



REPORT

OF THE

**JOINT SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT ON
THE CANNABIS CONTROL BILL, 2020**

FIRST SESSION (2020/2021)

TWELFTH PARLIAMENT

**TOGETHER WITH THE MINUTES OF PROCEEDINGS
AND RECORD OF EVIDENCE**

Laid before the House of Representatives and Senate.

Ordered to be printed.

HOR Paper No.

Date Laid HOR: 09/06/2021

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MANDATE

The **Cannabis Control Bill, 2020** was introduced and read a First time in the House of Representatives on Wednesday October 14, 2020. Pursuant to resolutions of the House of Representatives and Senate on Wednesday 14 October, 2020 and Friday 23 October, 2020 respectively, a Joint Select Committee was appointed to consider and report on the Bill.

2. Having regard to the fact that the Bill was referred to your Committee in accordance with Standing Orders 64 (1) (c) and 62 (1) (c) of the House of Representatives and Senate respectively, this Committee was empowered to consider the Cannabis Control Bill, 2020 and mandated to report by December 31, 2020.¹

MEMBERSHIP OF THE COMMITTEE

3. The following persons were appointed to serve on the Committee:

- Mr. Faris Al Rawi, MP - Chairman
- Mr. Stuart Young, MP - Member
- Mr. Fitzgerald Hinds, MP - Member
- Mr. Terrence Deyalsingh, MP - Member
- Mr. Rushton Paray, MP - Member
- Dr. Rai Ragbir, MP - Member
- Mr. Clarence Rambharat - Member
- Mrs. Paula Gopee-Scoon - Member
- Mr. Paul Richards - Member
- Mrs. Renuka Sagramsingh-Sooklal - Member
- Ms. Jayanti Lutchmedial - Member
- Mr. Evans Welch - Member

SECRETARIAT SUPPORT

- Mrs. Jacqui Sampson-Meiguel - Secretary
- Mr. Julien Ogilvie - Assistant Secretary
- Ms. Renee Batson - Assistant Secretary
- Mrs. Krystle Gittens - Researcher

¹ This deadline was extended to May 31, 2021 by the House of Representatives and Senate on March 26, 2021 and April 13, 2021 respectively.

CHAIRMANSHIP

4. At its First Meeting on Wednesday November 18, 2020 your Committee elected Mr. Faris Al Rawi, MP to be its Chair, in accordance with House of Representatives Standing Order 97(3) and Senate Standing Order 87(3).

COMMITTEE'S WORK

5. Your Committee held eighteen meetings during the period November 18, 2020 and June 04, 2021. The Minutes of the Meetings are attached at **Appendix I**.

6. Over the period, your Committee completed a clause-by-clause examination of the Bill, as well as reference material from the records of the previous Committee appointed in the 11th Parliament, including a matrix comprising the comments of stakeholders.

7. The Committee received additional written submissions from:

- i. The Association of Psychiatrist of Trinidad and Tobago; and
- ii. The Chief Medical Officer of the Ministry of Health.

8. At its 12th Meeting your Committee held a Virtual Round Table discussion with the following representatives of regional Cannabis Licensing Authorities:

| NAME | POSITION |
|---|--|
| Cannabis Licensing Authority of Jamaica | |
| Ms. Faith Graham | Chief Executive Officer (Actg.) |
| Mr. Sheldon Reid | Senior Legal Officer/Corporate Secretary (Actg.) |
| Ms. Tessarine Rhoden | Director, Licensing and Applications |
| Mr. Anthony Watson | Director, Enforcement and Monitoring (Actg.) |
| Barbados Medicinal Cannabis Licensing Authority | |
| Dr. Shantal Munro-Knight | Chief Executive Officer |
| Mrs. Shanika Robert-Odle | Programme Administrator |
| Ms. Valencia Gittens-Carter | Customer Liaison Officer |
| Antigua and Barbuda Medicinal Cannabis Authority | |
| Mr. Algernon Roberts | Chief Executive Officer Antigua & Barbuda Medicinal Cannabis Authority |

Key points considered during the Virtual Round Table discussion are attached at **Appendix II**.

KEY ISSUES

9. The following are the key issues upon which your Committee deliberated. Based on the outcomes of discussions, relevant amendments were made to the Bill as follows:

| Clauses | Issues Identified | Decision |
|-----------------------------------|---|----------------------------|
| 3. Interpretation | Insert definitions for the following: <ul style="list-style-type: none"> i. AML/CFT/PF; ii. Dwelling house iii. Supervisory Authority Refine/amend the following definitions: <ul style="list-style-type: none"> i. In the definition of “approved form”, insert after the word “<i>Board</i>” the words “<i>and published on the Authority’s website</i>” ii. In the definition of “premises” insert after the word “<i>land</i>” the words “<i>,building or vessel and includes any vehicle or receptacle located on such land or in any such building or vessel;</i>” | Bill appropriately amended |
| 6. Establishment of the Board | There should be a minimum level of qualification in each category. | Bill appropriately amended |
| 7. Resignation of Member of Board | An offence should be included in this clause for failure to declare an actual or contingent pecuniary interest | Bill appropriately amended |

| Clauses | Issues Identified | Decision |
|--|--|---|
| 8. Revocation of appointment | 8(f) Concern with the use of “ <i>indictable offence</i> ” | Bill appropriately amended |
| 14. Disclosure of interest | Include the word “knowingly” in 14(b) in relation to contingent pecuniary interest | Bill appropriately amended |
| 15. Chief Executive Officer | 15(3) the limit should be 4 years instead of 3 years. | Bill appropriately amended |
| 16. Staff of the Authority and experts | <ul style="list-style-type: none"> • 16(4) amendment should be made to reflect similar wording in Clause 10 as it relates to “<i>gross negligence</i>” and insert the word “done” before the words “<i>in bad faith.</i>” • Concern over how to address conflict of interest at the level of employees | <p>Bill appropriately amended</p> <p>Issue resolved</p> |
| 18. Confidentiality | <p>Concern expressed over protection of whistle-blowers</p> <p>(5) Concern expressed over fine</p> | <p>Issue resolved</p> <p>Issue resolved</p> |
| 21. Application of the Fund | 21 (1) (e) “education” and “public awareness” should be included. | Bill appropriately amended |
| 24. Accounts | 24(2) “ <i>as soon as possible...</i> ” does not seem realistic therefore, a fixed timeframe should be set for laying of financial reports and statements in Parliament. | Issue resolved |

| Clauses | Issues Identified | Decision |
|---|---|---|
| 29. Types of licences | <ul style="list-style-type: none"> (i) “<i>Therapeutic</i>” needs to be defined (ii) What is the difference between a “<i>recommendation</i>” and a “<i>prescription</i>”? (iii) What are requirements for a cultivator license? (iv) Positive requirement for cultivators to obtain non-objection or consultation from Town and Country/Municipal Corporations prior to beginning operations. (v) Sale of cannabis should be permitted under other licenses such as wholesale under the Cultivator License. | Issues resolved, Bill appropriately amended |
| 30. Eligibility for a licence | <ul style="list-style-type: none"> (i) Clause 30(2) should exclude persons whose convictions have been expunged under the Dangerous Drugs Act (DDA). (ii) Clause 30(3) differing opinions on the 30% ownership | <p>Bill appropriately amended</p> <p>Issue resolved</p> |
| 31. Further information re. licence | Clause 31 is too vague. | Issue resolved |
| 32. Notice of application to be published | 32(1) Notice should also be published on an appropriate website. | Bill appropriately amended |
| 34. Notice of grant or refusal of licence | 34(5)(c) This may be very burdensome for the Authority. | Issue resolved |
| 35. Terms and conditions on licence | <ul style="list-style-type: none"> (i) A definition for “<i>private dwelling</i>” should be included in the Interpretation section. | <p>Bill appropriately amended</p> <p>Bill appropriately amended</p> |

| Clauses | Issues Identified | Decision |
|---|---|----------------------------|
| | (ii) 35(1) Consideration should be given to permitting the assignment of licenses in the context of business succession. | |
| 37. Renewal of licences | (i) There should be established timeframes for required actions. (ii) There should be a register of licensees with a public and private element (iii) 37(5) consideration should be given “ <i>twenty one days</i> ” instead of “ <i>fourteen days to submit written representations.</i> ” | Bill appropriately amended |
| 39. Notice of Non-Compliance and corrective action by licensee | There should be timeframes set for required actions. | Bill appropriately amended |
| 41. Surrender of licence | The public should be notified when a licence is revoked or surrendered. | Bill appropriately amended |
| Part V: Medicinal Cannabis and Part VI: Cannabis for Religious Purposes | How are Medicinal Cannabis and Cannabis for Religious Purposes treated within legislation from other jurisdictions? | Issues resolved |
| 42. Use of medicinal cannabis | Offences should be both indictable and summary. | Bill appropriately amended |
| 50. Prohibition of use of cannabis by children | Include wording that prohibits dispensation of cannabis to children. | Bill appropriately amended |
| 54. Duty to maintain register | Consider whether administrative sanctions should be included in the Bill. | Issue resolved |

| Clauses | Issues Identified | Decision |
|--|--|----------------------------|
| 55. Additions to, removals from and restoration of name to Register | 55 (a), (b) and (c) there is no reference to suspension of a licence. | Issue resolved |
| 56. Certificate of Chief Executive Officer as to register to be evidence | When does the CEO issue a certificate? Does the licensee retain a copy of such? | Bill appropriately amended |
| 57. Access to register | (i) Clause 57 can be clarified by inserting the words ' <i>to the public</i> ' after the word accessible. (ii) A nominal fee should be charged | Bill appropriately amended |
| 59. Inspection programme | 59(2) Should minimum qualifications be defined in the legislation? | Issue resolved |
| 61. Appointment of inspectors | (i) 61(1) Land or vehicle does not cover all "premises" e.g. ships (ii) 61(3) Is this standard? | Bill appropriately amended |
| 62. Production of certificate of appointment | (i) Land or vehicle does not cover all "premises" e.g. ships (ii) Clause 61(6) deals with the issuance of certificate of appointment not Clause 62(1). | Bill appropriately amended |
| 63. Powers of inspectors | (i) 63(1)(a) The word " <i>normal</i> " should be removed from " <i>normal working hours</i> " (ii) 63(1)(e) and (f) Do these provisions create a possibility of abuse? | Bill appropriately amended |
| 65. Civil penalties | Consider whether administrative sanctions should be included. | Issue resolved |

| Clauses | Issues Identified | Decision |
|-----------------------|---|----------------------------|
| 66. General Penalties | (i) This should be double checked against the amendment to the Interpretation Act. (ii) Should a person who is convicted of an offence have his/her license revoked? | Issues resolved |
| 67. Appeals | The Environmental Commission is not the appropriate body for appeal. Matters should be heard in the High Court | Bill appropriately amended |
| 68. Regulations | Regulations governing this legislation should be subject to affirmative resolution | Bill appropriately amended |

REPORT

10. In accordance with Standing Orders 114(1) and 104(1) of the House of Representatives and the Senate, respectively, your Committee wishes to report that it has completed its work.

11. Your Committee reports that it has amended the Bill. A list of amendments is at **Appendix III** and the consolidated Bill as reported from Your Committee is at **Appendix IV**.

RECOMMENDATION

12. In accordance with Standing Orders 66 (3) and 64 (3) of the House of Representatives and Senate, respectively, your Committee recommends that its report on the Bill be adopted.

Respectfully Submitted,

Mr. Faris Al Rawi, MP
Chairman

Mr. Stuart Young, MP
Member

Mr. Fitzgerald Hinds, MP
Member

Mr. Terrence Deyalsingh, MP
Member

Mr. Rushton Paray, MP
Member

Dr. Rai Ragbir, MP
Member

Mr. Clarence Rambharat
Member

Ms. Paula Gopee-Scoon
Member

Mr. Paul Richards
Member

Ms. Jayanti Lutchmedial
Member

Mrs. Renuka Sagramsingh-Sooklal
Member

Mr. Evans Welch
Member

June 4, 2021

LIST OF APPENDICES

Appendix I.....Minutes of Proceedings

**Appendix II..... Key points considered at
Virtual Round Table
discussion**

**Appendix III.....List of Recommended
Amendments**

**Appendix IV.....Consolidated Version of Bill
(with amendments)**

APPENDIX I

MINUTES OF PROCEEDINGS

MINUTES OF THE FIRST MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 HELD ON WEDNESDAY NOVEMBER 18, 2020 at 11:30 AM

This meeting was held virtually via ZOOM

PRESENT

Mrs. Brigid Annisette-George, MP Speaker of the House

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Clarence Rhambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mr. Evans Welch | - | Member |

Secretariat

| | | |
|-----------------------------|---|---------------------------|
| Mrs. Jacqui Sampson Meiguel | - | Secretary |
| Mr. Brian Caesar | - | Clerk of the Senate (Ag.) |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Researcher |

EXCUSED/ABSENT

| | | |
|-----------------------------|---|--------|
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |

COMMENCEMENT

1.1 The Speaker called the meeting to order at 11:31 a.m. and welcomed members present. She explained that, in accordance with Standing Orders 110 (2) of the House of Representatives and 100 (2) of the Senate, her role at the meeting was to facilitate the election of the Chairman.

ELECTION OF A CHAIRMAN

2.1 The Speaker invited nominations for the post of Chairman and indicated that the nomination required a seconder.

2.2 Mr. Faris Al Rawi was nominated by Ms. Paula Gopee-Scoon and the nomination was seconded by Mr. Rushton Paray.

2.3 There being no further nominations, the Speaker declared Mr. Faris Al Rawi the Chairman of the Committee.

2.4 The Speaker then wished the Committee success in its deliberations and invited the Chairman to take the Chair.

(The Speaker exited the meeting)

ANNOUNCEMENTS BY THE CHAIRMAN

3.1 The Chairman took the Chair and thanked members for their support.

3.2 The Chairman informed the Committee of the following staff assignments:

- a) Mrs. Jacqui Sampson-Meiguel, Clerk of the House- Secretary
- b) Mr. Julien Ogilvie, Procedural Clerk- Assistant Secretary
- c) Ms. Renee Batson, Procedural Officer (Intern)- Assistant Secretary; and
- d) Mrs. Krystle Gittens-Researcher

QUORUM

4.1 The Committee agreed that the quorum should be three (3) Members inclusive of the Chair, with representation from each House.

TERMS OF REFERENCE

5.1 The Chairman reminded Members of the Committee's terms of reference:

- to consider the Cannabis Control Bill, 2020 and report by December 31, 2020.

DETERMINATION OF DATE AND TIME OF BUSINESS MEETING

6.1 It was agreed that Thursdays at 2:30pm should be reserved for meetings of this Committee.

6.2 The Chairman indicated that significant work had been completed by the Committee appointed to consider the former Bill in the Eleventh Parliament. He indicated that the Bill before the current Committee took into account some of the recommendations made by the former Committee in its last report submitted prior to the dissolution of the Parliament. He was of the view that members would find the records of the former Committee to be quite beneficial. There was agreement with this view.

6.3 The Committee therefore agreed on the following preliminary work plan:

- i. Review of the work of the Joint Select Committee on the Cannabis Control Bill, 2019 and the matrices compiled during the Eleventh Parliament; and
- ii. A clause-by-clause examination of the Bill.

6.4 The Secretary of the Committee was instructed by the Chairman to ensure that Members had access to the full records of the former Committee.

DISTRIBUTION OF ELECTRONIC DEVICES

7.1 The Chairman informed Members that committee documents would be uploaded to the Parliament's web-based e-repository for easy access and use. He advised that for this purpose each Member will be issued with an Apple iPad Pro device very shortly.

7.2 Staff of the Committee were directed to assist Members in this regard.

ADJOURNMENT

8.1 The Chairman proposed and the Committee agreed that its Second meeting would be held on **Thursday November 26, 2020 at 2:30pm.**

8.2 The adjournment was taken at 11:52 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

November 20, 2020

**MINUTES OF THE SECOND MEETING OF THE JOINT SELECT
COMMITTEE ON THE CANNABIS CONTROL BILL, 2020,
(IN CAMERA) HELD ON THURSDAY NOVEMBER 26, 2020 at 2:30 PM**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Rai Ragbir, MP | - | Member |
| Mr. Clarence Rhambharat | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mr. Evans Welch | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |

EXCUSED/ABSENT

| | | |
|-----------------------|---|--------|
| Ms. Paula Gopee-Scoon | - | Member |
| Mr. Rushton Paray, MP | - | Member |

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 2:51 p.m.

1.2 The Chairman indicated that Mr. Rushton Paray and Ms. Paula Gopee-Scoon asked to be excused from the day's proceedings.

1.3 The Chairman also welcomed Mr. Ian Macintyre, SC, Chief Parliamentary Counsel (CPC) of the Legislative Drafting Department.

CONFIRMATION OF THE MINUTES OF THE FIRST MEETING HELD ON NOVEMBER 18, 2020

2.1 The Committee considered the Minutes of the First meeting held on Wednesday November 18, 2020.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Dr. Rai Ragbir, MP.

2.3 The Minutes of the First meeting was confirmed.

MATTERS ARISING

3.1 *Paragraph: 6.2 & 6.3:* The Chairman confirmed that the following essential documents would be used to guide the clause-by-clause consideration of the Bill:

- The Cannabis Control Bill, 2020; and
- The Matrix of Stakeholder's Comments of the former Committee.

The Committee agreed with this suggestion.

3.2 There was also agreement that following the Committee's clause-by-clause consideration of the Bill, the decision would be made whether further stakeholder engagement is necessary.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

4.1 The Chairman gave an overview of the intent and purpose of the Bill and a synopsis of the policy considerations.

4.2 The Committee commenced its examination of the Bill together with pages 1-10 of the [Matrix of Stakeholder's Comments](#).

4.3 Discussions ensued on Clause 3 – Interpretation.

4.4 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

4.5 There was consensus that in the interest of time further consideration of the definitions set out in the Interpretation Clause (3) should be undertaken along with pertinent clauses contained in the Bill, in order to arrive at appropriate definitions within context.

OTHER BUSINESS

Next Meeting

5.1 The Committee agreed to next meet on **Thursday December 3, 2020 at 2:30 p.m.** when it will continue with its clause-by-clause examination of the Bill from Part II.

