

ANTIGUA AND BARBUDA



THE CANNABIS (AMENDMENT) BILL, 2020

No. of 2020

ANTIGUA AND BARBUDA
THE CANNABIS (AMENDMENT) BILL, 2020
ARRANGEMENT OF CLAUSES

CLAUSE

1. Short title.....	4
2. Interpretation.....	4
3. Amendment of Section 2 – Interpretation	4
4. Amendment of section 15 – Ministerial directions	5
5. Amendment of section 19 – Non-citizen investment	5
6. Amendment of section 27 – Proceedings and meetings of the Board.....	5
7. Amendment of section 34 – Functions of the Chief Executive Officer and delegation of such functions	5
8. Amendment of section 45 – Authorized Medical Professionals	5
9. Amendment of section 48 – Medical Cannabis Patient Identification Card	6
10. Amendment of section 51 - Caregivers.....	6
11. Amendment of section 57 – Types of Licences	6
12. Amendment of section 58 – Medicinal Cannabis Businesses – Staff Licence and training	6
13. Amendment of section 60 - Prohibitions.....	7

ANTIGUA AND BARBUDA
THE CANNABIS (AMENDMENT) BILL 2020
No. of 2020

AN ACT to amend the Cannabis Act 2018, No. 28 of 2018 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows –

1. Short title

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

2. Interpretation

“principal Act” means the Cannabis Act, 2018, No. 28 of 2018

3. Amendment of Section 2 – Interpretation

Section 2 of the principal Act is amended –

(a) by repealing the definition of “Medical Professional” and replacing it with the following:

“Medical Professional” means any person who is duly licenced under the Medical Practitioners Act, 2009, the Medical Act, Cap. 269 or the Pharmacy Act 1995;”

(b) by inserting in the appropriate alphabetical position the following:

“Medicinal Cannabis Therapeutic Centre” means a facility that is licenced and approved by the Authority to conduct massage therapy with the use of medicinal cannabis products on a patient that has a medicinal cannabis recommendation;”

4. Amendment of section 15 – Ministerial directions

Section 15 of the principal Act is amended by repealing the words “Chief Executive Officer” and replacing these with the words “Chairman of the Board of Directors”.

5. Amendment of section 19 – Non-citizen investment

Section 19 of the principal Act is amended as follows –

(a) in subsection (2) paragraph (a) thereof, by repealing “31 percent” and replacing this with “30 percent”

(b) in subsection (2) paragraph (b) thereof, by repealing “15 percent” and replacing this with “25 percent”

(c) inserting after subsection (2) a new subsection (3) as follows –

“(3) If a non-citizen holds or acquires 40 percent or more shareholding in a medicinal cannabis business –

(a) that is licenced to national,

(b) that is owned by a national,

(c) is a joint venture between a national and a non-citizen,

the business shall pay the non-national license fee as stipulated in the regulations.

6. Amendment of section 27 – Proceedings and meetings of the Board

Section 27 of the principal Act is amended in subsection (4) by replacing the words “Deputy Chief Executive Officer” with the words “Deputy Chairman”.

7. Amendment of section 34 – Functions of the Chief Executive Officer and delegation of such functions

Section 34 subsection (1) paragraph (e) of the principal Act is amended by repealing the words “quarterly reports” and replacing these with the words “monthly reports”.

8. Amendment of section 45 – Authorized Medical Professionals

Section 45 of the principal Act is repealed and replaced as follows –

“45. Authorized Medical Professionals

(1) An Authorized Medical Professional shall be required to complete training as prescribed in the regulations before he or she can recommend or dispense non prescribable medicinal cannabis to a patient.

(2) The training referred to in subsection (1) shall include an initial training programme and requirement for continuing education as prescribed by the regulations.

(3) A medical professional that is authorized to issue medicinal cannabis recommendations or to dispense medicinal cannabis shall be approved and registered by the Authority.”

9. Amendment of section 48 – Medical Cannabis Patient Identification Card

Section 48 (1) of the principal Act is repealed and replaced as follows –

“(1) A patient who is in possession of medicinal cannabis recommendation issued by an authorized medical professional shall apply to the Authority for a Medicinal Cannabis Patient Identification Card.”

