will any security personnel accompany employees transporting cannabis goods? Specify whether security personnel will be employees or contracted. If contracting for security, provide the name of the company, license number, contact person, and phone number.

e. Information regarding the storage of cannabis goods in the vehicle, which includes:

i. A description of how the applicant intends to store cannabis goods in each vehicle or trailer, i.e., what area of the vehicle or trailer will be used for storage.

ii. A description of how the applicant intends to secure cannabis goods in each vehicle.

iii. A description of how the applicant will ensure that cannabis goods are not visible or identifiable from outside each vehicle.

f. Information regarding all security measures the applicant will have in place for the transportation of cannabis goods, including, but not limited to:

i. Describe the alarm systems for each vehicle.

ii. Other security measures used during the transporting of cannabis goods.

g. Whether the applicant is located within a building or on the same parcel of land as another licensee, for which transportation by motor vehicle is not operationally feasible, and how the applicant will be transporting cannabis goods, if not by motor vehicle.

3. If contracting for transportation services, provide a list of transportation services used, and a copy of the contract for each, if applicable.

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 16 (Regulation 112)

Delivery Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added. Applicants must complete this form if they intend to engage in retail activity that includes delivery.

Business Name and Application Type:

Primary Contact Name, Email, and Phone Number:

1. Provide a list of each vehicle that will be used in the delivery of cannabis goods. Provide, the year, make, model, color, vehicle identification number, and license plate number for each vehicle. Also, indicate whether each vehicle is equipped with a vehicle alarm system.

2. Provide a list of each employee that will be conducting deliveries of cannabis goods. Provide the full name, date of birth, and driver's license number for each employee.

3. Describe the training provided to delivery employees.

4. Describe the process for accepting new delivery orders. If a technology platform is used, please describe how patients place orders, how the orders are received, and who at the dispensary receives the orders through the platform.

5. Describe the process for preparing orders of cannabis goods for delivery.

6. Describe how cannabis goods will be stored in the delivery vehicle while deliveries are being conducted. Include the quantity of cannabis goods that will be carried by each delivery employee.

7. Describe the process that a delivery employee goes through prior to leaving the dispensary premises to conduct deliveries of cannabis goods.

8. Describe the process for tracking the location of delivery employees who are currently conducting deliveries.

9. Describe the methods used to communicate with the delivery employees who are engaged in conducting deliveries.

10. Describe the methods of route guidance used by delivery employees while conducting deliveries.

11. Describe the policies for delivery employees taking breaks and making stops while conducting deliveries.

12. Do delivery employees receive new orders while in the process of conducting deliveries? If so, describe that process.

13. Describe the process of preparing the delivery request receipt.

14. Describe the process each delivery employee goes through upon arriving at the delivery location and providing the cannabis goods to the patient.

15. Describe the process that a delivery employee goes through upon returning to the dispensary premises after conducting deliveries.

16. Describe the applicant's methods of auditing the activities of the delivery employees to ensure that cannabis goods do not go unaccounted for when the delivery employee returns to the dispensary premises.

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 17 (Regulation 143)

Medicinal Cannabis Import License Application

SECTION A - IMPORTER INFORMATION

1. Importer Applicant Name

Importer Applicant Address

Importer Applicant Government ID, Type & Number	Email Address	Phone

Importer Applicant Occupational License No.

Importing Business Name	Importing Business License No.

Importing Business Address

Destination Address of Shipment

SECTION B - INFORMATION REGARDING GOODS TO BE IMPORTED

2. Description of Medical Cannabis Goods

Name of Drug	International Non-Proprietary Name (if any)
Quantity to be Imported	OFFICIAL USE ONLY Actual Quantity Imported

Intended Use of Medicinal Cannabis Goods

SECTION C - EXPORTER INFORMATION

3. Exporter Applicant Name

Exporter Applicant Address

Exporter Applicant Government ID, Type & Number	Email Address	Phone

Exporter Applicant Occupational License No.