5.2 Noting that some Members indicated that they had challenges retrieving the relevant working documents in time for this meeting, the Chairman urged all Members to get possession of a copy of the Matrix of Stakeholders' Comments and acquaint themselves with it as the work of the Committee progresses.

5.3 There was consensus that –

- (a) Thursdays at 2:30 pm is the preferred day and time for Committee meetings; and
- (b) The duration of a meeting should be two (2) hours minimum.

ADJOURNMENT

6.1 The adjournment was taken at 4:01 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

December 1, 2020

Cannabis Control Bill, 2020
Consideration of Matrix of Stakeholders' Comments
Clauses considered at 2nd Meeting held 26Nov20

| Clauses | Issues Identified | Decision |
|-------------------|---|---|
| 1. Short title | None | None |
| 2. Commencement | None | None |
| 3. Interpretation | NOTE: CPC to examine stakeholder's recommendations on definitions and comment where applicable. Definitions should not be confined to technical specificity. If the definition is a matter of policy, the Committee will deliberate. | |
| | "Cannabis." - Whether the definition of Cannabis should include "Cannabidiol" | Ministry of Health: To provide guidelines |
| | "Cannabidiol" - Whether the use of the word "receptors" creates a loophole, if so, how can this be prevented/addressed. | |

| | | |
|--|--|---------------|
| | <p>“Handling”</p> <ul style="list-style-type: none"> - Whether doctors/pharmacist should be trained and certified to prescribe/administer Cannabis for medical use. - Should the Medical Board Act, Chap 29:50 be amended to capture this requirement or should same be included in subsidiary legislation? | CPC to advise |
| | <p>“Visitor”</p> <ul style="list-style-type: none"> - Defined but not used in the Bill | CPC to advise |
| | <p>The terms ‘nutraceuticals’ and ‘pharmaceuticals’ referred to in the definition of ‘medicinal, therapeutic or scientific purposes’ should be defined in the definition section of the Act.</p> | CPC to advise |
| | <p>3(2) What is meant by a “company, firm or other entity regulated by the Authority”?</p> | CPC to advise |

MINUTES OF THE THIRD MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 , (IN CAMERA) HELD ON THURSDAY DECEMBER 3, 2020 at 2:30 PM

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mr. Evans Welch | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|------------------------|---|--------|
| Mr. Stuart Young, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 2:35 p.m.

1.2 The Chairman indicated that Mr. Stuart Young, MP and Mr. Clarence Rambharat asked to be excused from the day's proceedings.

1.3 The Chairman also welcomed Mr. Ian Macintyre, SC, Chief Parliamentary Counsel (CPC) of the Legislative Drafting Department.

CONFIRMATION OF THE MINUTES OF THE SECOND MEETING HELD ON NOVEMBER 26, 2020

2.1 The Committee considered the Minutes of the second meeting held on Thursday November 26, 2020.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Terrence Deyalsingh, MP.

2.3 The Minutes of the second meeting was confirmed.

MATTERS ARISING

3.1 *Paragraph: 4.2:* The Chairman informed Members that the Matrix of stakeholder's comments was updated with the Chief Parliamentary Counsel's (CPC) comments and uploaded to the e-repository.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

4.1 There was a brief discussion during which some Members indicated that they were either unable to download the reference documents from the e-repository or had not yet reviewed them due to competing demands and heavy workloads.

4.2 There was agreement that additional time was needed for Members to review the following documents –

- (a) the Bill; and
- (b) the updated stakeholder's Matrix with comments from the CPC.

4.3 The Committee therefore postponed its resumption of the clause-by-clause examination of the Bill to the next meeting.

Next Meeting

5.1 The Committee agreed to next meet on **Tuesday December 15, 2020 at 10:00 a.m.** when it will resume with its clause-by-clause examination of the Bill, beginning at Part II.

ADJOURNMENT

6.1 The adjournment was taken at 2:56 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

December 3, 2020

MINUTES OF THE FOURTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 , (IN CAMERA) HELD ON TUESDAY JANUARY 12, 2021 at 10:00 AM.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Clarence Rhambharat | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mr. Evans Welch | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|--------------------------|---|--------|
| Mrs. Jayanti Lutchmedial | - | Member |
|--------------------------|---|--------|

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 10:11 a.m.

CONFIRMATION OF THE MINUTES OF THE THIRD MEETING HELD ON DECEMBER 3, 2020

2.1 The Committee considered the Minutes of the Third meeting held on Thursday December 3, 2020.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Terrence Deyalsingh, MP and seconded by Dr. Rai Ragbir, MP.

2.3 The Minutes of the Third meeting was confirmed.

MATTERS ARISING

3.1 **Paragraph: 3.1 Page 2:** The Chairman confirmed that Members had sufficient time to familiarise themselves with the Matrix of stakeholders' and CPC's comments.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

4.1 The Chairman welcomed Mr. Ian Macintyre, S.C., Chief Parliamentary Council.

4.2 The Committee commenced its examination of the Bill from Part II, Clause 4, together with the relevant pages of the [Matrix of Stakeholder's Comments](#).

4.3 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

OTHER BUSINESS

Next Meeting

5.1 The Committee agreed to next meet on **Tuesday January 19, 2021 at 10:00 a.m.** when it will resume its clause-by-clause examination of the Bill from Clause 15.

5.2 There was consensus that Tuesdays at 10:00 a.m. and Thursdays at 2:30 pm would be designated as the Committee's standing meeting dates and times until the end of March, 2021.

ADJOURNMENT

6.1 The adjournment was taken at 11:45 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

January 14, 2021

Cannabis Control Bill, 2020
Consideration of Matrix of Stakeholders' Comments
Clauses considered at 4th Meeting held 12Feb2021

| Clauses | Issues Identified | Decision |
|--|--|---|
| 4. Establishment of the Authority | None | None |
| 5. Functions of the Authority | None | None |
| 6. Establishment of the Board | There should be a minimum level of qualification in each category. | CPC to include a 5 year minimum qualification |
| 7. Resignation of Member of Board | An offence should be included in this clause for failure to declare an actual or contingent pecuniary interest | CPC to draft |
| 8. Revocation of appointment | 8(f) Concern with the use of " <i>indictable offence</i> " | CPC to draft alternative wording and present to Committee |
| 9. Appointment of Members to be published in the Gazette | None | None |
| 10. Immunity of members | Concern with use of the word "reckless" | Adoption of the decision of the last JSC on Cannabis Control i.e. " <i>a result of gross negligence</i> " |

| | | |
|---------------------------------------|--|---|
| 11. Meetings of the Board | Wrong cross-reference | Adoption of corrected cross-reference from the last JSC on Cannabis Control |
| 12. Quorum and decisions of the Board | None | None |
| 13. Appointment of Committees | None | None |
| 14. Disclosure of interest | Include the word “knowingly” in 14(b) in relation to contingent pecuniary interest | CPC to amend |
| 15. Chief Executive Officer | None | None |

MINUTES OF THE FIFTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020, (IN CAMERA) HELD ON TUESDAY JANUARY 19, 2021 at 10:00 AM.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|--------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Clarence Rhambharat | - | Member |
| Mr. Paul Richards | - | Member |
| Mr. Evans Welch | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

Secretariat

| | | |
|-----------------------------|---|---------------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant Mr. |
| Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|---------------------------------|---|--------|
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mrs. Renuka Sagramsingh-Sooklal | - | Member |

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 10:23 a.m.

CONFIRMATION OF THE MINUTES OF THE FOURTH MEETING HELD ON JANUARY 12, 2021

2.1 The Committee considered the Minutes of the Fourth meeting held on Tuesday January 12, 2021.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Rushton Paray, MP and seconded by Mr. Fitzgerald Hinds, MP.

2.3 The Minutes of the Fourth meeting was confirmed.

MATTERS ARISING

3.1 **Paragraph: 4.2 Page 2:** The Chairman informed Members that an updated Matrix with the CPC's comments was emailed to all Members on January 18, 2021 and also accessible via the Rotunda.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

4.1 The Committee commenced its examination of the Bill from Clause 15, together with the relevant pages of the [CPC Comments on Updated Matrix Cannabis Control Bill, 2020](#).

4.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

4.3 The Committee paused its deliberation at **Part IV, clause 29** "*Types of Licenses,*" page 26 of the Matrix.

OTHER BUSINESS

Next Meeting

5.1 The Committee agreed to next meet on **Thursday January 21, 2021 at 2:30 p.m.** when it will resume its clause-by-clause examination of the Bill from **Part IV, Clause 29** "*Types of Licenses*" at **page 26** of the CPC Comments on Updated Matrix Cannabis Control Bill 2020.

ADJOURNMENT

6.1 The adjournment was taken at 11:45 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

January 19, 2021

Cannabis Control Bill, 2020
Consideration of Matrix of Stakeholders' Comments
Clauses considered at 5th Meeting held 19 January 2021

| Clauses | Issues Identified | Decision |
|--|--|--|
| 15. Chief Executive Officer | 15(3) the limit should be 4 years instead of 3 years. | CPC to amend |
| 16. Staff of the Authority and experts | <ul style="list-style-type: none"> • 16(4) amendment should be made similar to the rewording in Clause 11 as relates to “<i>gross negligence</i>” • Concern over how to address conflict of interest at the level of employees | <p>CPC to amend</p> <p>CPC to review legislation from both local and other jurisdictions with respect to addressing the management conflict of interest as it relates to an employee.</p> |
| 17. Delegation of functions | None | None |
| 18. Confidentiality | <p>Concern expressed over protection of whistleblowers</p> <p>(5) Concern expressed over fine</p> | <p>Concern will be addressed by Whistle-Blower legislation</p> <p>Staff at the Ministry of the Attorney General and Legal Affairs to create a schedule of offences and penalties so that same can be reviewed in its entirety at the end of the clause-by-clause analysis.</p> |

| | | |
|--------------------------------|---|-----------------------------------|
| 19. Definitions | None | None |
| 20. Establishment of the Fund | None | None |
| 21. Application of the Fund | 21(e) “education” and “public awareness” should be included | CPC to review and draft amendment |
| 22. Estimates of Expenditure | None | None |
| 23. Financial year | None | None |
| 24. Accounts | 24(2) “ <i>as soon as possible..</i> ” does not seem realistic therefore a fixed timeframe should be set for laying of financial reports and statements in Parliament | CPC to advise |
| 25. Audit of accounts | None | None |
| 26. Power to borrow | None | None |
| 27. Exemption from taxes, etc. | None | None |
| 28. Annual report | None | None |

MINUTES OF THE SIXTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020, (IN CAMERA) HELD ON THURSDAY JANUARY 21, 2021 at 2:30PM.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Stuart Young, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Paul Richards | - | Member |
| Mr. Evans Welch | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|--------------------------|---|--------|
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 2:45 p.m.

CONFIRMATION OF THE MINUTES OF THE FIFTH MEETING HELD ON JANUARY 19, 2021

2.1 The Committee considered the Minutes of the Fifth meeting held on Tuesday January 19, 2021.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Rushton Paray, MP.

2.3 The Minutes of the Fifth meeting was confirmed.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

3.1 The Committee commenced its examination of the Bill from Part IV, clause 29 “*Types of Licenses*”, together with the relevant pages of the [CPC Comments on Updated Matrix Cannabis Control Bill, 2020](#).

3.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

3.3 The Committee paused its deliberation at **Part IV, clause 32** “*Notice of application to be published,*” **page 44 of the Matrix**.

OTHER BUSINESS

Next Meeting

4.1 The Committee agreed to next meet on **Tuesday January 26, 2021 at 10:00 a.m.** when it will resume its clause-by-clause examination of the Bill from **Part IV, clause 32** “*Notice of application to be published,*” **page 44 of the Matrix**.

ADJOURNMENT

5.1 The adjournment was taken at 4:28 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

January 21, 2021

Cannabis Control Bill, 2020

Consideration of Matrix of Stakeholders' Comments Clauses considered at 6th Meeting held 21 January 2021

| Clauses | Issues Identified | Decision |
|-------------------------------------|--|---|
| 29. Types of licences | (i) (ii) “ <i>Therapeutic</i> ” needs to be defined (iii) What is the difference between a “ <i>recommendation</i> ” and a “ <i>prescription</i> ”? (iv) What are requirements for a cultivator license? Positive requirement for cultivators to obtain non-objection or consultation from Town and Country/Municipal Corporations prior to beginning operations. (v) Sale of cannabis should be permitted under other licenses such as wholesale under the Cultivator License. | (i) No decision made. (ii) AG to provide for Members the difference between “ <i>recommendation</i> ” and “ <i>prescription</i> ” based on research into other jurisdictions. (iii) Regulations will define requirements for a cultivator license. (iv) Flagged for drafters at Ministry of AGLA to find a convenient section to include such language in the legislation. Also include requirement for a Certificate of Clearance to be attached to application. (v) CPC to review language to ensure that product can be commercialised. (vi) Review to be done of all laws impacted by the legislation. |
| 30. Eligibility for a licence | (i) Clause 30(2) should exclude persons whose convictions have been expunged under the DDA (ii) Clause 30(3) differing opinions on the 30% ownership | (i) (ii) Agreed. CPC to redraft. AG to look at percentage share used in other CARICOM jurisdictions and revert. |
| 31. Further information re. licence | (i) Clause 31 is too vague. | (i) CPC to review other licence precedents, refine the language and revert. |

MINUTES OF THE SEVENTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 , (IN CAMERA) HELD ON TUESDAY JANUARY 26, 2021 at 10:00AM.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|----------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Stuart Young, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Paul Richards | - | Member |
| Mr. Evans Welch | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mrs. Renuka Sagramsingh-Sooklall | - | Member |
| Mr. Clarence Rambharat | - | Member |

Secretariat

| | | |
|----------------------|---|-----------------------------|
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|--------------------------|---|--------|
| Mr. Fitzgerald Hinds, MP | - | Member |
|--------------------------|---|--------|

COMMENCEMENT

1.1 The meeting commenced at 10:08 a.m.

INTERIM CHAIRMAN FOR THE DAY¹

2.1 In the absence of the Chairman, the Assistant Secretary invited nominations for the election of a Chairman for the day (Interim) pending the arrival of the Chairman.

2.2 Mr. Stuart Young nominated Mr. Terrence Deyalsingh. The nomination was seconded by Dr. Rai Ragbir.

2.3 There being no further nominations, Mr. Terrence Deyalsingh was declared the Chairman for the day (Interim).

CONFIRMATION OF THE MINUTES OF THE SIXTH MEETING HELD ON JANUARY 21, 2021

3.1 The Committee considered the Minutes of the Sixth meeting held on Thursday January 21, 2021.

3.2 The motion for the confirmation of the Minutes was moved by Dr. Rai Ragbir and seconded by Mr. Paul Richards.

3.3 The Minutes of the Sixth meeting was confirmed.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

*11:00 a.m. The Chairman joined the meeting
The Chairman for the day vacated the Chair*

4.1 The Committee commenced its examination of the Bill from Part IV, clause 32 “*Notice of application to be published*”, together with the relevant pages of the [CPC Comments on Updated Matrix Cannabis Control Bill, 2020](#).

4.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

4.3 The Committee paused its deliberation at **Part V, clause 42** “*Use of Medicinal Cannabis*” **page 50 of the Matrix**.

OTHER BUSINESS

¹ Standing Order 112 (4)

Next Meeting

5.1 The Committee agreed to next meet on **Thursday January 28, 2021 at 2:30 p.m.** when it will resume its clause-by-clause examination of the Bill from **Part V, clause 42 “Use of Medicinal Cannabis” page 50 of the Matrix.**

5.2 The Chairman committed to provide the Committee with a working ‘marked-up’ draft Bill, which incorporates the amendments which emanated from the Committee’s deliberations.

ADJOURNMENT

6.1 The adjournment was taken at 11:47 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

January 26, 2021

Cannabis Control Bill, 2020
Consideration of Matrix of Stakeholders' Comments
Clauses considered at 7th Meeting held 26 January 2021

| Clauses | Issues Identified | Decision |
|---|--|---|
| 32. Notice of application to be published | (i) 32(1) Notice should also be published on an appropriate website. | (i) CPC to include |
| 33. Considerations for grant of a licence | None | None |
| 34. Notice of grant or refusal of licence | 34(5)(c) This may be very burdensome for the Authority. | AG to review legislation in CARICOM jurisdictions and revert. |
| 35. Terms and conditions on licence | (i) A definition for “ <i>private dwelling</i> ” should be included in the Interpretation section. (ii) 35(1) Consideration should be given to permitting the assignment of licenses in the context of business succession. | (i) CPC to include a definition taking into consideration the existing definition in the Rent Restriction Act and make it clear that licences will not be granted for private dwellings. (ii) To be considered |
| 36. Duration of licences | None | None |
| 37. Renewal of licences | (i) There should be established timeframes for required actions. (ii) There should be a register of licensees with a public and private element | (i) AG to look at existing legislation and recommend timeframes. (ii) AG to suggest format based on existing legislation including the Anti-Money Laundering and Combatting the Financing of Terrorism |

| | | |
|--|--|--------------------------------|
| | | (AML/CFT) Acts and Regulations |
|--|--|--------------------------------|

| | | |
|--|---|--|
| | (iii) 37(5) consideration should be given “ <i>twenty one days</i> ” instead of “ <i>fourteen days to submit written representations.</i> ” | |
| 38. Enforcement action | None | None |
| 39. Notice of Non-Compliance and corrective action by licensee | There should be timeframes set for required actions. | (i) CPC to look at comparative legislation in CARICOM countries to determine whether timeframes are included and advise the committee. (ii) Environmental Management Act and the Town and Country Planning Division Act may be referenced for wording |
| 40. Effect of suspension or revocation | None | None |
| 41. Surrender of licence | The public should be notified when a licence is revoked or surrendered. | CPC to include. |

MINUTES OF THE EIGHTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 , (IN CAMERA) HELD ON THURSDAY JANUARY 28, 2021 at 2:30 PM.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Paul Richards | - | Member |
| Mr. Evans Welch | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mrs. Renuka Sagramsingh-Sooklal | - | Member |

Secretariat

| | | |
|----------------------|---|-----------------------------|
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|------------------------|---|--------|
| Mr. Rushton Paray, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |

COMMENCEMENT

1.1 The meeting commenced at 2:38 p.m.

ELECTION OF CHAIRMAN FOR THE DAY (INTERIM)

2.1 In the absence of the Chairman, the Assistant Secretary invited nominations for the election of a Chairman for the day (Interim) pending the arrival of the Chairman.

