

ANTIGUA AND BARBUDA



THE CANNABIS (AMENDMENT) ACT, 2021

No. 6 of 2021

*[Published in the Official Gazette Vol. XLI No. 31
dated 13th May, 2021.]*

Printed at the Government Printing Office, Antigua and Barbuda,
By Noel F. Abraham, Government Printer
— By Authority, 2021.

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

29th April, 2021.

ANTIGUA AND BARBUDA

THE CANNABIS (AMENDMENT) ACT, 2021

No. 6 of 2021

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 2021.

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 “Authority” and replacing it as follows:
“Authority” means the Medicinal Cannabis Authority established under section 13 which is a body corporate created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, processing, extraction, import, export, testing, research, distribution, and sale of cannabis and the `genus of cannabis for medicinal, industrial and sacramental use.”
- (b) 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;”
- (c) 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 18 – Establishment and constitution of the Board of the Authority

Section 18 of the principal Act is amended in subsection (2) by inserting after paragraph (i) the following new paragraph –

“(j) a businessman with extensive experience appointed by the Cabinet;”

6. Amendment of section 19 – Non-citizen investment

Section 19 of the principal Act is amended by repealing subsection (2) in its entirety and replacing this with the following –

“(2) If a non-citizen holds or acquires one-third or more of the 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.”

7. 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”.

8. 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”.

9. 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.”

10. 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.”

11. Amendment of section 51 - Caregivers

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

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

12. Amendment of section 55 – Establishment of scheme

Section 55 subsection (1) of the principal Act is amended by inserting after paragraph (j) a new paragraph as follows –

“(k) Medicinal Cannabis Therapeutic Centre Operations means an entity engaging in the use of cannabis products for massage therapy and other external treatment of patients;”

13. 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.”

14. 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.”

15. 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 25th day of March, 2021.

Gerald Watt, Q. C.,
Speaker.

Rosemarie Smith-Weston,
Acting Clerk to the House of Representatives.

Passed the Senate on the 29th day of
March, 2021.

Alicia Williams-Grant,
President.

Rosemarie Smith-Weston,
Acting Clerk to the Senate.