Exporting Business Name	Exporting Business License No.
Exporting Business License Issue Date	Exporting Business License Expiration Date

Exporting Business Address

Destination Address of Shipment

SECTION D - GENERAL PROVISIONS

4. Port of Entry into Antigua and Barbuda

Country and Port of Export

Country of Transit or Transhipment (where applicable)

Special Conditions (where applicable)

The Following Supporting Documents Shall Accompany This Application --
a. A Copy of the Export Certificate
b. Certificate of Analysis of Goods to be Imported
c. Health Approval Documents fom Exporting Country (where applicable)
d. Phytosanitary Certification from the Exporting Country (where applicable)
e. Copies of Shipping Manifestos
f. A Copy of the Exporter's Government Issued Cannabis License
g. Copies of the Exporter's Government Issued Identification Document

SECTION E - AUTHORITY INFORMATION

5. Importing Country Government Authority Name
ANTIGUA AND BARBUDA MEDICINAL CANNABIS AUTHORITY

Importing Country Government Authority Address

Importing Country Government Authority Phone	Importing Country Government Authority Email Address

Exporting Country Government Authority Name

Exporting Country Government Authority Address

Exporting Country Government Authority Phone	Exporting Country Government Authority Email Address

SECTION F - FOR OFFICIAL USE ONLY

6. Approved By The Authority YES ☐ NO ☐

Import License Issue Date	Import License Expiration Date

Name of Attorney General

Signature of Attorney General

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 18 (Regulation 144)

Medicinal Cannabis Export License Application

SECTION A - EXPORTER INFORMATION

1. Exporter Applicant Name

Exporter Applicant Address

Exporter Applicant Government ID, Type & Number	Email Address	Phone

Exporter Applicant Occupational License No.	

Exporting Business Name	Exporting Business License No.

Exporting Business Address

Destination Address of Shipment

SECTION B - INFORMATION REGARDING GOODS TO BE EXPORTED

2. a. Description of Medical Cannabis Goods

b. Name of Drug	c. International Non-Proprietary Name (if any)
d. Quantity to be Exported	OFFICIAL USE ONLY Actual Quantity Imported

e. Intended Use of Medicinal Cannabis Goods

SECTION C - IMPORTER INFORMATION

3. Importer Applicant Name

Importer Applicant Address

Importer Applicant Government ID, Type & Number	Email Address	Phone

Importer Applicant Occupational License No.	

Importing Business Name	Importing Business License No.

Importing Business License Issue Date	Importing Business License Expiration Date

Importing Business Address

Destination Address of Shipment

SECTION D - GENERAL PROVISIONS

4. Port of Exit out of Antigua and Barbuda

Country and Port of Import

Country of Transit or Transhipment (where applicable)

Special Conditions (where applicable)

The Following Supporting Documents Shall Accompany This Application –
a. A Copy of the Import Certificate
b. Certificate of Analysis of Goods to be Exported
c. Health Approval Documents fom Exporting Country (where applicable)
d. Phytosanitary Certification from the Exporting Country (where applicable)
e. Copies of Shipping Manifestos
f. A Copy of the Importer's Government Issued Cannabis License
g. Copies of the Importer's Government Issued Identification Document

SECTION E - AUTHORITY INFORMATION

5. Exporting Country Government Authority Name
ANTIGUA AND BARBUDA MEDICINAL CANNABIS AUTHORITY

Exporting Country Government Authority Address

Exporting Country Government Authority Phone | Exporting Country Government Authority Email Address

Importing Country Government Authority Name

Importing Country Government Authority Address

Importing Country Government Authority Phone | Importing Country Government Authority Email Address

SECTION F - FOR OFFICIAL USE ONLY

6. Approved By The Authority YES ☐ NO ☐

Export License Issue Date | Export License Expiration Date

Name of Attorney General

Signature of Attorney General

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 19 (Regulation 152)

TESTING FACILITY APPLICATION

SECTION A - APPLICANT/BUSINESS INFORMATION Please provide the below business information for your cannabis license.

1. License Type

☒ Testing Laboratory
A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products.

2. Business Organizational Structure (Please check ONE)

☐ Sole Proprietorship ☐ Limited Liability Company ☐ General Partnership
☐ Corporation (or foreign corporation) ☐ Limited Partnership ☐ Limited Liability Partnership

3. Name (sole proprietor first and last, all other business types legal business name) | Doing Business As (DBA)

4. Business Premises Address

Mailing Address (if different from premises address)

5. Business Website | Business Email Address | Business Phone Number

6. Business Registration Number

SECTION B - PRIMARY CONTACT PERSON This will be the contact for any questions regarding this application and the Authority staff will only be able to discuss the application with this person or an owner of the business.