2.2 Dr. Rai Ragbir nominated Mr. Terrence Deyalsingh. The nomination was seconded by Mr. Paul Richards.

2.3 There being no further nominations, Mr. Terrence Deyalsingh was declared the Chairman for the day (Interim).

ABSENCE/EXCUSES

3.1 The Chairman advised that the following members asked to be excused:

- i. Mr. Rushton Paray, MP;
- ii. Mr. Stuart Young, MP; and
- iii. Mr. Clarence Rambharat.

CONFIRMATION OF THE MINUTES OF THE SEVENTH MEETING HELD ON JANUARY 26, 2021

4.1 The Committee considered the Minutes of the Seventh meeting held on Tuesday January 26, 2021.

4.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Fitzgerald Hinds.

4.3 The Minutes of the Seventh meeting was confirmed.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

5.1 The Committee commenced its examination of the Bill from Part V: Medicinal Cannabis, clause 42 “*Use of Medicinal Cannabis*”, together with the relevant pages of the [CPC Comments on Updated Matrix Cannabis Control Bill, 2020](#).

*[3:29 p.m. The Chairman joined the meeting
The Chairman for the day vacated the Chair]*

5.2 Due to the concerns expressed by Members during deliberations on clause 42, the decision was made to defer further consideration of this clause at this time and request opinions on Part V: Medicinal Cannabis, clauses 42 - 46 from the following entities:

- i. The Ministry of Health-Chief Medical Officer;
- ii. The Pharmacy Board of Trinidad and Tobago;
- iii. Association of Psychiatrists of Trinidad and Tobago; and
- iv. Pediatrics Society of Trinidad and Tobago (PSTT).

5.3 The Secretariat was instructed to request submissions in writing, to be received by February 5, 2021, where practicable.

5.4 The Chairman undertook to provide to the Committee a comparative matrix of provisions from Cannabis Control legislation from Barbados, St. Vincent and the Grenadines, Jamaica and Michigan, USA, related to Medical Cannabis and Cannabis for Religious Purposes. He indicated that this Matrix would be ready in time for the next meeting of the Committee.

OTHER BUSINESS

Next Meeting

6.1 The Committee agreed to next meet on **Tuesday February 2, 2021 at 10:00 a.m.** when it will resume its clause-by-clause examination of the Bill from **Part VII: Registers, clause 51** "*Definition of "register"* **page 71 of the Matrix.**

ADJOURNMENT

7.1 The adjournment was taken at 3:57 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

January 28, 2021

MINUTES OF THE NINTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 , (IN CAMERA) HELD ON THURSDAY FEBRUARY 11, 2021 at 2:30 PM

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mr. Evans Welch | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|-----------------------------|---|--------|
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 2:56 p.m.

1.2 The Chairman indicated that Mr. Terrence Deyalsingh, MP asked to be excused from the day's proceedings.

1.3 The Chairman also welcomed Ms. Nalini Salick, Deputy Chief Parliamentary Counsel (Ag.), of the Legislative Drafting Department.

CONFIRMATION OF THE MINUTES OF THE EIGHT MEETING HELD ON JANUARY 28, 2021

2.1 The Committee considered the Minutes of the eighth meeting held on Thursday January 28, 2021.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Dr. Rai Ragbir, MP.

2.3 The Minutes of the eighth meeting was confirmed.

MATTERS ARISING

3.1 *Paragraph: 5.2 & 5.3:* The Chairman informed Members that requests for comments on Part V of the Bill were sent to the following entities:

- i. The Ministry of Health-Chief Medical Officer;
- ii. The Pharmacy Board of Trinidad and Tobago;
- iii. Association of Psychiatrists of Trinidad and Tobago;
and
- iv. Paediatrics Society of Trinidad and Tobago.

3.2 At the time of the meeting, written submissions were received and circulated to Members from Dr. Virendra R. S. Singh of the Paediatrics Society of Trinidad and Tobago and the Chief Medical Officer.

3.3 *Paragraph: 5.4:* The Chairman informed Members that a comparative matrix of provisions from various jurisdictions including the United States of America, related to Medical Cannabis and Cannabis for Religious Purposes was submitted by the Attorney General and circulated to Members.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

4.1 There was a brief discussion during which Members indicated that due to the late receipt of submissions, there was insufficient time for a comprehensive review of the contents.

4.2 There was agreement that additional time was needed for Members to review all documents.

4.3 The Committee therefore postponed its deliberations to the next meeting.

Next Meeting

5.1 The Committee agreed to next meet on **Tuesday February 16, 2021 at 11:00 a.m.** when it will resume its deliberations.

ADJOURNMENT

6.1 The adjournment was taken at 3:09 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 11, 2021

MINUTES OF THE TENTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020, (IN CAMERA) HELD ON TUESDAY FEBRUARY 16, 2021 at 11:00 A.M.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|--------------------------|---|--------|
| Mr. Stuart Young, MP | - | Member |
| Mr. Evans Welch | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

COMMENCEMENT

1.1 The meeting was called to order by the Chairman at 11:06 a.m.

1.2 The Chairman indicated that Mr. Stuart Young, MP asked to be excused from the day's proceedings.

CONFIRMATION OF THE MINUTES OF THE NINTH MEETING HELD ON FEBRUARY 11, 2021

- 2.1 The Committee considered the Minutes of the ninth meeting held on February 11, 2021.
- 2.2 The motion for the confirmation of the Minutes was moved by Dr. Rai Ragbir, MP and seconded by Mr. Rushton Paray, MP.
- 2.3 The Minutes of the ninth meeting was confirmed.

MATTERS ARISING

- 3.1 **Paragraph: 3.1:** Comments from the following entities on Part V of the Bill (Medical Cannabis) remained outstanding:
 - i. The Pharmacy Board of Trinidad and Tobago; and
 - ii. Association of Psychiatrists of Trinidad and Tobago.

Reminders were sent to the above entities on Friday February 12, 2021. However, the Secretariat was directed to issue an urgent reminder to the Pharmacy Board of Trinidad and Tobago.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

- 4.1 The Committee considered Part V: Medicinal Cannabis, together with the relevant pages of the [CPC Comments on Updated Matrix Cannabis Control Bill, 2020](#).
- 4.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.
- 4.3 The Committee suspended its deliberation at **Part VII, Registers, clause 51** "*Definition of "register"* **page 71 of the Matrix**.
- 4.4 The Chairman undertook to commence work on a marked up version of the Bill for Members' consideration.

Next Meeting

- 5.1 The Committee agreed to next meet on **Tuesday February 23, 2021 at 10:00 a.m.** when it will resume its deliberations from **Part VII, Registers, clause 51** "*Definition of "register"* **page 71 of the Matrix**.

ADJOURNMENT

- 6.1 The adjournment was taken at 1:05 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 16, 2021

Cannabis Control Bill, 2020
Consideration of Matrix of Stakeholders' Comments
Clauses considered at 10th Meeting held 16 February, 2021

| Clauses | Issues Identified | Decision |
|--|---|----------------|
| 42. Use of medicinal cannabis | Offences should be both indictable and summary. | CPC to include |
| 43. Dose limitation | None | None |
| 44. Keeping of records | None | None |
| 45. Caregivers | None | None |
| 46. Dispensing of medicinal cannabis | None | None |
| 47. Prohibition of commercial use of cannabis for religious purposes | None | None |
| 48. Sacramental dispensaries | None | None |

| | | |
|--|--|--------------|
| 49. Declaration of exempt event | None | None |
| 50. Prohibition of use of cannabis by children | Include wording that prohibits dispensation of cannabis to children. | CPC to draft |

**MINUTES OF THE ELEVENTH MEETING OF THE JOINT
SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020,
(IN CAMERA) HELD ON THURSDAY FEBRUARY 25, 2021 at
2:30 P.M.**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|-----------------------------|---|--------|
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mr. Evans Welch | - | Member |

COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 2:45 p.m.
- 1.2 The Chairman advised that the following members asked to be excused:
 - i. Mr. Rushton Paray, MP; and
 - ii. Ms. Paula Gopee-Scoon.

CONFIRMATION OF THE MINUTES OF THE TENTH MEETING HELD ON FEBRUARY 16, 2021

- 2.1 The Committee considered the Minutes of the tenth meeting held on February 16, 2021.
- 2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Dr. Rai Ragbir, MP.
- 2.3 The Minutes of the tenth meeting was confirmed.

MATTERS ARISING

- 3.1 *Paragraph: 3.1:* An urgent reminder was communicated to the Pharmacy Board of Trinidad and Tobago.
- 3.2 The submission from the Association of Psychiatrists of Trinidad and Tobago was circulated on February 25, 2021 via email and uploaded to the Rotunda.

CONSIDERATION OF THE CANNABIS CONTROL BILL, 2020

- 4.1 The Committee resumed its consideration of the Bill from Part VII, Registers, clause 51 "Definition of "register", together with the relevant pages of the [CPC Comments on Updated Matrix Cannabis Control Bill, 2020](#).
- 4.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.
- 4.3 At this meeting the Committee completed its consideration of the Bill.
- 4.4 The Chairman undertook to commence work on a marked-up version of the Bill and requested a two-week deadline to submit this document for Members' consideration.

OTHER MATTERS

- 5.1 The Committee agreed that while the marked-up version of the Bill is being prepared, stakeholders from the following CARICOM jurisdictions would be engaged, to gain an appreciation for lessons learned during the development and implementation of their Cannabis Control legislation:
 - i. Barbados;
 - ii. Jamaica;
 - iii. St. Vincent and the Grenadines; and
 - iv. Antigua and Barbuda
- 5.2 The Secretariat was therefore instructed to:

- i. Request comments from the relevant Cannabis Licensing Authorities of the listed jurisdictions; and
- ii. Arrange an appropriate date and time for the authorities to meet virtually with the Committee.

Next Meeting

5.3 The Committee agreed that its next meeting would be determined subject to the availability of the Cannabis Licensing Authorities.

ADJOURNMENT

6.1 The adjournment was taken at 4:32 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 25, 2021

Cannabis Control Bill, 2020
Consideration of Matrix of Stakeholders' Comments
Clauses considered at 11th Meeting held 25 February, 2021

| Clauses | Issues Identified | Decision |
|--|---|--|
| 51. Definition of "register" | None | None |
| 52. Requirement to keep registers of licences | None | None |
| 53. Contents of registers | None | None |
| 54. Duty to maintain register | Consider whether administrative sanctions should be included in the Bill. | To revert. |
| 55. Additions to, removals from and restoration of name to Register | 55 (a), (b) and (c) there is no reference to suspension of a licence. | CPC to look at the following: <input type="checkbox"/> Restoration in case of suspension; <input type="checkbox"/> Variation of licenses; and <input type="checkbox"/> Transfers. |
| 56. Certificate of Chief Executive Officer as to register to be evidence | When does the CEO issue a certificate? Does the licensee retain a copy of such? | CPC to draft amendments to provide for the following: <ul style="list-style-type: none"> • Issuance of certificate at moment of approval; and • Requirement to demonstrate certification, similar to VAT |

| | | |
|--|--|---|
| 57. Access to register | i. Clause 57 can be clarified by inserting the words ' <i>to the public</i> ' after the word accessible. | i. CPC to insert |
| | ii. A nominal fee should be charged | ii. CPC to advise |
| 58. Offence to alter register without lawful authority | To be addressed in Matrix of Penalties | To be addressed in Matrix of Penalties |
| 59. Inspection programme | 59(2) Should minimum qualifications be defined in the legislation? | CPC to review legislation from other CARICOM jurisdictions to determine whether qualifications are prescribed in the parent law. |
| 60. Conduct of inspections | None | None |
| 61. Appointment of inspectors | i. 61(1) Land or vehicle does not cover all "premises" e.g. ships ii. 61(3) Is this standard? | i. ii. CPC to reference what is listed on a typical warrant and amend. CPC to look at other legislation to determine whether this is standard. |
| 62. Production of certificate of appointment | i. ii. Land or vehicle does not cover all "premises" e.g. ships Clause 61(6) deals with the issuance of certificate of appointment not Clause 62(1). | i. ii. CPC to reference what is listed on a typical warrant and amend. CPC to correct cross-reference |
| 63. Powers of inspectors | i. ii. 63(1)(a) The word " <i>normal</i> " should be removed from " <i>normal working hours</i> " 63(1)(e) and (f) Do these provisions create a possibility of abuse? | i. ii. CPC to amend in this and all other instances in the Bill. To revert. |

| | | |
|-----------------------|--|--|
| 64. Warrants | None | None |
| 65. Civil penalties | Consider whether administrative sanctions should be included. | CPC to review other legislation to determine whether administrative fines are suitable and if so, how they should be administered. |
| 66. General Penalties | i. This should be double checked against the amendment to the Interpretation Act. ii. Should a person who is convicted of an offence have his/her license revoked? | i. Will be addressed in the Matrix of Offences ii. CPC to advise |
| 67. Appeals | The Environmental Commission is not the appropriate body for appeal. Matters should be heard in the High Court | CPC to amend. |
| 68. Regulations | Regulations governing this legislation should be subject to affirmative resolution | CPC to amend |

MINUTES OF THE TWELFTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020, (IN CAMERA) HELD ON TUESDAY MARCH 16, 2021 AT 9:34 AM

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|-----------------------------|---|--------|
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mr. Paul Richards | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

Secretariat

| | | |
|-----------------------------|---|---------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Stuart Young, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Mrs. Renuka Sagramsingh-Sooklal | - | Member |
| Mr. Evans Welch | - | Member |

ELECTION OF CHAIRMAN FOR THE DAY¹

1.1 At 9:34 am, the Secretary invited nominations for the election of a Chairman for the day given that the chairman indicated that his arrival will be declared.

1.2 Mr. Fitzgerald Hinds, MP nominated Mr. Terrence Deyalsingh, MP. The nomination was seconded by Ms. Paula Gopee-Scoon.

¹ Standing Order 112 (4)

1.3 There being no further nominations, Mr. Terrence Deyalsingh, MP was declared the Chairman for the day.

LEAVE OF ABSENCE/EXCUSES

2.1 The Chairman advised that the following members asked to be excused:

- i. Mr. Faris Al Rawi, MP;
- ii. Mr. Stuart Young, MP;
- iii. Mr. Rushton Paray, MP; iv. Mrs. Renuka Sagramsingh-Sooklal; and
- v. Mr. Evans Welch.

CONFIRMATION OF THE MINUTES OF THE ELEVENTH MEETING HELD ON FEBRUARY 25, 2021

3.1 The Committee considered the Minutes of the eleventh meeting held on February 25, 2021.

3.2 The motion for the confirmation of the Minutes was moved by Dr. Rai Ragbir, MP and seconded by Mrs. Jayanti Lutchmedial.

3.3 The Minutes of the eleventh meeting was confirmed.

MATTERS ARISING

4.1 *Paragraph: 5.1*: Members were reminded of the decision to meet with officials of Cannabis Licensing Authorities from the CARICOM region: **Jamaica, Barbados and Antigua and Barbuda**. Members were informed that confirmation of attendance was not received from the Authority in the St. Vincent and the Grenadines.

OTHER BUSINESS

5.1 The Committee agreed to next meet on **Tuesday March 23, 2021 at 10:00 a.m.**

VIRTUAL ROUND TABLE DISCUSSIONS WITH CANNABIS LICENSING AUTHORITITES OF THE REGION

6.1 Introductions were exchanged and the purpose of the discussion outlined.

6.2 The key issues discussed are outlined in the **Appendix** to these Minutes.

6.3 At the end of the discussions, votes of thanks were expressed to each regional delegation in attendance by:

- Mr. Fitzgerald Hinds - Jamaica;
- Mr. Paul Richards - Barbados; and
- Mr. Rushton Paray- Antigua and Barbuda.

ADJOURNMENT

7.1 The adjournment was taken at 12:10 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

March 04, 2021

APPENDIX II

Summary of Key Issues Roundtable Discussions with Cannabis Authorities from the CARICOM Region

Tuesday March 16 2021 at 9:30 a.m.

Eligibility for a licence

Antigua/Barbuda

1. Must be at least 21 years of age.
2. Must be legal resident or holder of Antigua and Barbuda passport.

Barbados

3. Medicinal use only.
4. Licences are non-renewable after 5yrs and require licensee to reapply at least 3 months before expiration of license.
5. Barbados' aim is to become a centre for research and development. **Jamaica**
6. In agreement with eligibility criteria used by Trinidad and Tobago.
7. Trinidad and Tobago should consider whether additional, specific requirements are to be defined in subsequent regulations.

Licence that permit sale and export

Antigua/Barbuda

8. All owners of any Limited Liability Company must be listed on application form.
9. Individual must be able to provide proof of finance.

Barbados

10. 70 international /30 local ownership required for international companies. **Jamaica**
11. 51% is minimum for Jamaicans to have ownership and control in international partnerships.
12. Will there be different regulations to address import and export?

Conditions for granting licences

Antigua/Barbuda

13. Once terms and conditions of regulations met a licence will be granted.
14. Licences exist for businesses and individuals.
15. Recommendations apply to cannabis for sacramental purposes but all medicinal cannabis must be prescribed.

Barbados

16. Prescription by a doctor is the only way to access cannabis.
17. Doctors have to confirm that patient is not addicted to a drug.
18. Doctor is responsible for identifying condition that requires prescription. **Jamaica**
19. “Fit and proper” are the criteria considered especially when renewing Cultivation Licences.
20. Trinidad and Tobago should consider whether additional, specific requirements are to be defined in subsequent regulations and the Dangerous Drugs Act.
21. Extend the time for inspections to allow better monitoring of compliance and to mitigate against diversion or inversion.
22. What is the purpose of specifying transport licence for religious purposes?

Mechanisms for redress in relation to denied applications

Antigua/Barbuda

23. Tribunal as first step.
24. Judge as second step.

Jamaica

25. Consider removing clause 34(2) as it will make the appeals process redundant.
26. Establish an appeals tribunal after the denial.

Mechanisms for treating with conflicts of interests among members of the Board of the Authority

Antigua/Barbuda

27. If Director is a related party, interest must be declared and must recuse. **Jamaica**
28. Consider including Directors in clause 3(2).
29. Jamaica has used provisions from their Corporate Governance Framework and Public Bodies Management Accountability Act as a guide for mechanisms to treat with conflicts of interest.