10. Amendment of section 51 - Caregivers

Section 51 subsection (5) of the principal Act is amended as follows –

“(5) Pursuant to subsection (1) and (2), a designated caregiver or the parent or legal guardian of a patient, shall be issued a special caregiver authorization card by the Authority.”

11. Amendment of section 57 – Types of Licences

Section 57 subsection (1) of the principal Act is amended by inserting after paragraph (j) a new paragraph as follows –

“(k) Medicinal Cannabis Therapeutic Centre Licence which shall permit the use of medicinal cannabis products for the purpose of massage therapy and other external treatments to patients by persons who possess a qualification approved by the Authority.”

12. Amendment of section 58 – Medicinal Cannabis Businesses – Staff Licence and training

Section 58, subsection (1) of the principal Act is repealed and replaced as follows –

“(1) Persons employed in a medicinal cannabis business operation –

(a) are required to have a manager or staff licence which will identify the employee according to his or her job position;

(b) who are responsible for dispensing medicinal cannabis to authorized patients, shall, at a minimum, possess such qualifications as prescribed in the regulations;

(c) shall be entered into the Antigua Cannabis Tracking system.”

13. Amendment of section 60 - Prohibitions

Section 60 of the principal Act is amended in subsection (4) thereof by deleting the word “be”.



Passed the House of Representatives on
the day of , 2020.

Passed the Senate on the day of
, 2020.

.....
Speaker.

.....
President.

.....
Clerk to the House of Representatives.

.....
Clerk to the Senate.

EXPLANATORY MEMORANDUM

This amendment to the Cannabis Act, 2018 is geared at clarifying some of the practical aspects surrounding the issuing of a Medicinal Cannabis Licence and for the better regulation of medicinal cannabis business operations. **The Bill contains 13 clauses as follows –**

Clause 1 and 2 – short Title and Interpretation which identifies the principal Act as the Cannabis Act 2018.

Clause 3 – Amendment of section 2 of the principal Act which is the section dealing with Interpretation of various words and phrases used in the principal Act. To this section, the definition of “Medical Professional” was rephrased. Previously it covered only persons registered under the Medical Professions Act; however, Dentists are registered under the Medical Act, Cap 269 and Pharmacists are registered under the Pharmacy Act 1995 which were not properly recognised, although the intention was always to regard Dentists and Pharmacists as medical professionals.

Clause 4 – Amendment of section 15 dealing with Ministerial directions. This is a relatively minor amendment replacing Chief Executive Officer with Chairman of the Board.

Clause 5 – Amendment of section 19 – Non-citizen investment. This amendment changes the relative equity ownership to be issued to the Government. Further, subsection (3) was added to take into consideration the collaborative arrangements between nationals and non-citizens.

Clause 6 – Amendment of section 27 – Proceedings and meetings of the Board. This is a relatively minor correction to the section as worded in the principal Act.

Clause 7 - Amendment of section 34 – Functions of the Chief Executive Officer and delegation of such functions.

This amendment now requires that the Chief Executive Officer provide the Cabinet with monthly as opposed to quarterly reports of the activities of the Authority.

Clause 8 – Amendment of section 45 –Authorized Medical Professionals

This amendment makes clear that the period of training of medical professionals will include an initial training period as prescribed in the regulations for the granting of a licence to recommend or dispense medicinal cannabis, as well as, a requirement for continuing education that will specifically target training in the area of medicinal cannabis.

Clause 9 – Amendment of section 48 – Medicinal Cannabis Patient Identification Card. This amendment specifies that the application is to be made to the Authority and the licence is to be issued by the Authority.

Clause 10 – Amendment of section 51 – Caregivers. Specifies that the Special Authorization Card to be issued to caregivers and legal guardians of a patient shall be issued by the Authority.

Clause 11 – Amendment of section 57 – Types of Licences. This adds to the list the Medicinal Cannabis Therapeutic Centre Licence which shall permit the use of medicinal cannabis products for the purpose of body massage and other types of external treatments to a patient. The amendment also requires that persons plying this trade will have a qualification approved by the Authority.

Clause 12 – Medicinal Cannabis Businesses – Staff Licence and Training

Requirement for licensing of staff and for staff to be properly trained.

Clause 13 – Prohibitions. This is a minor correction to the original section to remove the word “be” in the wording of the penalty section.

Hon. Steadroy C. O. Benjamin
*Minister of Justice, Legal Affairs,
Public Safety and Labour*