7. Name | Title | Phone Number | Email Address

SECTION C - DECLARATIONS

8. Is the proposed premises located within a 600-foot radius of a school, day care center, or youth center? ☐ Yes ☐ No

9. If your company has one or more employees (not including supervisors) do you attest that you have or will have within one year of licensing one supervisor and one employee that have completed a Osha 30-hr general industry course offered and provided by an OSHA Training Institute Education Center? ☐ Yes

10. Do you have International Organization for Standardization (ISO)/ International Electrotechnical Commission (IEC) Accreditation? ☐ Yes ☐ No

If "No", do you attest that you are currently in the process of or intend to seek accreditation? ☐ Yes ☐ No

SECTION D - LIST OF OWNERS

All business owners, (as defined in the regulations), must be listed, including yourself.
Attach additional pages if needed. Each owner is required to submit an Owner Submittal form.

11. Name	Email	Ownership %	Title
Mailing Address			
Government Issued Identification Number	Date of Birth		
Name	Email	Ownership %	Title
Mailing Address			
Government Issued Identification Number	Date of Birth		

SECTION E - ENTITY OWNERSHIP An entity is anything other than an individual. If an entity is an owner of the commercial cannabis business, you will need to complete the following information.
Attach additional pages if needed.

12. Name of Entity	Organizational Structure	Ownership %	Phone Number	Email Address

SECTION F - NON-OWNERS WITH A FINANCIAL INTEREST IN THE BUSINESS (attach additional pages if needed)

13. Name	Date of Birth
Mailing Address	Government ID Type & Number
Name	Date of Birth
Mailing Address	Government ID Type & Number

SECTION G - FICTITIOUS BUSINESS NAMES

14. Business Name	
Address	Business Registration Number
Business Name	
Address	Business Registration Number

SECTION H - REQUIRED ATTACHMENTS/ DOCUMENTS

- ☐ Evidence of legal right to occupy and use the proposed premises location.
- ☐ Premises Diagram
- ☐ Business formation documents.
  Foreign corporations must include a copy of the authorization to do business within Antigua & Barbuda.
- ☐ Financial Information Documents.
- ☐ Proof of surety bond in the amount of $10,000 Eastern Caribbean Dollars, payable to the Authority.
- ☐ Transportation Procedures Form
- ☐ Inventory Procedures Form
- ☐ Security Procedures Form
- ☐ ISO/IEC accreditation
- ☐ Standard operating procedures (testing methods, sample preparation, and sampling)

AFFIRMATION AND CONSENT

Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of a license, or revocation of a license issued.

Signature	Printed Name	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 20 (Regulation 154)

Sampling - Standard Operating Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added.

Laboratory Name:

Primary Contact Name, Email, and Phone Number:

1. Provide a description of the procedure(s) used for obtaining representative samples for all matrices.

2. Specify the following:

   a. Equipment and supplies used during sampling, such as a calibrated scale, gloves, collection bags, etc.

   b. Sampling tools used for each matrix type, including changing disposable gloves between the sampling of each batch and the sterilization or sanitation methods to prevent cross-contamination.

c. Any preventative measures used to ensure the sampling area is free of contaminants.

d. The procedure for weighing samples during collection with a calibrated balance, including calibration steps.

e. Storage and preservation of samples collected, including how the samples will be contained to prevent contamination and tampering.

f. The procedure for assigning each representative sample a unique sample identifier.

g. The procedure for recording the conditions during sampling and transportation on the chain of custody form, including any problems, issues, or observations.

h. How the sampling procedure follows chain of custody protocols.

Signature of supervisory or management laboratory employee: Date:

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 21 (Regulation 154)

Sample Preparation - Standard Operating Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added.

Laboratory Name:

Primary Contact Name, Email, and Phone Number:

1. Provide a description of storage and handling procedures for samples.

2. Specify preservation methods used for samples. Include methods that prevent sterility issues and cross-contamination.

3. Provide the hold time for all sample types and matrices.

Signature of supervisory or management laboratory employee: Date:

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 22 (Regulation 162)

Test Methods - Standard Operating Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added.

Laboratory Name:

Primary Contact Name, Email, and Phone Number:

1. List all analytes and matrices tested by the method.

.

3. Please list the following:
   a. Brand name and model of instrumentation used.

   b. Other equipment used for testing (e.g. balance, centrifuge, vials).

   c. List and describe procedure(s) for making reagents, solutions, standards, and reference materials used in the method.