The system/arrangements for prescribing medicinal Cannabis, particular to minors

Antigua/Barbuda

30. Minors must have prescription and assigned caregiver who is issued the permit to obtain cannabis for the minor.

Jamaica

31. Only prescription of Cannabidiol (CDB) and not tetrahydrocannabinol (THC) should apply to minors.
32. Distinction should be made in law between the two. Adopt the definition from the Single Convention on Narcotic Drugs.
33. Include that caregivers should be of sound mind.

The penalties for offences

Jamaica

34. Consider reducing the term of imprisonment for caregivers and those using medicinal cannabis without a prescription or recommendation.

Whether Cannabis is a “gateway drug” to “harder” drugs

Antigua/Barbuda

35. Insufficient research done however it can be abused like any other substance.

Barbados

36. There are other drugs currently being prescribed that are more dangerous than medicinal cannabis therefore, within the correct framework, the threat is no greater.

Mechanisms for quality control

Antigua/Barbuda

37. All licences are currently provisional so operations have not started.

38. However, provisions are being instituted to ensure quality control. Barbados

39. Strong requirements for “seed to sale” tracking.

40. Very strong rules concerning quality and customs standards developed by National Standards

Institute.

41. Every licensee must have quality testing before trading.

Training for Doctors and Nurses

Antigua/Barbuda

42. Training currently done online and very reliant on Jamaican resources. Barbados

43. Working with UWI in order to provide training to medical personnel.

44. As industry being developed, a lot of stakeholder engagement through a technical working group of medical practitioners.

Developing an inclusive system

Barbados

45. Careful thought given to how to include the “ordinary” resident or citizen who may desire access to a licence/permit.

46. Patients are not required to register to access medicinal Cannabis.

47. The Act does not specify the types of ailments for which Cannabis can be prescribed.

Jamaica

48. Tiers have been developed in the licensing regime to facilitate the development of small farmers who may come together as cooperatives or friendly societies to achieve economies of scale in production.

49. For those farmers who prefer to operate solely, there are provisions in the regulations for deferment of licence fees or their security bond; waiver of fees and payment plans.
50. Additionally, in order to facilitate the transition to operations that meet all of the requirements to be licensed, cultivators have access to a “cultivator’s transitional special permit” which allows 30 months within which to graduate.

Religious use of Cannabis

Jamaica

51. Falls under the remit of the Ministry of Justice so that it is separated from Medicinal use of Cannabis.

General Comments

Jamaica

52. **Clause 15:** consideration should be given to expanding the qualification and experience of CEO to include Agriculture and Science as an asset.
53. **Clause 32:** reconsider the process of publishing notice in the newspaper and *Gazette* and affording people the opportunity to object in light of:
- The sensitivity of the industry;
 - The possibility of lengthening the application process; and
 - May create more expense for the Authority.
- Consider adopting an in-house mechanism for due diligence and vetting.
54. **Clause 35:** limit the scope of entry. Recommended that Authority should be able to enter at any reasonable time, day or night.
- Empower enforcement officer to arrest, search and seize without a warrant.
55. **Clause 36:** consider the “single instance transport licence” being referred to as a permit.
56. **Part IV Clause 47:** Jamaica has a separate Ministry that deals with sacramental use. However:
- Does this licence preclude the religious persons from holding other licences for instance for trade?
 - Consider the practicality of not permitting commercial use of cannabis for religious purposes. Is prohibiting commercial gain an infringement on religious rights?
57. **Clause 48:** what mechanisms will be used to track cannabis for sacramental dispensaries?
- What is the process for acquiring cannabis for sacramental dispensaries in light of commercial prohibition? How will operations be funded?
 - Are individual households allowed to grow cannabis?
58. **Clause 50:** what about consumption of cannabis in places outside of those listed in the Act?
- Consider implications that may arise as act makes provision for medical use of cannabis by children while prohibiting the religious use of cannabis.
59. **Clause 51:** suggestion to reduce the days for inspectors to provide a report, as they would be important in informing the Authority’s decisions/
60. Clause 3: recommendation that the following be defined:
- Religious purposes;
 - THC; and
 - CBD.
61. Consider having a clause on how cannabis should be marketed by licensees e.g. not marketing to children and measures depicting medical and not recreational use.
62. What is Trinidad and Tobago’s position concerning edibles?
63. How will Trinidad and Tobago address the correspondent banking issues be treated with in the global financial sector, given that cannabis is still considered illegal?

64. General apprehension by Health Insurance Providers to include cannabis meds in coverage. This is connected to the challenges with banking.

Committees Unit

March 19 2021

**MINUTES OF THE THIRTEENTH MEETING OF THE JOINT
SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020, (IN
CAMERA) HELD ON TUESDAY MARCH 23, 2021 at 10:05 A.M.**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|--------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

Chief Parliamentary Counsel Representative

| | | |
|---------------------------|---|--|
| Mrs. Nalini Persad Salick | - | Deputy Chief Parliamentary Counsel (Ag.) |
|---------------------------|---|--|

EXCUSED/ABSENT

| | | |
|---------------------------------|---|--------|
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Evans Welch | - | Member |

COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 10:05 a.m.
- 1.2 The Chairman advised that the following members asked to be excused:
 - i. Mr. Terrence Deyalsingh, MP; and
 - ii. Mr. Clarence Rambharat.

CONFIRMATION OF THE MINUTES OF THE TWELFTH MEETING HELD ON MARCH 16, 2021

- 2.1 The Committee considered the Minutes of the twelfth meeting held on March 16, 2021.
- 2.2 The motion for the confirmation of the Minutes was moved by Dr. Rai Ragbir, MP and seconded by Mrs. Jayanti Lutchmedial.
- 2.3 The Minutes of the twelfth meeting was confirmed.

MATTERS ARISING

- 3.1 **Paragraph: 6.3:** The Chairman informed the Committee that letters were sent to the three Cannabis Licensing Authorities of the region expressing the Committee's appreciation for their participation in the discussions.

DEBRIEFING: VIRTUAL ROUND TABLE DISCUSSIONS WITH CANNABIS LICENSING AUTHORITIES OF THE REGION

- 4.1 The Committee discussed the key lessons learned from interactions with the representatives of the regional bodies, guided by the Summary of Key Issues discussed at that meeting. (Appended to Minutes of 12th Meeting).
- 4.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.
- 4.3 The Chairman undertook to prepare the marked-up version of the Bill for the Committee's next meeting.

OTHER MATTERS

Next Meeting

- 5.1 The Committee agreed that its next meeting would be Tuesday April 6, 2021 at 10:00 a.m.

ADJOURNMENT

- 6.1 The adjournment was taken at 11:14 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

March 23, 2021

Cannabis Control Bill, 2020

Key Issues re Debriefing: Virtual Round Table Discussions with Cannabis Licensing Authorities of the Region at 13th Meeting held 23 March, 2021

| Observations/Issues Identified | Decision |
|--|--|
| 1. Development of a training plan to support implementation of legislation. | This will be a recommendation contained in the Committee's Report |
| 2. Examination and entry onto premises by Inspectors should be compared to legislation from other jurisdictions to determine whether any adjustment is necessary. Particular reference made to the Jamaican legislation. | <p>The theory behind the Trinidad and Tobago legislation is that there is agreement beforehand to allow inspection under the terms and conditions of a license.</p> <p>Adjustments will be made to the language of the Bill to accommodate the need for 24hr access to property.</p> |
| 3. The suggestion of an appeals tribunal | This can be drafted as an option however the Committee needs to decide whether this is an appropriate step. |
| 4. The Barbados stipulation that after 5 yrs licensee must reapply for a license was noted. | None |
| 5. The potential of having Cannabis lounges. | These will be considered as an option for segregating users from non-users in a public space. |
| 6. The institution of separate authorities to oversee Cannabis for Religious use versus Cannabis for Medicinal use may accommodate better supervision. | Having a single authority will ensure that we build a unified resource with the requisite capacity, knowledge and capability. |

| | |
|--|---|
| <p>7. The potential of abuse of the Cannabis legislation under the Religious licenses.</p> | <p>Broad stakeholder involvement in development of regulations will be required to resolve possible lacunae in the law.</p> |
| <p>8. What systems are in place to ensure that there is medical supervision of cannabis use under the religious license? How is it determined that users are “fit” to use cannabis?</p> | <p>Such a stipulation can be captured by subsidiary legislation.</p> |
| <p>9. There will be need for a comprehensive public awareness/education campaign once the Bill is passed to ensure that citizens understand the stipulations for compliance with the legislation.</p> | <p>Agreed. Operationalisation of this law will be similar to the Public Procurement law.</p> |
| <p>10. How will operations under religious license be funded? Will donations/tithes and offerings be used to monetise operations?</p> <p>11. How will transactions be accounted for under the legislations?</p> <p>12. There is the opportunity for organised crime to use religious organisations to launder money and monetise operations.</p> | <p>The requirement to register under Non-Profit Organization legislation and powers of the Cannabis Authority, as specified in the regulations, will address some of these issues.</p> <p>CPC to include an additional safeguard for Cannabis for Religious purposes by requiring medical clearance for use of cannabis in Sections 47 and 48 of the Bill.</p> |

**MINUTES OF THE RESCHEDULED FOURTEENTH MEETING OF THE
JOINT SELECT COMMITTEE ON THE CANNABIS
CONTROL BILL, 2020, (IN CAMERA) HELD ON TUESDAY APRIL
27, 2021 at 10:22 A.M.**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |
| Mr. Jean Marc Morris | - | Legal Officer I |

EXCUSED/ABSENT

| | | |
|-----------------|---|--------|
| Mr. Evans Welch | - | Member |
|-----------------|---|--------|

COMMENCEMENT

1.1 The Chairman called the meeting to order at 10:22 a.m.

1.2 The Chairman indicated that Mr. Evans Welch asked to be excused from the day's proceedings.

CONFIRMATION OF THE MINUTES OF THE THIRTEENTH MEETING HELD ON MARCH 23, 2021

- 2.1 The Committee considered the Minutes of the thirteenth meeting held on March 23, 2021.
- 2.2 The motion for the confirmation of the Minutes was moved by Dr. Rai Ragbir, MP and seconded by Mr. Rushton Paray, MP.
- 2.3 The Minutes of the thirteenth meeting was confirmed.

MATTERS ARISING

- 3.1 ***Paragraph: 4.3:*** The Chairman informed Members that the following documents, received from the Chief Parliamentary Counsel on April 03, 2021, were circulated and uploaded to Rotunda on April 05, 2021.
 - a) Cannabis Control Bill, 2020 - Schedule of Offences;
 - b) Consolidated matrix with CPC comments; and
 - c) A marked up version of the Bill.

CONSIDERATION OF MARKED UP VERSION OF THE CANNABIS CONTROL BILL, 2020

- 4.1 The Committee considered the draft amendments made to the Bill.
- 4.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.
- 4.3 The Committee suspended its considerations at **Part IV, MEDICINAL CANNABIS, clause 42 “Use of medicinal cannabis” page 26 of the marked up version of the Cannabis Control Bill, 2020.**

Next Meeting

- 5.1 The Committee agreed to next meet on **Tuesday May 04, 2021 at 10:00 a.m.** when it will resume consideration of the draft amendments to the Bill from **Part IV, MEDICINAL CANNABIS, clause 42 “Use of medicinal cannabis” page 26 of the marked up version of the Cannabis Control Bill, 2020.**

ADJOURNMENT

- 6.1 The adjournment was taken at 11:49 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

April 27, 2021

Cannabis Control Bill, 2020
Consideration of Marked up version of the Cannabis Control Bill, 2020.
Clauses considered at the rescheduled 14th Meeting held 27 April, 2021

| Clauses | Issues Identified | Decision |
|-----------------------------------|---|---|
| 3. Interpretation | None (<i>Committee agreed to pause its deliberations on this clause and revert</i>) | None |
| 6. Establishment of the Board | None | None |
| 7. Resignation of Member of Board | 7(3) The use of the word “forthwith” in the context of “contingent pecuniary interest” may create a challenge if the Member of the Board is not immediately aware of his/her pecuniary interest. 7(4) Include as a hybrid offence. | CPC to amend language CPC to amend |
| 8 Revocation of appointment (f) | None | None |
| 10 Immunity of members (1) | None | None |
| 14 Disclosure of interest | 14(1) None 14 (2) amend to read “A Member who knowingly fails to comply with subsection (1) or makes a false declaration...” | None CPC to amend |

| | | |
|--|------------------------------------|--------------|
| | 14(2) Include as a hybrid offence. | CPC to amend |
|--|------------------------------------|--------------|

| | | |
|---|--|---------------|
| 15 Chief Executive Officer (3) | None | None |
| 16 Staff of the Authority and experts (4) | None | None |
| 20. Establishment of the Fund (2) (c) | Need to ensure that the language captures all modern forms of borrowing for eg Securities. | CPC to advise |
| 21 Application of Fund (e) | None | None |
| 24 Accounts (2) | None | None |
| 26 Power to borrow | Need to ensure that the language captures all modern forms of borrowing inclusive of securities | CPC to advise |
| 29 Types of licences | 29 (a) Return to “or” instead of “and” so that license may be issued for only 1 or 2 activities. | CPC to amend |
| | 29(d) None | None |

| | | |
|--|---|---|
| 30 Eligibility for a licence | 30 (1) (b) Ensure that the term “firm” captures all iterations of a business. 30(2) None 30(3) None 30(7) None | CPC to advise None None None |
| 31 Further information re. licence | CPC to reverse deletion and replace with wording similar to that used in Section 56 of The Securities Act 2012. | CPC to amend |
| 32 Notice of application to be published | None | None |
| 33 Considerations for grant of a licence | Is there a requirement for the Authority to respond to objections? | May be addressed in the Regulations to the Act. |
| 34 Notice of grant or refusal of licence | None | None |
| 35 Terms and conditions on licence | None | None |
| 37 Renewal of licences | None | None |
| 38 Enforcement action | None | None |

| | | |
|--|------|------|
| 39 Notice of NonCompliance and corrective action by licensee | None | None |
| 41 Surrender of licence | None | None |

MINUTES OF THE FIFTEENTH MEETING OF THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020, (IN CAMERA) HELD ON TUESDAY MAY 04, 2021 at 10:16 A.M.

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagramsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

Secretariat

| | | |
|-----------------------------|---|-----------------------------|
| Mrs. Jacqui Sampson-Meiguel | - | Secretary |
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |

EXCUSED/ABSENT

| | | |
|--------------------------|---|--------|
| Mr. Evans Welch | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Fitzgerald Hinds, MP | - | Member |

1. At 10:16 a.m., Mr. Stuart Young advised that the Chairman would log on imminently. There was agreement that, pending the arrival of the Chairman, the Committee should review the minutes.

CONFIRMATION OF THE MINUTES OF THE FOURTEENTH MEETING HELD ON APRIL 27, 2021

2.1 The Committee considered the Minutes of the fourteenth meeting held on April 27, 2021.

The Chairman joined the meeting

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Rushton Paray, MP.

2.3 The Minutes of the fourteenth meeting was confirmed.

CONSIDERATION OF MARKED UP VERSION OF THE CANNABIS CONTROL BILL, 2020

3.1 The Committee agreed that in the absence of Dr. Rai Ragbir, **Part V, MEDICINAL CANNABIS** would be deferred until the next meeting and therefore resumed its deliberations from **Part VI, CANNABIS FOR RELIGIOUS PURPOSES**.

3.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

Next Meeting

4. The Committee agreed to next meet on **Tuesday May 18, 2021 at 10:00 a.m.**, when it will consider the draft amendments to the Bill at **Part V, MEDICINAL CANNABIS, pages 26 to 28 of the marked up version of the Cannabis Control Bill, 2020**.

ADJOURNMENT

5. The adjournment was taken at 11:46 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

May 04, 2021

Cannabis Control Bill, 2020
Consideration of Marked up version of the Cannabis Control Bill, 2020.

Clauses considered at the 15th Meeting held 04 May, 2021

| Clauses | Issues Identified | Decision |
|--|--|---|
| Part VI CANNABIS FOR RELIGIOUS PURPOSES | General concerns were expressed over the religious use of cannabis. | Concerns may be addressed in the Regulations to the legislation |
| 47. Prohibition of commercial use of cannabis for religious purposes | “Controller” to be defined in section 3. The definition in the NPO legislation to be used. | CPC to amend |
| 48. Sacramental dispensaries | 30gms may be excessive | This is the amount decriminalised under the Dangerous Drugs Act |
| 49. Declaration of exempt event | None | None |
| 50. Prohibition of use of cannabis by children | None | None |
| 52. Requirement to keep registers of licences | None | None |
| 54 – 58 | 54 (1) delete the word “current” and replace with “accurate.” | CPC to amend |

| | | |
|---|--|---------------|
| | Language of these clauses should be harmonised with that used in the Real Estate Agents and NPO legislation to address registers. | CPC to amend |
| 59. Inspection programme | 59(2) delete “ <i>and a training programme to ensure a high level of competence for inspectors</i> ” The regulations may include the prescribed qualifications. | CPC to amend |
| 60. Conduct of inspections | None | None |
| 61. Appointment of inspectors | None | None |
| 62. Production of certificate of appointment | None | None |
| 63. Powers of inspectors | 63(1)(e) “of anything” may be too broad. | CPC to advise |
| Part IX MISCELLANEOUS 66. General penalties | Consideration should be given to include Administrative Fines with similar wording to that is used in section 260 of the Insurance Act and requiring the consent of the DPP. | CPC to amend. |

**MINUTES OF THE RESCHEDULED SIXTEENTH MEETING OF
THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL
BILL, 2020, (IN CAMERA) HELD ON TUESDAY MAY 25, 2021 at
10:12 A.M.**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Mr. Stuart Young, MP | - | Member |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagramsingh-Sooklal | - | Member |
| Mr. Paul Richards | - | Member |

Secretariat

| | | |
|----------------------|---|-----------------------------|
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |

EXCUSED/ABSENT

| | | |
|-----------------------------|---|--------|
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Evans Welch | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |

COMMENCEMENT

1.1 The Chairman called the meeting to order at 10:12 a.m.

1.2 The Chairman indicated that Mr. Rushton Paray, MP asked to be excused from the day's proceedings.

**CONFIRMATION OF THE MINUTES OF THE FIFTEENTH MEETING HELD ON MAY
04, 2021**

2.1 The Committee considered the Minutes of the fifteenth meeting held on May 04, 2021.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Stuart Young, MP.