4. Provide the method sensitivity, which may include the LOD and LOQ for each analyte tested.

5. Describe the types, frequency, and acceptance criteria for quality control samples.

6. Describe the types, frequency, and acceptance criteria for calibration standards.

7. Describe the procedure for analyzing analytical batch samples.

8. Describe corrective action procedures used when LQC samples fail.

9. Provide calculations used, if any.

10. Describe any potential interferences with the analysis.

11. Specify the ISO/IEC 17025 accreditation body and accreditation or certificate number for the method, if applicable.

12. Signature of supervisory or management laboratory employee: Date:

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 23 (Regulation 173)

DATA PACKAGE COVER PAGE AND CHECKLIST

The laboratory shall compile and generate one data package for each representative sample that the laboratory analyzes, prior to release of the COA. This form shall be signed and dated by the reviewing supervisory or management laboratory employee meeting the responsibilities and qualifications under the regulations.

Laboratory Name:

Reviewing Supervisory or Management Laboratory Employee Name:	Email:	Phone Number:
Laboratory Premises Address:		License Number:

For each test method provide the name, title, and signature of the laboratory employee that performed the sample preparation, analyses, data review, and final approval:

Test Method	Sample Preparation	Sample Analysis	Data Review	Final Approval
Cannabinoids				
Foreign Material				
Heavy Metals				
Microbial Impurities				
Mycotoxins				
Moisture Content and Water Activity				
Residual Pesticides				
Residual Solvents and Processing Chemicals				
Terpenoids				

1. At a minimum, the data package shall contain the following (indicate the number of pages for each, if none, indicate as "N/A"):

a. All raw data for batch LQC sample results including date stamped instrument raw data, such as chromatograms for each LQC sample, if any. Raw data is data exported directly from the instrumentation used in the measurement. This includes, but is not limited to, LQC sample concentration determination, chromatograms, qPCR graphs and Cq values.	☐
b. All raw data for batch sample results including date stamped instrument raw data, such as chromatograms for each sample, if any. This includes, but is not limited to, sample concentration determination, chromatograms, qPCR graphs and Cq values.	☐
c. Instrument test method with parameters, if any.	☐
d. Instrument tune report, if any.	☐
e. Instrument calibration data, if any. Instrument calibration data includes, but is not limited to, calibration standard concentrations, calibration curves, chromatograms and the Coefficient of Determination (r^2).	☐
f. LQC sample report that includes LQC acceptance criteria, measurements, analysis date, and matrix.	☐
g. Worksheets, forms, pictures, or copies of laboratory notebook pages and any other pertinent documentation related to the identification and traceability of all reagents, reference materials, and standards used for analysis.	☐
h. Analytical sequence, if any.	☐
i. Shipping manifest.	☐
j. The COC form.	☐
k. The completed COA.	☐

2. After the data package is compiled, and prior to the release of the COA, the supervisory or management laboratory employee shall do all of the following, and initial and date the items listed below indicating the tasks were completed:

a. Review the analytical results for technical correctness and completeness, including ensuring LQC samples meet the acceptance criteria prescribed in Part 8 of the Antigua & Barbuda Cannabis Regulations No. 17 of 2019.

Initials: Date:

b. Verify that the results of each analysis carried out by the laboratory are reported accurately, clearly, unambiguously, and objectively.

Initials: Date:

By signing and dating below, the supervisory or management laboratory employee is attesting that they have reviewed the complete data package, and approve of the contents and laboratory results.

3. Signature of supervisory or management laboratory employee:	Date:

DISCLOSURES

Mandatory Submission

Submission of the requested information is mandatory unless otherwise noted. Failure to provide any of the required information may result in disciplinary action.

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 24 (Regulation 195)

Non-Laboratory Quality Control Procedures

Please provide a detailed response to the items below. If more space is needed additional pages may be added. Applicants must complete this form for each commercial cannabis activity they intend to engage in.

Business Name and Application Type:

Primary Contact Name, Email, and Phone Number:

1. Describe the applicant's procedures for packaging and labeling.

   a. Procedures for verifying labeling contents for cannabis goods batches, when transferring between licensees and storage. Include how the applicant verifies the name, license number of manufacturer or cultivator, date of entry into storage area, unique identifiers and batch number, description of cannabis goods, weight and/or quantity of units in batch, and expiration or sell-by date (if applicable).

   b. Procedures for verifying labeling contents for cannabis goods for retail sale including final form of verification, primary panel labeling, and informational panel labeling.

   c. Procedures for verifying labeling contents for cannabis goods for retail sale including net weight (if applicable), identification of the source and date of cultivation, type of cannabis, date of packaging, county of origin (if applicable), allergen warning (if applicable), and unique identifier.

d. Procedures for verifying government warning label requirements.

e. Procedures for verifying cannabis products required to have "For Medical Use" labeling, if applicable.

f. Procedures for verifying packaging requirements including tamper-evident, child-resistant, and resealable child-resistant exit packaging, if applicable.