2.3 The Minutes of the fifteenth meeting was confirmed.

CONSIDERATION OF MARKED UP VERSION OF THE CANNABIS CONTROL BILL, 2020

3.1 The Committee reverted to consideration of the draft amendments made to **Part V, MEDICAL CANNABIS**, pages 26 to 28 of the Bill.

3.2 The issues identified and decisions taken are outlined in the **Appendix** to these Minutes.

3.3 The Committee concluded its consideration of the Bill.

3.4 The Secretariat was directed to draft the Committee's final report and circulate for the Chairman's review and Members consideration before the next meeting.

Next Meeting

4. The Committee agreed to next meet on **Tuesday June 01, 2021 at 10:00 a.m.** when it will consider its draft report along with the consolidated version of the Bill.

ADJOURNMENT

5. The adjournment was taken at 11:01 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

May 25, 2021

Cannabis Control Bill, 2020
Consideration of Marked up version of the Cannabis Control Bill, 2020.
Clauses considered at rescheduled 16th Meeting held 25 May, 2021

| Clauses | Issues Identified | Decision |
|--------------------------------------|---|---|
| 42. Use of medicinal cannabis | <ul style="list-style-type: none"> i. How will the overlap between the Dangerous Drugs Act and the Cannabis Control legislation (when proclaimed) be addressed? ii. Medicinal Cannabis should be prescribed by a paediatrician for children 12 years and under. | <ul style="list-style-type: none"> i. A policy decision will have to be made to address this. ii. Will be addressed in the regulations to the Bill. |
| 43. Dose limitations | None | None |
| 44. Keeping of records | None | None |
| 45. Caregivers | 45 (6) Will there be a prescribed form and register for caregivers? | The form and register requirement will be addressed in the regulations and similar to that under the Environmental Management Authority. |
| 46. Dispensing of medicinal cannabis | None | None |

**MINUTES OF THE SEVENTEENTH MEETING OF THE JOINT
SELECT COMMITTEE ON THE CANNABIS CONTROL BILL, 2020 , (IN
CAMERA) HELD ON TUESDAY JUNE 01, 2021 at 10:10 A.M.**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|-------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Paul Richards | - | Member |
| Ms. Jayanti Lutchmedial | - | Member |

Secretariat

| | | |
|----------------------|---|-----------------------------|
| Mr. Julien Ogilvie | - | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |

EXCUSED/ABSENT

| | | |
|---------------------------------|---|--------|
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Renuka Sagrarsingh-Sooklal | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Mr. Evans Welch | - | Member |

COMMENCEMENT

1.1 The Chairman called the meeting to order at 10:11 a.m.

1.2 The Chairman indicated that Mr. Stuart Young, MP, Mr. Fitzgerald Hinds, MP and Ms. Paula Gopee-Scoon asked to be excused from the day's proceedings.

CONFIRMATION OF THE MINUTES OF THE RESCHEDULED SIXTEENTH MEETING HELD ON MAY 25, 2021

- 2.1 The Committee considered the Minutes of the rescheduled sixteenth meeting held on May 25, 2021.
- 2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Dr. Rai Ragbir, MP.
- 2.3 The Minutes of the sixteenth meeting was confirmed.

CONSIDERATION OF THE DRAFT FINAL REPORT OF THE JSC ON THE CANNABIS CONTROL BILL, 2020

- 3.1 The Chairman suggested that the Committee defer consideration of its Draft Final Report given the absence of several members and the limited time afforded to members to review the document.
- 3.2 The Chairman’s proposal was approved.

Next Meeting

- 4. The Committee agreed to convene its next meeting on **Friday June 04, 2021 at 2:00 p.m.** to consider and approve the Draft Final Report of the Committee (inclusive of the Final markedup version of the Bill and List of Amendments).

ADJOURNMENT

- 5. The adjournment was taken at 10:18 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

June 01, 2021

**UNCONFIRMED MINUTES OF THE EIGHTEENTH MEETING OF
THE JOINT SELECT COMMITTEE ON THE CANNABIS CONTROL
BILL, 2020, (IN CAMERA) HELD ON FRIDAY JUNE 04, 2021**

This meeting was held virtually via ZOOM

PRESENT

Committee Members

| | | |
|---------------------------------|---|----------|
| Mr. Faris Al Rawi, MP | - | Chairman |
| Dr. Rai Ragbir, MP | - | Member |
| Mr. Rushton Paray, MP | - | Member |
| Mr. Paul Richards | - | Member |
| Mrs. Renuka Sagramsingh-Sooklal | - | Member |

Secretariat

| | | |
|----------------------|---|-----------------------------|
| Mr. Julien Ogilvie | | Assistant Secretary |
| Ms. Renee Batson | - | Assistant Secretary |
| Mrs. Krystle Gittens | - | Graduate Research Assistant |

EXCUSED/ABSENT

| | | |
|-----------------------------|---|--------|
| Mr. Fitzgerald Hinds, MP | - | Member |
| Mr. Terrence Deyalsingh, MP | - | Member |
| Mr. Stuart Young, MP | - | Member |
| Mr. Clarence Rambharat | - | Member |
| Ms. Paula Gopee-Scoon | - | Member |
| Mrs. Jayanti Lutchmedial | - | Member |
| Mr. Evans Welch | - | Member |

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 2:08 p.m.
- 1.2 The Chairman indicated that Ms. Paula Gopee-Scoon asked to be excused from the day's proceedings.

**CONFIRMATION OF THE MINUTES OF THE SEVENTEENTH MEETING HELD ON
JUNE 01, 2021**

- 2.1 The Committee considered the Minutes of the seventeenth meeting held on June 01, 2021.
- 2.2 The motion for the confirmation of the Minutes was moved by Dr. Rai Ragbir, MP and seconded by Mr. Rushton Paray.

2.3 The Minutes of the seventeenth meeting was confirmed.

CONSIDERATION OF THE DRAFT FINAL REPORT

3.1 The Chairman invited members to comment on the draft report.

3.2 After brief discussion, the Committee agreed to the following additional amendment to Clause 42 of the Bill:

- i. Subclause 42 (1) (a) should be harmonized with clause 47 (2).

3.3 Members thereafter agreed to have the Report presented to the Houses.

3.4 The Secretariat was instructed to finalise the Report and have it circulated for the endorsement of Members.

ADJOURNMENT

4. The adjournment was taken at 2:31 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

June 04, 2021

APPENDIX II

Key points considered at Virtual Round Table discussion

Eligibility for a licence

Antigua/Barbuda

- Must be at least 21 years of age.
- Must be legal resident or holder of Antigua and Barbuda passport.

Barbados

- Medicinal use only.
- Licenses are non-renewable after 5yrs and require licensee to reapply at least 3 months before expiration of license.
- Barbados' aim is to become a centre for research and development.

Jamaica

- In agreement with eligibility criteria used by Trinidad and Tobago.
- Trinidad and Tobago should consider whether additional, specific requirements are to be defined in subsequent regulations.

License that permit sale and export

Antigua/Barbuda

- All owners of any Limited Liability Company must be listed on application form.
- Individual must be able to provide proof of finance.

Barbados

- 70 international /30 local ownership required for international companies.

Jamaica

- 51% is minimum for Jamaicans to have ownership and control in international partnerships.
- Will there be different regulations to address import and export?

Conditions for granting licenses

Antigua/Barbuda

- Once terms and conditions of regulations met a license will be granted.
- Licenses exist for businesses and individuals.
- Recommendations apply to cannabis for sacramental purposes but all medicinal cannabis must be prescribed.

Barbados

- Prescription by a doctor is the only way to access cannabis.
- Doctors have to confirm that patient is not addicted to a drug.

- Doctor is responsible for identifying condition that requires prescription.

Jamaica

- Trinidad and Tobago should consider whether additional, specific requirements are to be defined in subsequent regulations and the Dangerous Drugs Act.
- Extend the time for inspections to allow better monitoring of compliance and to mitigate against diversion or inversion.
- What is the purpose of specifying transport licence for religious purposes?

Mechanisms for redress in relation to denied applications

Antigua/Barbuda

- Tribunal as first step.
- Judge as second step.

Jamaica

- Consider removing clause 34(2) as it will make the appeals process redundant.
- Establish an appeals tribunal after the denial.

Mechanisms for treating with conflicts of interests among members of the Board of the Authority

Antigua/Barbuda

- If Director is a related party, interest must be declared and must recuse.

Jamaica

- Consider including Directors in clause 3(2).
- Jamaica has used provisions from their Corporate Governance Framework and Public Bodies Management Accountability Act as a guide for mechanisms to treat with conflict of interest.

The system/arrangements for prescribing medicinal Cannabis, particular to minors

Antigua/Barbuda

- Minors must have prescription and assigned caregiver who is issued the permit to obtain cannabis for the minor.

Jamaica

- Only prescription of CDB and not THC should apply to minors.
- Distinction should be made in law between the two. Adopt the definition from the single convention.
-

Include that caregivers should be of sound mind.

The penalties for offences

Jamaica

- Consider reducing the term of imprisonment for caregivers and those using medicinal cannabis without a prescription or recommendation.

Whether Cannabis is a “gateway drug” to “harder” drugs

Antigua/Barbuda

- Insufficient research done however it can be abused like any other substance.

Barbados

- There are other drugs currently being prescribed that are more dangerous than medicinal cannabis therefore, within the correct framework, the threat is no greater.

Mechanisms for quality control

Antigua/Barbuda

- All licenses are currently provisional so operations have not started.
- However, provisions are being put in place to ensure quality control.

Barbados

- Strong requirements for “seed to sale” tracking.
- Very strong rules concerning quality and customs standards developed by National Standards Institute.
- Every licensee must have quality testing before trading.

Training for Doctors and Nurses

Antigua/Barbuda

- Training currently done online and very reliant on Jamaican resources.

Barbados

- Working with UWI in order to provide training to medical personnel.
- As industry being built out, a lot of stakeholder engagement through a technical working group of medical practitioners.

Inclusion

Barbados

- Careful thought given to how to include the “ordinary” resident or citizen who may desire access to a license/permit.

Jamaica

- Tiers have been developed in the licensing regime to facilitate the development of small farmers who may come together as cooperatives or friendly societies to achieve economies of scale in production.
- For those farmers who prefer to operate solely, there are provisions in the regulations for deferment of license fees or their security bond; waiver of fees and payment plans.
- Additionally, in order to facilitate the transition to operations that meet all of the requirements to be licensed, cultivators have access to a “cultivator’s transitional special permit” which allows 30 months within which to graduate.

Religious use of Cannabis

Jamaica

- Falls under the remit of the Ministry of Justice so that it is separated from Medicinal use of Cannabis.

General Comments

Jamaica

- Clause 15: consideration should be given to expanding the qualification and experience of CEO to include Agriculture and Science as an asset.
- Clause 32: reconsider the process of publishing notice in the newspaper and gazette and affording people the opportunity to object in light of:
 - o The sensitivity of the industry;
 - o The possibility of lengthening the application process; and
 - o May create more expense for the Authority.

Consider adopting an in-house mechanism for due diligence and vetting.

- Clause 35: limit the scope of entry. Recommended that Authority should be able to enter at any reasonable time, day or night.
 - o Empower enforcement officer to arrest, search and seize without a warrant.
- Clause 36: consider the “single instance transport license” being referred to as a permit.

- Part IV Clause 47: Jamaica has a separate

Ministry that deals with sacramental use. However:

- o Does this license preclude the religious persons from hold other licenses for instance for trade?
- o Consider the practicality of not permitting commercial use of cannabis for religious purposes. Is prohibiting commercial gain an infringement on religious rights?
- Clause 48: what mechanisms will be used to track cannabis for sacramental dispensaries?

- o What is the process for acquiring cannabis for sacramental dispensaries in light of commercial prohibition? How will operation be funded?
 - o Are individual households allowed to grow cannabis?
- Clause 50: what about consumption of cannabis in places outside of those listed in the Act?
 - o Consider implication that may arise as act makes provision for medical use of cannabis by children while prohibiting the religious use of cannabis.
- Clause 51: suggestion to reduce the days for inspectors to provide a report, as they are important for decision making.
- Clause 3: recommendation that the following be defined:
 - o Religious purposes; o THC; and o CBD.
- Consider having a clause on how cannabis should be advertised by licensees e.g. not marketing to children and measures depicting medical and not recreational use.
- What is Trinidad and Tobago's position concerning edibles?
- How will Trinidad and Tobago address the correspondent banking issues be treated with in the global financial sector, given that cannabis is still considered illegal?

APPENDIX III

List of Recommended Amendments

Draft List of Amendments to the Cannabis Control Bill, 2020

| Clause | Proposed Amendment |
|---------------|---|
| 3(1) | <p>A. Insert in the appropriate alphabetical sequence, the following definitions:</p> <p> ““AML/CFT/PF” means Anti-Money Laundering/Countering the Financing of Terrorism/Financing the Proliferation of Weapons of Mass Destruction;</p> <p> “controller”, in relation to a religious organisation, has the meaning assigned to it in section 3(1) of the Non-Profit Organisations Act, 2019;</p> <p> “dwelling house” means any premises, including any complementary outbuildings and adjacent land, which is used and occupied as a place of residence;</p> <p> “Supervisory Authority” has the meaning assigned to it under section 18A of the Financial Intelligence Unit of Trinidad and Tobago Act;”.</p> <p>B. In the definition of “approved form”, insert after the word “Board”, the words “and published on the Authority’s website”.</p> <p>C. Delete the definition of “Environmental Commission”.</p> <p>D. Delete the definition of “premises” and substitute the following definition:</p> <p> ““premises” means any land, building or vessel and includes any vehicle or receptacle located on such land or in any such building or vessel;”.</p> |
| 6(2) | <p>Insert after the words “qualifications and”, the words “at least five years”.</p> |
| 7 | <p>Delete subclause (3) and substitute the following subclauses:</p> <p> “(3) A Member shall, within seven days of becoming –</p> <p> (a) engaged or employed in the handling of cannabis or acquiring an actual interest; or</p> <p> (b) aware of his acquisition of a contingent pecuniary interest,</p> |

| | |
|----------|--|
| | <p>in any company, firm or other entity which is regulated by the Authority, make a declaration of that fact in writing to the Board and resign from office.</p> <p>(4) A Member who knowingly fails to comply with subsection (3) commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment for a term of two years.”.</p> |
| 8(f) | Delete the words “an indictable offence or”. |
| 10(1) | Insert after the words “negligence or”, the word “done”. |
| 14 | <p>A. In subclause (1), insert after with words “appointment and”, the word “on”.</p> <p>B. In subclause (2), delete the word “knowingly” in the first place where it occurs.</p> |
| 15(3) | Delete the word “three” and substitute the word “four”. |
| 16(4) | Insert after the words “negligence or”, the word “done”. |
| 21(1)(e) | Insert after the word “training”, the words “, education, public awareness”. |
| 24 | <p>Delete subclause (2) and substitute the following subclause:</p> <p>“(2) Within three months after the end of each financial year, the Authority shall, in respect of that year, cause to be prepared and submitted to the Minister –</p> <p>(a) a report on the activities of the Authority; and</p> <p>(b) financial statements prepared in accordance with IFRS,</p> <p>and the Minister shall cause a copy of the report and financial statements to be laid in Parliament within one month of the receipt of the report and financial statements or, if there is no sitting of Parliament during that period, at the next sitting of Parliament.”.</p> |
| 26 | <p>Insert after subclause (2), the following subclauses:</p> <p>“(3) The Authority may, with the approval of the Minister, raise monies required by it for meeting any of its obligations and discharging</p> |

| | |
|-------|---|
| | <p>of any of its functions by issuing securities to persons or entities which are not regulated by the Authority.</p> <p>(4) For the purposes of this section, “security” has the meaning assigned to it under the Securities Act.”.</p> |
| 29(1) | <p>A. In paragraph (a), insert after the word “cannabis”, the words “or the selling of cannabis at wholesale to the holder of licence under paragraph (b), (c), (d) or (g)”.</p> <p>B. In paragraph (d), insert after the word “derivatives”, the words “, and the selling of medicinal cannabis at wholesale to the holder of a licence under paragraph (e) or (g)”.</p> |
| 30 | <p>A. In subclause (1) –</p> <p>(I) in paragraph (a)(iii), insert after the words “Tobago;”, the word “or”; and</p> <p>(II) in paragraph (b), insert after the word “firm”, the words “, partnership”.</p> <p>B. In subclause (2) –</p> <p>(I) insert after the word “Dangerous”, the word “Drugs”; and</p> <p>(II) insert after the words “section 29(1)”, the words “unless the conviction has been expunged under the Dangerous Drugs Act”.</p> <p>C. In subclause (3), insert after the word “firm” in both places where it occurs, the words “, partnership”.</p> <p>D. In subclause (7) –</p> <p>(I) in paragraph (a), delete the words “, other than a dwelling house,” and the word “normal”;</p> <p>(II) renumber paragraphs (b) and (c) as paragraphs (c) and (d) and insert after paragraph (a), the following paragraph:</p> <p>“(b) a completed AML/CFT/PF risk assessment questionnaire in such form as may be prescribed;”.</p> <p>E. Renumber subclause (8) as subclause (9) and insert after subclause (7), the following subclause:</p> |

| | |
|----|---|
| | “(8) The Authority may require any further information or material to be submitted by an applicant within a specified time and may require verification by affidavit of any information or material fact then or previously submitted.”. |
| 31 | Delete. |
| 32 | <p>A. In subclause (1) –</p> <p>(I) delete the word ‘and’ in the first place where it occurs and substitute a comma; and</p> <p>(II) insert after the word “Tobago”, the words “and on the Authority’s website”.</p> <p>B. In subclause (7), insert after the word “as”, the word ‘may’.</p> |
| 34 | <p>A. In subclause (1) –</p> <p>(I) delete the words “decides to grant or refuse to grant” and substitute the word “grants”; and</p> <p>(II) insert after the word “applicant”, the words “and the Supervisory Authority”.</p> <p>B. Insert after subclause (1), the following subclause:</p> <p style="padding-left: 40px;">“(1A) Where the Authority refuses to grant a licence, it shall, within twenty-one days of its decision, inform the applicant, in writing, of its decision.”.</p> <p>C. In subclause (5) –</p> <p>(I) delete the words “the Transport Commissioner and”; and</p> <p>(II) in paragraph (c), delete the words “and the route to be used”.</p> <p>D. Insert after subclause (5), the following subclause:</p> <p style="padding-left: 40px;">“(6) The Authority shall cause notice of the grant of a licence to be published in the <i>Gazette</i>, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority’s website.”.</p> |
| 35 | A. In subclause (1), insert after the word “transferable”, the words “without the prior approval of the Authority”. |