2. Describe how the applicant will avoid and/or limit deterioration and contamination of any cannabis goods, including, but not limited to: pest control, environmental controls, maintenance and cleaning services.

3. Describe the applicant's procedures for handling returns.

4. In applying for a license, provide the following information.

   a. Storage procedures, which include:

      i. Whether the applicant is providing storage-only services to other licensees, and if so, which licensees and license types.

      ii. Identify all limited-access areas on the premises, and storage areas of cannabis goods in limited-access areas.

      iii. Procedures for storage and separation of cannabis goods batches for testing.

   b. Labeling and packaging procedures, which include:

      i. When labeling and packaging will occur.

ii. Area of premises where labeling and packaging will occur.

c. Sampling procedures, which include:

i. Provide the timeframe for making testing arrangements after taking physical possession of cannabis goods batches.

ii. Provide the sampling procedures for ensuring correct batch size, incremental sampling, and how the licensee will ensure that the employee has no contact with cannabis goods or sampling equipment.

iii. Provide procedures for video recording sampling of cannabis goods batches.

iv. Provide chain of custody procedures for cannabis goods batches.

d. Testing results procedures, which include:

i. Procedures for a failed sample, including remediation and/or cannabis waste procedures.

ii. Procedures for a passed sample.

iii. Tracking and Monitoring procedures following testing.

iv. Certificate of Analysis review procedures.

Applicant Signature	Date Signed

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019
FORM 25 (Section 10 of THE CANNABIS ACT, No. 28 of 2018)

TEMPORARY EXEMPT CANNABIS EVENT AUTHORIZATION APPLICATION

If list of licensees participating in the event changes, final list must be submitted to the Authority no less than 5 days before the event.

SECTION A - APPLICANT INFORMATION

1. Event Organizer Name

Event Organizer License Number

SECTION B - PRIMARY CONTACT PERSON

2. Name	Title	Email Address
Address		Phone Number

SECTION C - EVENT INFORMATION

3. Name of the Event

Address of the Event Location

Dates of the Event (no more than 4 days)

Name/Phone Number of Contact Person on Site During Event

SECTION D - REQUIRED ATTACHMENTS/DOCUMENTS

- ☐ Diagram of the physical layout of the event.
- ☐ Written approval from the local authorities, authorizing the applicant to engage in onsite cannabis dispensing to, and onsite consumption by, authorized persons at the event.
- ☐ A list of all licensees and employees that will be engaging in operations at the event.

AFFIRMATION AND CONSENT

Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of an authorization, or revocation of an authorization issued.

Applicant Signature	Printed Name	Date Signed

Page 1 of 1

ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

FORM 26 (Section 10 of THE CANNABIS ACT, No. 28 of 2018)

EXEMPT EVENT DIAGRAM

Instructions:
The diagram of the physical layout of the exempt event. The diagram shall clearly indicate where the cannabis exempt event will be taking place on the grounds of the exempt event's location, all cannabis consumption areas, all areas where cannabis goods will be dispensed and stored, all areas where cannabis waste will be stored, all entrances/exits that will be used by participants, hours in which cannabis goods will be dispensed, and the specific location of each cannabis licensee who will be participating in the exempt event. Each licensee participating in the exempt event shall be identified with an assigned temporary cannabis exempt event location number. The diagram shall not contain highlighting and the markings on the diagram shall be in black and white print.

Business Name of Licensed Exempt Event Organizer	Exempt Event Organizer's License Number
Exempt Event location address	

Diagram

Applicant Signature		Date Signed
Authority Use Only (Signature/Certified Correct)	Printed Name	Inspection Date



ANTIGUA AND BARBUDA
THE CANNABIS REGULATIONS, No. 17 of 2019

EACH ENDEAVOURING ALL ACHIEVING

Made the 3rd day of April, 2019.

Hon. Steadroy C.O. Benjamin
Attorney General
and Minister of Legal Affairs