| | |
|----|---|
| | <p>B. Insert after subclause (1A), the following subclause:</p> <p style="padding-left: 40px;">“(1A) A licence shall not be granted in respect of a dwelling house.”.</p> <p>C. In subclause (4), delete the words “, other than a dwelling house,” and the word “normal”.</p> |
| 37 | <p>A. In subclause (3), insert after the words “his licence”, the words “and that the licensee is registered with the Supervisory Authority”.</p> <p>B. In subclause (5), delete the word “fourteen” and substitute the word “twenty-one”.</p> <p>C. Insert after subclause (6), the following subclause:</p> <p style="padding-left: 40px;">“(7) The Authority shall cause notice of the renewal of a licence to be published in the <i>Gazette</i>, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.”.</p> |
| 38 | <p>A. In subclause (2) –</p> <p style="padding-left: 40px;">(I) in paragraph (a), delete the word “or”;</p> <p style="padding-left: 40px;">(II) in paragraph (b), delete the full stop and substitute the words “; or”;</p> <p style="padding-left: 40px;">and</p> <p style="padding-left: 40px;">(III) insert after paragraph (b), the following paragraph:</p> <p style="padding-left: 80px;">“(c) revoke the licence.”.</p> <p>B. Delete subclause (3) and renumber subclauses (4) and (5) as subclauses (3) and (4), respectively.</p> <p>C. Insert after subclause (4) as renumbered, the following subclause:</p> <p style="padding-left: 40px;">“(5) The Authority shall cause notice of the suspension or revocation of a licence to be published in the <i>Gazette</i>, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.”.</p> |
| 39 | <p>A. In subclause (3), delete the words “as soon as reasonably practicable” and substitute the words “within fourteen days of the receipt of the request”.</p> |

| | |
|-------|---|
| | B. In subclause (4), delete the words “, but in no case shall the period be longer than what is required to complete the corrective action”. |
| 41 | <p>Insert after subclause (8), the following subclause;</p> <p>“(9) The Authority shall cause notice of the surrender of a licence to be published in the <i>Gazette</i>, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.”.</p> |
| 42 | <p>Delete subclause (1) and substitute the following subclause:</p> <p>“(1) A person who uses medicinal cannabis without being authorised to use medicinal cannabis by a prescription or recommendation from a medical practitioner commits an offence and is liable -</p> <p>(a) on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of six months; or</p> <p>(b) on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.”.</p> |
| 50(1) | Delete the words “a child to use cannabis” and substitute the words “the dispensing of cannabis to a child”. |
| 52 | <p>A. In the marginal note, delete the word “keep” and substitute the words “establish and maintain”.</p> <p>B. Insert after the words “52.”, the words “(1)”.</p> <p>C. Insert after subclause (1) as renumbered, the following subclauses:</p> <p>“(2) The Authority shall also establish and maintain a private register containing any information submitted in an AML/CFT/PF risk assessment questionnaire referred to in section 30(7)(b).</p> <p>(3) Subject to this Part, a register shall contain such information as may be prescribed.”.</p> |
| 53 | <p>Delete the clause and substitute the following clause:</p> <p>“Custody and access to registers 53. (1) The Authority shall have custody of the registers and all documents which relate to them.</p> |

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| | <p>(2) The Authority shall, upon payment of the prescribed fee, allow any person to inspect the public registers during normal business hours.</p> <p>(3) The Authority shall, upon payment of the prescribed fee, provide a person with a certified copy of or an extract from the public registers.</p> <p>(4) The Authority may, on his own motion, or when requested by the Supervisory Authority, provide a certified copy of or an extract from the registers to the Supervisory Authority.</p> <p>(5) The Authority shall not disclose information provided in an application for registration or a licence or in an AML/CFT/PF risk assessment questionnaire referred to in section 6 or 8, except —</p> <ul style="list-style-type: none"> (a) to the Supervisory Authority; (b) for the purposes of law enforcement or court proceedings; (c) pursuant to an order of the Court; or (d) where required under any written law.”. |
| 54 | <p>A. In the marginal note, delete the words “maintain register” and substitute the words “correct and update registers”.</p> <p>B. In subclause (1), insert after the word “correct”, the words “and updated”.</p> <p>C. In subclause (2), insert after the word “correct”, the words “and update”.</p> |
| 55 | <p>A. Insert after the words “55.”, the words “(1)”.</p> <p>B. In subclause (1) as renumbered, delete paragraphs (a) to (c) and substitute the following paragraphs:</p> <ul style="list-style-type: none"> “(a) where a licence is granted, insert the name of the licensee into the appropriate register of licences; (b) where a licence is suspended, insert the name of the suspended licensee into the appropriate register of suspensions; and |

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| | <p>(c) where a licence is revoked, remove the name of the licensee from the appropriate register of licences and insert the name of the revoked licensee into the appropriate register of revocations.”.</p> <p>C. Insert after subclause (1) as renumbered, the following subclause:</p> <p>“(2) The Authority shall have the power to restore names to the register of licences from time to time, in appropriate circumstances.”.</p> |
| 56 | <p>Delete and substitute the following clause:</p> <p>“Certificate of grant of licence 56. (1) Where a licence has been granted pursuant to section 34, the Chief Executive Officer shall issue a certificate of grant of licence to the licensee and such copies of it, if any, as are required for the purposes of subsection (3).</p> <p>(2) A certificate of grant of licence shall bear an identifying number and shall show the date from which the licence is effective.</p> <p>(3) A licensee shall cause his certificate of registration, or a copy of it issued by the Authority, to be displayed in public view at the place from which the licensee carries on the business for which the licence was granted.</p> <p>(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of six thousand dollars and a further one hundred dollars in respect of each day during which the offence has continued.</p> <p>(5) A person who, not being licensed, displays a certificate of registration, a copy of a certificate of registration, or a document purporting to be a certificate of registration or purporting to be a copy of a certificate of registration, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and imprisonment for one year.”.</p> |
| 57 | <p>A. Insert after the word “Part”, the words “, other than a private register referred to in section 52(2),”.</p> |

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| | B. Insert after the word “accessible”, the words “to the public”. |
| 61(1) | Delete the words “, land or vehicle”. |
| 62 | Delete the words “, land or vehicle” in both places where they occur. |
| 63(1) | <p>A. In paragraph (a), delete the words “, other than a dwelling house,” and the word “normal”.</p> <p>B. In paragraphs (b) to (h), insert the word “to” at the beginning of each paragraph;</p> <p>C. In paragraph (e), delete the words “of anything”.</p> |
| 65 | <p>Delete and substitute the following clause:</p> <p>“Administrative fines 65. (1) The Authority may, with the consent of the Director of Public Prosecutions, issue to any person who, there is reasonable cause to believe, has committed a prescribed summary offence under this Act, a notice offering the person the opportunity to dispense with any liability to conviction in respect of that offence by payment of the prescribed administrative fine.</p> <p>(2) Where a person is given a notice under this section, criminal proceedings shall not be taken against him for the offence specified in the notice until the expiration of twenty-one days commencing from the day after which the notice was served.</p> <p>(3) Where a person fails to pay the administrative fine referred to in subsection (1), or where he pays the administrative fine but continues to commit the offence after the expiration of twenty-one days following the date of service of the notice referred to in subsection (1), that person is liable for the offence committed.</p> <p>(4) Where a person paid an administrative fine under subsection (1), but continues to commit the offence and is convicted under subsection (3), he is liable for the offence from the date after which he made the payment.</p> |

(5) Payment of an administrative fine under this section shall be made to the Authority and a certificate that payment of the penalty was made to the Authority by the specified date shall, if the certificate purports to be signed by an officer authorised by the Authority, be admissible as evidence of the facts stated therein.

(6) All monies received under this section shall be credited to the Consolidated Fund.

(7) A notice under subsection (1) shall—

- (a) specify the offence alleged;
- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and
- (c) state—
 - (i) that criminal proceedings shall not be laid until the expiration of twenty-one days from the date of service of the notice where payment of the administrative fine is made and the commission of the offence is discontinued;
 - (ii) the amount of the administrative fine and the fact that it is to be paid to the Authority; and
 - (iii) that the Authority shall not accept any payments in respect of a notice under subsection (1) after the expiration of the twenty-one days.

(8) In any proceedings for an offence to which this section applies, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of an administrative fine thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by, or on behalf of the accused to the giving of

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| | such a notice, or, as the case may be, to such payment.”. |
| 67 | Delete the words “Environmental Commission and the Environmental Commission may grant such relief or make such other order as it thinks fit” and substitute the words “High Court”. |
| 68 | Insert after subclause (2), the following subclause; “(3) Regulations made under this Act shall be subject to the affirmative resolution of Parliament.”. |
| | Renumber clauses and cross-references accordingly. |

APPENDIX IV

Consolidated Version of Bill (with amendments)

THE CANNABIS CONTROL BILL, 2020

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters.

Part I of the Bill would provide for the short title of the Bill in clause 1, the commencement of the proposed Act by Proclamation in clause 2 and the definition of terms used in the Bill in clause 3. By clause 3(4), the provisions of the Dangerous Drugs Act, Chap. 11:25, the Proceeds of Crime Act, Chap. 11:27, the Medical Board Act, Chap. 29:50 and the Pharmacy Board Act, Chap. 29:57, would not prohibit, restrict or render unlawful the cultivation, processing, extraction, distribution, import, export, possession or other handling of cannabis under the proposed Act.

Part II of the Bill would provide for the establishment of the Trinidad and Tobago Cannabis Licensing Authority (hereinafter referred to as “the Authority”). Clause 4 of the Bill would establish the Authority as a body corporate responsible for the regulatory control of the handling of cannabis under the proposed Act.

Clause 5 of the Bill would provide for the functions and powers of the Authority and enable the Minister to give general policy directions, in writing, to the Authority.

Clause 6 of the Bill would provide for the appointment of the Board of Directors of the Authority (hereinafter referred to as “the Board”) as well as for the remuneration of the members of the Board (hereinafter referred to as “Members”). Provision would also be made for the appointment of temporary Members. Members would be prohibited from being engaged or employed in the handling of cannabis or from having any pecuniary interest in an entity regulated by the Authority.

Clause 7 of the Bill would provide for the resignation of Members while clause 8 of the Bill would provide for the revocation of the appointment of Members on various grounds. Clause 9 of the Bill would provide for the publication of the names of Members in the *Gazette*.

Clause 10 of the Bill would confer immunity from suit on Members for acts or omissions unless the act or omission was a result of gross negligence or done in bad faith.

Clauses 11, 12 and 13 of the Bill would make provisions with respect to the meetings of the Board, the quorum and decisions of the Board and the appointment of committees by the Board, respectively. Clause 14 of the Bill would provide for the disclosure of interests by Members.

Clause 15 of the Bill would provide for the appointment of the Chief Executive Officer of the Authority who would also be prohibited from being engaged or employed in the handling of

cannabis or from having any pecuniary interest in an entity regulated by the Authority and be required to disclose his interests in the same manner as Members. The Chief Executive Officer would be entitled to attend and participate in meetings of the Board, but would not have the right to vote. He would also enjoy the same immunity from suit as Members.

Clause 16 of the Bill would provide for the employment of staff and the engagement of experts, adviser and consultants. They would all enjoy the same immunity from suit as Members. They would also be required to disclose any pecuniary interest in an entity regulated by the Authority and to refrain from participating in any deliberation or decision which may affect any such pecuniary interest.

Clause 17 of the Bill would provide for the delegation of functions by the Board. Clause 18 of the Bill would make provision with respect to the confidentiality of matters and the provision of information to the Minister.

Part III of the Bill would make provision for the finances of the Authority. Clause 20 of the Bill would establish the Trinidad and Tobago Cannabis Licensing Authority Fund (hereinafter referred to as “the Fund”). Clause 21 of the Bill would provide for the application of the Fund. Clauses 22 and 23 of the Bill would provide for the submission of estimates of expenditure and the financial year of the Authority, respectively.

Clauses 24 and 25 of the Bill would provide for the accounts of the Authority and for the auditing of those accounts, respectively. Clauses 26 of the Bill would provide for the borrowing of monies by the Authority.

Clause 27 of the Bill would provide for the exemption of the Authority from taxes and clause 28 of the Bill would provide for the submission of annual reports of the Authority to Parliament.

Part IV of the Bill would make provision with respect to the issuing of licences for the handling of cannabis for medicinal, therapeutic or scientific purposes and for religious purposes.

Clause 29 of the Bill would empower the Authority to issue several types of licences for medicinal, therapeutic or scientific purposes, namely Cultivator Licences, Research and Development Licences, Laboratory Licences, Processor Licences, Retail Distributor Licences, Import Licences, Export Licences and Transport Licences. The Authority would also be empowered to issue Cultivator, Dispensary, Import, Export and Transport Licences for religious purposes.

Clause 30 of the Bill would provide for the eligibility of applicants for licences and for the making of applications for licences. An application for a licence would need to be accompanied by a declaration that the proposed licensee would consent to the entry of inspectors on premises specified in the licence, ~~other than a dwelling house~~, during ~~normal~~ working hours or when the premises are open to the public or otherwise in use by the proposed licensee.

~~Clause 31 of the Bill would enable the Authority to request further information in relation to an application for a licence.~~ Clause 32 of the Bill would require notice of each application to

be published in the *Gazette* and two newspapers to enable members of the public to submit written objections to the application within twenty-one days. Clause 33 of the Bill would set out the criteria to be considered by the Authority in determining whether to grant a licence. Clause 34 of the Bill would require the Authority to give applicants notice of its decisions, including notice of its proposal to refuse a licence so that the applicant could submit written representations before the final decision is made.

Clause 35 of the Bill would provide for the terms and conditions of licences. It would be a condition of every licence that the licensee consents to the entry of inspectors on any premises specified in the licence, ~~other than a dwelling house~~, during **normal** working hours or when the premises are open to the public or otherwise in use by the licensee.

Clause 36 of the Bill would provide for the duration of licences and clause 37 of the Bill would provide of the renewal of licences. A licensee would be given an opportunity to make written representations before the renewal of his licence is denied.

Clauses 38 to 40 of the Bill would provide for the enforcement of the proposed Act and terms and conditions of licences, including the issuing of Notices of Non-Compliance, the requirement for licensees to take corrective action and the suspension or revocation of licences. Clause 41 of the Bill would provide for the process to be followed where a licensee wishes to surrender his licence.

Part V of the Bill would make special provisions with respect to medicinal cannabis. By clause 42 of the Bill, the use of medicinal cannabis without a prescription or recommendation from a medical practitioner would be prohibited. A parent or guardian of, or a person with responsibility for, a child would be required to consent to the use of medicinal cannabis by the child.

Clause 43 of the Bill would limit the number of doses of medicinal cannabis that a pharmacy or dispensary would be able to dispense to a person at a time.

Clause 44 of the Bill would require a medical practitioner to keep records of every patient to whom he has prescribed or recommended medicinal cannabis and to provide such information from his records, other than the name or identity of any patient, as may be prescribed.

Clause 45 of the Bill would provide for the designation of caregivers for patients who need to use medicinal cannabis. Clause 46 of the Bill would permit pharmacists and their authorised personnel to dispense medicinal cannabis to a patient or his caregiver upon the presentation of a prescription or recommendation from a medical practitioner and a valid form of identification.

Part VI of the Bill would make special provisions with respect to cannabis for religious purposes. Clause 47 of the Bill would prohibit the commercial use of cannabis where the handling of the cannabis is licensed for religious purposes. Clause 48 of the Bill would prohibit the operation of a sacramental dispensary for profit, financial or monetary gain or compensation. A sacramental dispensary would be required to dispense cannabis only to persons registered as adherents to the religious organisation, to dispense no more than thirty grams of cannabis to any single adherent and to establish and maintain prescribed records.

Clause 49 of the Bill would provide for the declaration of exempt events by an Order made by the Minister, if he is satisfied that the event is promoted by an adherent of a religious organisation in respect of which a licence has been issued and is held primarily for religious purposes. No person would be liable to be arrested, detained or prosecuted with respect to the use or other handling of cannabis at or for the purposes of an exempt event unless he is in breach of a condition specified in the Order.

Clause 50 of the Bill would prohibit a person from causing or permitting a child to use cannabis at a place of worship, a sacramental dispensary or an exempt event.

Part VII of the Bill (i.e. clauses 51 to 58) would provide for the establishment and maintenance of registers by the Authority in respect of each type of licence, the issuing of certificates by the Chief Executive Officer, the access of persons to registers at the office of the Authority and via the Authority's website and the prohibition of the unauthorised altering of a register.

Part VIII of the Bill (i.e. clauses 59 to 64) would provide for the establishment of an inspection programme by the Authority to monitor compliance with the proposed Act and terms and conditions of licences; the conduct of inspections by inspectors appointed by the Authority; the powers of inspectors (including the power to enter premises specified in a licence, ~~other than a dwelling house~~, without a warrant); and the power of police officers to enter a dwelling house with a warrant where there are reasonable grounds for believing that an offence under the proposed Act has been committed.

Part IX of the Bill would make certain miscellaneous provisions. Clause 65 of the Bill would enable the Authority to impose ~~civil penalties for the breach of terms and conditions of licences~~ **administrative fines**. Clause 66 of the Bill would provide general penalties for criminal offences under the proposed Act. Clause 67 of the Bill would provide for appeals to the ~~Environmental Commission~~ **High Court** from decisions of the Authority. Finally, clause 68 of the Bill would provide for the making of regulations.

THE CANNABIS CONTROL BILL, 2020

ARRANGEMENT OF CLAUSES

Clause

PART I PRELIMINARY

Short title

2. Commencement
3. Interpretation

PART II CANNABIS LICENSING AUTHORITY

4. Establishment of the Authority
5. Functions of the Authority
6. Establishment of the Board
7. Resignation of Member of Board
8. Revocation of appointment
9. Appointment of Members to be published in the *Gazette*
10. Immunity of members
11. Meetings of the Board
12. Quorum of the Board
13. Decisions of Board
14. Disclosure of interest
15. Chief Executive Officer
16. Staff of the Authority and experts
17. Delegation of functions
18. Confidentiality

PART III FINANCIAL PROVISIONS

19. Definitions
20. Establishment of the Fund
21. Application of Fund
22. Estimates of expenditure
23. Financial year
24. Accounts

25. Audit of accounts
26. Power to borrow
27. Exemption from taxes, etc.
28. Annual report

PART IV
LICENSING PROVISIONS

29. Types of licences
30. Eligibility for a licence
31. Further information re. licence
32. Notice of application to be published
33. Considerations for grant of a licence
34. Notice of grant or refusal of licence
35. Terms and conditions on licence
36. Duration of licences
37. Renewal of licences
38. Enforcement action
39. Notice of Non-Compliance and corrective action by licensee
40. Effect of suspension or revocation
41. Surrender of licence

PART V
MEDICINAL CANNABIS

42. Use of medicinal cannabis
43. Dose limitation
44. Keeping of records
45. Caregivers
46. Dispensing of medicinal cannabis

PART VI
CANNABIS FOR RELIGIOUS PURPOSES

47. Prohibition of commercial use of cannabis for religious purposes
48. Sacramental dispensaries
49. Declaration of exempt event
50. Prohibition of use of cannabis by children

PART VII
REGISTERS

- 51. Definition of "register"
- 52. Requirement to keep registers of licences
- 53. Contents of registers
- 54. Duty to maintain register
- 55. Additions to, removals from and restoration of name to Register
- 56. Certificate of Chief Executive Officer as to register to be evidence
- 57. Access to register
- 58. Offence to alter register without lawful authority

PART VIII
INSPECTIONS

- 59. Inspection programme
- 60. Conduct of inspections
- 61. Appointment of inspectors
- 62. Production of certificate of appointment
- 63. Powers of inspectors
- 64. Warrants

PART IX
MISCELLANEOUS

- 65. Civil penalties
- 66. General penalties
- 67. Appeals
- 68. Regulations

A BILL

AN ACT to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

**PART I
PRELIMINARY**

Short title **1.** This Act may be cited as the Cannabis Control Act, 2020.

Commencement **2.** This Act shall come into operation on such date as is fixed by the President by Proclamation.

Interpretation **3.** (1) In this Act, unless otherwise expressly provided or the context otherwise requires –

“AML/CFT/PF” means Anti-Money Laundering/Countering the Financing of Terrorism/Financing the Proliferation of Weapons of Mass Destruction;

“analytical services” includes services for the testing or abstraction of cannabis;

“applicant” means an applicant for a licence;

“approved form” means a form approved by the Board **and published on the Authority's website;**

“Authority” means the Trinidad and Tobago Cannabis Licensing Authority established under **section 4;**

“Board” means the Board of Directors of the Authority appointed under **section 6;**

“cannabis” means all parts of any plant of the genus cannabis including any resin obtained from the plant;

“cannabis material” means –

- (a) cannabis;
- (b) cannabis resin; and
- (c) any other raw material derived from the cannabis plant;

“cannabis resin” means the separated resin, whether crude or purified, obtained from any plant of the genus cannabis;

“cannabidiol” or “CBD” means a substance found in the cannabis plant which reacts with specific receptors in the human brain and body to give a therapeutic effect;

“CARICOM Member States” or “CARICOM” means the countries or territories which are party to the Revised Treaty of Chaguaramas establishing the Caribbean Community, as well as the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001;

“Chairman” means the person appointed as Chairman of the Board under **section 6(4)**;

“Chief Executive Officer” means the person employed under **section 15**;

“child” means a person who is a patient and who is under the age of eighteen years;

Act No. 7 of
2019

"controller", in relation to a religious organisation, has the meaning assigned to it in section 3(1) of the Non-Profit Organisations Act, 2019;

“cultivation” includes harvesting, curing and drying;

“cultivation site” means the premises specified in a Cultivator Licence as premises on which cannabis plants are authorised to be cultivated;

Chap. 11:25

“dangerous drug” has the meaning assigned to it by section 3 of the Dangerous Drugs Act;

“Deputy Chairman” means the person appointed as Deputy Chairman of the Board under **section 6(4)**;

“dispensary” means any premises on which —

(a) the sale, dispensing or provision of medicinal cannabis prescribed or recommended by a medical practitioner; or

(b) the use or consumption of medicinal cannabis by a patient,

is permitted under a Retail Distributor Licence referred to in **section 29(1)(e)**;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“dwelling house” means any premises, including any complementary outbuildings and adjacent land, which is used and occupied as a place of residence;

Chap. 35:05

~~**“Environmental Commission” means the Commission established under section 81 of the Environmental Management Act;**~~

“handling”, in relation to cannabis, includes -

- (a) the use, cultivation, processing, importation, exportation, transport, transit, transshipment, manufacture, sale, distribution and possession of cannabis; and
- (b) the conducting of scientific research, testing and analytical services for the purpose of improving or developing cannabis,

but does not include the use of medicinal cannabis by a person pursuant to a prescription or recommendation from a medical practitioner;

“harvest” means the process of reaping or gathering plants, whether manually or by way of machinery and whether or not the plants are dead or deemed to have no commercial value or viability;

“licence” means a licence granted under this Act;

“licensee” means a person to whom a licence is granted;

Chap. 29:50

“medical practitioner” has the meaning assigned to it by **section 2** of the Medical Board Act;

“medicinal cannabis” means cannabis that is handled under a licence issued under **section 29(1)**;

“medicinal, therapeutic or scientific purposes” includes scientific research, research trials, clinical trials, therapy and treatment, and the manufacture of nutraceuticals and pharmaceuticals;

“Member” means a member of the Board appointed under **section 6**;

“Minister” means the Minister to whom responsibility for health is assigned and “Ministry” shall be construed accordingly;

“patient” means a person who suffers from a medical condition which may be treated with medicinal cannabis prescribed or recommended pursuant to this Act;

Chap. 29:52

“pharmacist” has the meaning assigned to it by section 2 of the Pharmacy Board Act;

“pharmacy” means a place registered as a pharmacy under the Pharmacy Board Act;

~~“premises” means any land or building as well as any vehicle or receptacle located on such land or in any such building;~~

“premises” means any land, building or vessel and includes any vehicle or receptacle located on such land or in any such building or vessel;

“prescribed” means prescribed by Regulations;

“recommendation” means a written recommendation issued by a medical practitioner for the dispensing of cannabis for medical or therapeutic purposes;

“Regulations” means regulations made under this Act;

“sacramental dispensary” means any premises on which the dispensing or provision of cannabis for religious purposes is permitted under a Dispensary (Religious) Licence;

Chap. 72:01

“Supervisory Authority” has the meaning assigned to it under section 18A of the Financial Intelligence Unit of Trinidad and Tobago Act;

“tetrahydrocannabinol” or “THC” means the main active ingredient in cannabis and one of the many naturally occurring chemical compounds found in cannabis;

“transport” means carriage by air, land, or sea;

“visitor” means a person who is –

- (a) a patient;
- (b) is not a resident of Trinidad and Tobago; and
- (c) is in possession of a prescription or recommendation from a medical practitioner in respect of medicinal cannabis.

(2) For the purposes of this Act, a Member who, or whose nominee or relative, is, as the case may be –

- (a) a shareholder who owns shares in excess of five per cent in;
- (b) a partner in; or
- (c) an employee of,

a company, firm or other entity regulated by the Authority shall be treated as having an actual or contingent pecuniary interest in that company, firm or other entity.

Chap. 45:55 (3) In subsection (2), “relative” means spouse, cohabitant within the meaning of the Cohabital Relationships Act, father, mother, brother, sister, son or daughter of a person.

Chap. 11:27 (4) The provisions of the Dangerous Drugs Act, the Proceeds of Crime Act, the Medical Board Act and the Pharmacy Board Act shall not prohibit, or otherwise restrict or render unlawful, the cultivation, processing, extraction, distribution, import, export, possession or other handling of cannabis in accordance with the provisions of this Act.

**PART II
THE TRINIDAD AND TOBAGO
CANNABIS LICENSING AUTHORITY**

Establishment of the Authority **4.** There is established a body corporate to be known as “the Trinidad and Tobago Cannabis Licensing Authority” (hereinafter referred to as “the Authority”) which shall be responsible for the regulatory control of the handling of cannabis in accordance with the provisions of this Act.

Functions of the Authority **5.** (1) The functions of the Authority are to –

- (a) advise the Ministry on the development of national policies and measures for the regulatory control of the handling of cannabis;
- (b) grant, amend, suspend, revoke or cancel licences and set the terms and conditions of licences;
- (c) inspect, monitor and assess the handling of cannabis pursuant to licences for the purpose of verifying compliance with this Act and the terms and conditions of licences;

- (d) take enforcement measures in the event of any non-compliance or breach of any of the provisions of this Act or any term or condition of a licence;
- (e) establish and maintain a register of licensees;
- (f) establish and maintain an electronic database to provide for the electronic tracking of the handling of cannabis in accordance with this Act;
- (g) establish and maintain an electronic register of medical practitioners, patients and caregivers, in accordance with this Act;
- (h) establish and maintain such other registers and databases as may be prescribed;
- (i) assist with the provision of analytical services;
- (j) provide for the distribution of educational materials and the conduct of training programmes in relation to the development and use of cannabis and the development of the cannabis industry;
- (k) ensure that proper disposal requirements are prescribed for the safe disposal of cannabis which is handled under this Act;
- (l) enter into any arrangement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions; and
- (m) perform such other functions assigned to it under this Act or any other written law.

(2) The Authority shall have such powers as are necessary or expedient for the performance of its functions.

(3) In the performance of its functions, the Authority shall —

- (a) formulate standards and prescribe codes of practice to be observed by licensees or other persons involved in the cannabis industry;

(b) facilitate scientific research in respect of cannabis and where applicable, apply the results of such research in the development of the cannabis industry; and

(c) do all such things as the Authority considers necessary or expedient for the purposes of carrying out its functions.

(4) The Minister may give the Authority, in writing, such general policy directions as appear to the Minister to be necessary in the public interest and the Authority shall give effect to those directions in the performance of its functions.

Establishment of
the Board

6. (1) The Authority shall be managed by a Board of Directors who shall be responsible for the performance of the functions of the Authority under this Act.

(2) The Board shall comprise nine persons appointed by the President from among persons with qualifications and **at least five years'** experience in the following disciplines:

- (a) law;
- (b) management;
- (c) finance or accounting;
- (d) medicine;
- (e) scientific research;
- (f) agriculture;
- (g) law enforcement;
- (h) education;
- (i) drug rehabilitation.

(3) No person appointed to the Board shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(4) The President shall appoint one of the Members to be the Chairman of the Board and another Member to be the Deputy Chairman of the Board.

(5) A Member shall be appointed for such term not exceeding three years as is specified in his instrument of appointment and shall be eligible for reappointment.

(6) The President shall determine the remuneration of Members.

(7) The remuneration of Members shall be reviewed by the Salaries Review Commission.

(8) Where a vacancy arises in the membership of the Board or a Member is temporarily absent or incapable of performing his duties by reason of illness or other cause, the President acting in his own discretion shall appoint a person to fill the vacancy or to act in the place of that Member during the period of absence or temporary incapacity.

Resignation of
Member of Board

7. (1) The Chairman or Deputy Chairman may at any time resign from office by notice in writing addressed to the President.

(2) A Member, other than the Chairman or Deputy Chairman, may resign from office by notice in writing to the Chairman who shall forthwith cause it to be submitted to the President.

~~(3) A Member shall resign from office upon becoming engaged or employed in the handling of cannabis or acquiring an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.~~

(3) A Member shall, within seven days of becoming -

(a) engaged or employed in the handling of cannabis or acquiring an actual interest; or

(b) aware of his acquisition of a contingent pecuniary interest,

in any company, firm or other entity which is regulated by the Authority, make a declaration of that fact in writing to the Board and resign from office.

(4) A Member who knowingly fails to comply with subsection (3) commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment for a term of two years.

Revocation of
appointment

8. The President may at any time revoke the appointment of a Member if the Member –

(a) is declared bankrupt in accordance with the laws of Trinidad and Tobago or any other country;

- (b) becomes of unsound mind;
- (c) is for whatever reason incapable of performing or unable to perform his duties as a member;
- (d) is absent from three consecutive meetings without leave of the Board;
- (e) is or becomes engaged or employed in the handling of cannabis or acquires an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority;
- (f) is convicted of ~~an indictable offence or~~ an offence involving dishonesty or is sentenced to imprisonment for a term of six months or more; or
- (g) misbehaves in office, brings his office into disrepute, or for any other reasonable cause.

Appointment of Members to be published in the *Gazette*

9. The Minister shall cause to be published in the *Gazette* the names of the Chairman, Deputy Chairman and other Members and every change in membership of the Board, including any resignation from office or termination of appointment.

Immunity of members

10. (1) A Member shall not be held personally liable for anything done or omitted in the discharge or purported discharge of the functions of the Authority, unless it is shown that the act or omission was a result of gross negligence or **done** in bad faith.

(2) Any sums of money, damages or cost recovered against the Authority for anything done or omitted or permitted to be done in good faith in the course of the operations of the Authority shall be paid out of such amounts as may be appropriated by Parliament.

Meetings of the Board

11. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and in any case at least once every month at such place and time and on such days as the Board may determine.

(2) Subject to **section 12(1)**, the Chairman or, in his absence, the Deputy Chairman shall preside at meetings of the Board, and in the absence of the Chairman and Deputy Chairman, the members present and forming a quorum shall elect one of their number to preside at the meeting.

(3) The Board may, by way of rules or resolutions, regulate its own procedure for the conduct of its own business.

(4) The Chairman may at any time call a special meeting of the Board.

(5) Where the Chairman receives a written request from at least four members for a special meeting of the Board, he shall call the special meeting within seven days of the request and issue the necessary notices for the special meeting.

(6) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

Quorum and
decisions of the
Board

12. (1) At any meeting of the Board, five Members constitute a quorum.

(2) Decisions of the Board shall be by a majority of votes of Members present and voting.

Appointment of
Committees

13. The Board may appoint committees to examine and report to it on any matter whatsoever arising out of, or connected with, any of its functions and powers under this Act.

Disclosure of
interest

14. (1) Every Member shall, within one month after his appointment and **on** each anniversary of his appointment, submit to the Minister a declaration in the approved form stating whether or not he -

(a) is engaged or employed in the handling of cannabis; or

(b) has an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(2) A Member who **knowingly** fails to comply with **subsection (1)** or who knowingly makes a false declaration under **subsection (1)** commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment for a term of two years.

(3) No prosecution of an offence under this section may be instituted without the written consent of the Director of Public Prosecutions.

Chief Executive Officer

15. (1) The Authority shall employ a person with qualifications and experience in finance, management or accounting to be the Chief Executive Officer of the Authority who shall, subject to the directions of the Board, be responsible for the day to day management of the Authority.

(2) No person appointed as Chief Executive Officer shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(3) The Chief Executive Officer shall be employed for a period not exceeding ~~three~~ **four** years and may be re-employed upon approval of the Board.

(4) The Chief Executive Officer shall, in addition to the day to day management of the Authority, be responsible for such functions as the Board may assign to him.

(5) The Chief Executive Officer shall be entitled to attend all meetings of the Board and to participate in deliberations at such meetings but he shall have no right to vote.

(6) **Sections 7(3), 10 and 14** apply *mutatis mutandis* to the Chief Executive Officer as it applies to a Member.

Staff of the Authority and experts

16. (1) The Authority may employ such persons as it considers necessary for the due and efficient performance of its functions under this Act on such terms and conditions as are agreed upon between the Authority and the person.

(2) The Authority may engage an expert, adviser or consultant on contract to assist in the conduct of its regulatory responsibilities and any advice or other service under the contract shall be provided in such a manner that avoids any conflict of interest or improper influence on the Authority's regulatory decision-making.

(3) The engagement of a person under subsection (2) shall not relieve the Authority of its functions under this Act.

(4) An employee of the Authority or a person engaged under subsection (2) shall not be held personally liable for anything done or omitted in the discharge or purported discharge of his duties, unless it is shown that the act or omission was a result of gross negligence or **done** in bad faith.

(5) An employee of the Authority or a person engaged under subsection (2) shall, within one month after -

(a) his appointment or engagement; and

(b) each anniversary of his appointment or engagement,

submit to the Chief Executive Officer a declaration in the approved form stating whether or not he has an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(6) An employee of the Authority, or a person engaged under subsection (2), who has an actual or contingent pecuniary interest referred to in subsection (5) shall not, in the course of the performance of his duties, take part in any deliberation or decision which is likely to affect that interest.

(7) An employee of the Authority, or a person engaged under subsection (2), who -

(a) contravenes subsection (5) or (6); or

(b) knowingly makes a false declaration under subsection (5),

commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and imprisonment for a term of two years.

Delegation of functions

17. (1) The Board may, by written instrument, delegate any of the functions of the Authority to the Chief Executive Officer or such other appropriate officer as the Board thinks fit.

(2) The delegation of a function under this section does not prevent the performance of that function by the Board.

Confidentiality

18. (1) Members of the Board, employees of the Authority and every person concerned with the administration of this Act including a person engaged under **section 16(2)**, shall treat documents, information or other matters related to the administration of this Act, as secret and confidential and shall make and subscribe to an oath of secrecy to that effect before a Justice of the Peace.

(2) Notwithstanding subsection (1), disclosures –

(a) made by the Authority, or any other person, pursuant to the provisions of this Act; or

(b) which the Authority considers necessary in the discharge of its functions,

shall not be deemed inconsistent with any duty imposed under this section.

(3) Notwithstanding subsection (1), the Board shall, within seven days of receiving a written request from the Minister, cause to be transmitted to the Minister such information as the Minister may specify in the request regarding -

- (a) the salary and other terms and conditions of employment of the Chief Executive Officer and employees of the Authority;
- (b) the organisational structure of the Authority;
- (c) the number of current or former officers and employees of the Authority;
- (d) the number of filled or vacant positions in the organisational structure of the Authority; or
- (e) such other matters relating to the employment of staff as the Minister thinks fit.

(4) Subject to subsections (1) and (2), a person has the right to request that any proprietary or confidential documents, information or matter provided or submitted to the Authority be kept as secret and confidential by the Authority.

(5) A Member, employee of the Authority or any person concerned with the administration of this Act who discloses documents, information or any other matter related to the administration of this Act in contravention of this section commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and imprisonment for a term of two years.

PART III FINANCIAL PROVISIONS

Definitions

19. For the purposes of this Part –

“Fund” means the fund established under **section 20**;

“IFRS” means the International Financial Reporting Standards as adopted from time to time by the International Accounting Standards Board;

“Minister” means the Minister to whom responsibility for finance is assigned.

Establishment of
the Fund

20. (1) There is hereby established a fund to be known as “the Trinidad and Tobago Cannabis Licensing Authority Fund”.

(2) The Fund shall comprise the following monies:

- (a) appropriations by Parliament from the Consolidated Fund;
- (b) fees and other charges collected by the Authority;
- (c) sums borrowed by the Authority for the purpose of meeting any of its obligations or for discharging any of its functions;
- (d) sums received by, or owed to, the Authority in respect of the performance of its functions or the exercise of its powers; and
- (e) such other sums which may, in any manner, become payable to, or vested in, the Authority.

(3) Notwithstanding **subsection (2)**, the Authority shall not borrow any sums, or accept or receive any sums by way of a grant or donation, from any person or entity which is regulated by the Authority.

Application of
Fund

21. (1) The monies in the Fund may only be applied in defraying the following expenditure:

- (a) the acquisition of property by the Authority in the course of performing its functions or exercising its powers;
- (b) the remuneration and allowances of Members;
- (c) the remuneration, allowances and gratuities payable or to be made to the Chief Executive Officer and to employees of, and persons engaged on contract by, the Authority;
- (d) capital and operating expenses, including maintenance and insurance of the property of the Authority;
- (e) research, training, **education, public awareness** and other related matters; and
- (f) any other expenditure authorised by the Authority in the performance of its functions.

(2) The Authority may, in accordance with IFRS, make provision for future expenditure in any category referred to in subsection (1)(a) to (e).

Estimates of expenditure

22. (1) The Authority shall prepare a budget in accordance with IFRS or such other form as the Minister may direct for each financial year and the Authority shall submit estimates so prepared to the Treasury not later than the deadline date stipulated by the Minister.

(2) The Authority shall, at such time as the Minister directs, furnish him with such further information in relation to the estimates as he may require.

Financial year

23. The financial year of the Authority shall be the period of twelve months beginning on the first day of October in any year to the thirtieth day of September in the following year, but the period from the date of commencement of this Act to the end of September next following shall be deemed to be the first financial year.

Accounts

24. (1) The Authority shall keep proper books of accounts and records of all sums received and expended by the Authority and shall record the matters in respect of which such sums were received and expended.

~~(2) Within three months after the end of each financial year, the Authority shall cause to be prepared, in respect of that year—~~

~~(a) a report on the activities of the Authority; and~~

~~(b) financial statements prepared in accordance with IFRS,~~

~~and a copy of such report and financial statements shall be forwarded to the Minister and shall be laid in Parliament as soon as possible thereafter.~~

~~(2) Within three months after the end of each financial year, the Authority shall, in respect of that year, cause to be prepared and submitted to the Minister –~~

~~(a) a report on the activities of the Authority; and~~

~~(b) financial statements prepared in accordance with IFRS,~~

~~and the Minister shall cause a copy of the report and financial statements to be laid in Parliament within one month of the receipt of the report and financial statements or, if there is no sitting of Parliament during that period, at the next sitting of Parliament.~~

(3) Where the standards included in IFRS are inappropriate or inadequate for any type of accounting method, the Comptroller of Accounts may provide such instructions as may be necessary.

Audit of accounts **25.** (1) The accounts of the Authority are public accounts for the purposes of section 116 of the Constitution.

(2) On completion of an audit of the Authority, the Auditor General or an auditor authorised by him to conduct the audit, as the case may be, shall immediately draw to the attention of the Minister and the Board any irregularity disclosed by the audit, which in the opinion of the Auditor General or the auditor is of sufficient importance to justify so doing.

Chap. 69:01 (3) For the purpose of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall apply as if an audit referred to in this Part is one to which that Act applies.

(4) As soon as the accounts of the Authority have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall simultaneously forward a copy of the said report to the Minister.

(5) Nothing in this section precludes the Auditor General or an auditor engaged by the Board or the Minister from performing a management or comprehensive audit of the activities of the Authority.

Power to borrow **26.** (1) The Authority may, with the approval of the Minister, borrow monies required for meeting any of its obligations under this Act from persons or entities which are not regulated by the Authority.

(2) The Minister may guarantee in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing of the Authority under this section.

(3) The Authority may, with the approval of the Minister, raise monies required by it for meeting any of its obligations and discharging of any of its functions by issuing securities to persons or entities which are not regulated by the Authority.

Chap. 83:02 **(4) For the purposes of this section, “security” has the meaning assigned to it under the Securities Act.**

Exemption from taxes, etc. **27.** The Authority and its assets, property, income, operations and transactions shall be exempt from all taxation of every kind and description, including customs duties, corporation tax, value added tax, property tax, stamp duty, business levy and green fund levy.

Annual report **28.** After the expiration of one year from the coming into operation of this Act,

the Authority shall, within three months after the end of each calendar year, submit annually to Parliament a report on the activities of the Authority during that calendar year.

PART IV LICENSING PROVISIONS

Types of licences

29. (1) The Authority may issue any of the following licences for medicinal, therapeutic or scientific purposes:

- (a) a Cultivator Licence which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis **or the selling of cannabis at wholesale to the holder of licence under paragraph (b), (c), (d) or (g);**
- (b) a Research and Development Licence, which shall be issued to allow for the conduct of scientific research for the purpose of improving or further developing cannabis;
- (c) a Laboratory Licence which shall be issued to allow for the conduct of testing and analytical services for the purpose of improving or further developing medicinal cannabis;
- (d) a Processor Licence which shall be issued to allow for activities relating to the processing of cannabis material and the production of medicinal cannabis, including but not limited to, edibles and other derivatives, **and the selling of medicinal cannabis at wholesale to the holder of a licence under paragraph (e) or (g);**
- (e) a Retail Distributor Licence, which shall be issued to allow for the operation of a dispensary for the dispensing of medicinal cannabis to patients;
- (f) an Import Licence, which shall be issued to allow for the importation of cannabis from any country where it is legal so to do;
- (g) an Export Licence, which shall be issued to allow for the exportation of cannabis to any country in keeping with the laws of any such country; or
- (h) a Transport Licence, which shall be issued to allow for the transport of cannabis.

- (2) Where a person applies for a –
 - (a) Research and Development Licence; or
 - (b) Laboratory Licence,

and the licence is issued, the applicant shall also receive an Import and Export licence which shall only be used for purposes in connection with the Research and Development Licence or the Laboratory Licence.

(3) The Authority may issue any of the following licences for religious purposes:

- (a) a Cultivator (Religious) Licence which shall be issued to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis;
- (b) a Dispensary (Religious) Licence which shall be issued to allow for the storage and dispensing of cannabis;
- (c) an Import (Religious) Licence, which shall be issued to allow for the importation of cannabis from any country where it is legal so to do;
- (d) an Export (Religious) Licence, which shall be issued to allow for the exportation of cannabis to any country in keeping with the laws of any such country; or
- (e) a Transport (Religious) Licence which shall be issued to allow for the transport of cannabis.

Eligibility for a licence

30. (1) A person who –

- (a) is eighteen years of age or older and –
 - (i) is a citizen of Trinidad and Tobago;
 - (ii) is a permanent resident of Trinidad and Tobago; or
 - (iii) is a citizen of a CARICOM Member State, other than Trinidad and Tobago; **or**
- (b) is a company, firm, **partnership** or co-operative society,

may apply for a licence under **section 29(1)**.

(2) A person who has been convicted of an indictable offence under the Dangerous **Drugs** Act or the Proceeds of Crime Act shall not be eligible for a licence under **section 29(1)**, **unless the conviction has been expunged under the Dangerous Drugs Act.**

(3) A company, firm, **partnership** or co-operative society shall not be eligible for a licence unless at least thirty per cent of the company, firm, **partnership** or co-operative society is owned by persons referred to in subsection (1)(a).

(4) Subsection (3) shall not apply to a Research and Development Licence or a Laboratory Licence.

(5) A controller of a religious organisation may, on behalf of the religious organisation, apply for a licence under **section 29(3)** where -

(a) the religious organisation is registered under the Non-Profit Organisations Act, 2019; and

(b) the constituent documents of the religious organisation state that cannabis is required for religious purposes as a sacrament in adherence to a religious practice of the religious organisation.

(6) An application for a licence under **section 29(3)** shall include -

(a) the name, address and contact information of the controller referred to in subsection (5);

(b) the name, address and contact information of the persons appointed as leaders of the religious organisation;

(c) the address of the place of worship of the religious organisation;

(d) a survey plan of the land on which cannabis for use in accordance with this Act 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.

(7) Subject to subsection (6), an application for a licence shall be made to the Authority in the approved form and be accompanied by –

(a) a declaration in the prescribed form that, if the licence is granted, the licensee would consent to the entry of inspectors on any premises specified in the licence, ~~other than a dwelling house,~~ during **normal** working hours or such other times as the premises are open to the public or otherwise in use by the licensee, for the purposes of the exercise of their powers under **section 63**;

(b) a completed AML/CFT/PF risk assessment questionnaire in such form as may be prescribed;

(b c) the prescribed fee; and

(e d) such other documents as may be prescribed.

(8) The Authority may require any further information or material to be submitted by an applicant within a specified time and may require verification by affidavit of any information or material fact then or previously submitted.

(8 9) An applicant for a licence who knowingly provides false or misleading information to the Authority commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for a term of two years.

**Further
information re:
licensee**

~~**31. (1) The Authority may, on receipt of an application for a licence, request from the applicant, such further information relative to the application as it thinks fit.**~~

~~**(2) Where the Authority requests information under subsection (1), the applicant shall provide the requested information by the date specified in the request.**~~

~~**(3) Where an applicant fails to provide the information requested under subsection (2) by the date specified in the request, the applicant may, in writing, apply to the Authority for additional time to provide the requested information and state his reasons for failing to comply with subsection (2).**~~

~~**(4) An application for additional time under subsection (3) shall be accompanied by the prescribed fee.**~~

~~**(5) On receipt of an application for additional time under subsection (3), the Authority may grant such additional time as it thinks fit.**~~

~~(6) Where an applicant who is granted additional time under subsection (5) fails to provide the requested information within the additional time, the Authority may refuse to grant the licence.~~

Notice of application to be published

32.(1) Subject to subsection (7), upon receipt of an application for a licence, the Authority shall cause notice of the application to be published in the *Gazette* **and**, in at least two newspapers in daily circulation in Trinidad and Tobago **and on the Authority's website**.

(2) A notice under subsection (1) shall state –

- (a) the name of the applicant;
- (b) the type of licence for which the application is made;
- (c) the address of the facility or other premises in respect of which the application is made or where any licensed activity is to be conducted;
- (d) a date by which a person may object to the grant of the licence to the applicant; and
- (e) such other information as may be prescribed.

(3) A person may object to the grant of a licence to an applicant by writing to the Authority, stating reasonable grounds for his objection.

(4) The date specified under subsection (2)(d) shall not be fewer than ten days after the publication of the notice in the newspapers.

(5) Where the Authority receives an objection, it shall, within seven days of the receipt of the objection, give the applicant written notice of the objection and provide the applicant with an opportunity, of not less than seven days from the date of the notice, to respond to the objection.

(6) The Authority shall, within twenty-one days of receipt of an objection, decide on the merits of the objection and inform the person who made the objection as well as the applicant of its decision, giving reasons in writing.

(7) A notice under subsection (1) shall not be published in respect of an application for a Transport Licence or a Transport (Religious) Licence or an application for such other types of licences as **may** be prescribed.

Considerations for grant of a licence

33.(1) The Authority shall not grant a licence unless the Authority is satisfied that the applicant –

- (a) has met the requirements of this Act for the grant of the licence; and
- (b) would, if granted the licence, be able to fulfil the obligations of a licensee under this Act and to comply with this Act and the terms and conditions of the licence.

(2) Subject to subsection (1), the Authority shall, in determining whether to grant a licence, consider –

- (a) the application and any further information provided;
- (b) whether the applicant has complied with this Act or has previously failed to comply with this Act or been in breach of the terms or conditions of a licence;
- (c) any objections received pursuant to **section 32(2)(d)**; and
- (d) such other matters as may be prescribed.

Notice of grant or refusal of licence

34. (1) Where the Authority ~~decides to grant or refuse to grant~~ grants a licence, it shall, within twenty-one days of its decision, inform the applicant **and the Supervisory Authority**, in writing, of its decision.

(1A) Where the Authority refuses to grant a licence, it shall, within twenty-one days of its decision, inform the applicant, in writing, of its decision.

(2) The Authority shall not refuse to grant a licence unless it first informs the applicant, in writing, of its proposal to refuse the licence and its reasons and gives the applicant at least fourteen days to submit written representations.

(3) Where the Authority refuses to grant a licence, it shall, within twenty-one days of its decision, inform the applicant, in writing, of its decision and reasons.

(4) Where the Authority grants a licence for the importation of cannabis, it may approve the importation of a quantity that is less than what is contained in the application.

(5) Where the Authority grants a Transport Licence or a Transport (Religious) Licence for the transport of cannabis within Trinidad and Tobago, it shall immediately give ~~the Transport Commissioner and~~ the Commissioner of Police, a notice containing –

- (a) the name and contact details of the licensee;
- (b) the type and quantity of cannabis to be transported;
- (c) the location from which and to which the cannabis is to be transported **and the route to be used.**

(6) The Authority shall cause notice of the grant of a licence to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

Terms and conditions on licence

35. (1) A licence shall not be transferable without the prior approval of the Authority.

(1A) A licence shall not be granted in respect of a dwelling house.

(2) The Authority shall set the terms and conditions of a licence.

(3) A licensee shall comply with the terms and conditions of his licence.

(4) It shall be a condition of a licence that the licensee consents to the entry of inspectors on any premises specified in the licence, ~~other than a dwelling house,~~ during **normal** working hours or such other times as the premises are open to the public or otherwise in use by the licensee, for the purposes of the exercise of their powers under **section 63**.

Duration of licences

36.(1) Subject to subsection (2) and unless previously revoked or surrendered, a licence shall be valid for such period not exceeding three years as the Authority may specify in the licence.

(2) A Transport Licence or Transport (Religious) Licence shall –

- (a) where it is granted for a single instance, be valid only for the purpose of the single instance;
- (b) where it is granted for multiple instances, be valid for the period specified in the licence.

Renewal of licences

37. (1) A licensee who wishes to renew his licence shall apply to the Authority for the renewal of his licence.

(2) An application under subsection (1) shall be –

- (a) made at least one month before the expiration of the licence or such longer period before the expiration of the licence as the Authority may specify in the licence;

(b) in the approved form;

(c) accompanied by the prescribed fee and such documents as may be prescribed.

(3) The Authority may renew a licence if it is satisfied with the compliance of the licensee with this Act and the terms and conditions of his licence **and that the licensee is registered with the Supervisory Authority.**

(4) Where the Authority decides to renew or refuse to renew a licence, it shall, in writing, inform the applicant of its decision.

(5) The Authority shall not refuse to renew a licence unless it first informs the applicant, in writing, of its proposal to refuse to renew the licence and its reasons and gives the applicant at least **fourteen twenty-one** days to submit written representations.

(6) Where the Authority refuses to renew a licence, it shall, in writing, give the applicant the reasons for its refusal.

(7) The Authority shall cause notice of the renewal of a licence to be published in the Gazette, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

Enforcement
action

38. (1) Where the Authority determines that a licensee is not in compliance with this Act or the terms and conditions of his licence, the Authority may take any of the actions specified in subsection (2) as it thinks fit and commensurate with the seriousness of the non-compliance.

(2) For the purposes of subsection (1), the Authority may –

(a) issue a Notice of Non-Compliance to require the licensee to take corrective action in accordance with **section 39; or**

(b) suspend the licence and issue a Notice of Non-Compliance to require the licensee to take corrective action in accordance with **section 39; ; or**

(c) revoke the licence.

~~**(3) Where the Authority determines that a licensee is not in compliance with this Act or the terms and conditions of his licence, the Authority may –**~~

~~(a) suspend the licence and issue a Notice of Non-Compliance to require the licensee to take corrective action in accordance with section 39; or~~

~~(b) revoke the licence.~~

(43) Where the Authority decides to suspend or revoke a licence, it shall, in writing, inform the licensee of its decision and the reasons for its decision.

(5 4) Where a licence is suspended or revoked under this Part, the licensee shall immediately return the licence to the Authority.

(5) The Authority shall cause notice of the suspension or revocation of a licence to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

Notice of Non-Compliance and corrective action by licensee

39.(1) For the purposes of **section 38**, a Notice of Non-Compliance shall –

(a) contain information detailing –

- (i) the areas in which the licensee is not in compliance with this Act or the terms and conditions of his licence;
- (ii) the corrective action which is required to be done in order for the licensee to be in compliance with this Act and the terms and conditions of his licence; and
- (iii) the period within which the corrective actions is required to be completed; and

(b) state that the failure of the licensee to complete the required corrective action within the specified period may result in the suspension or, if his licence has already been suspended, the revocation of his licence.

(2) Where a Notice of Non-Compliance is issued to a licensee, the licensee shall take such steps as are necessary to complete the corrective action specified in the Notice of Non-Compliance within the specified period.

(3) A licensee to whom a Notice of Non-Compliance is issued may, at any time or within such period as may be specified in the Notice, request clarification from the Authority as to the corrective action required to be completed, and the Authority shall provide the clarification **as soon as reasonably practicable within fourteen days of the receipt of the request.**

(4) Where a licensee to whom a Notice of Non-Compliance is issued has reason to believe that he would be unable to complete the corrective action within the period specified in the Notice, he shall so inform the Authority in writing and the Authority may extend the period specified in the Notice in order for the corrective action to be completed, ~~but in no case shall the period be longer than what is required to complete the corrective action.~~

(5) Subject to subsection (4), where a licensee to whom a Notice of Non-Compliance is issued fails to complete any corrective action specified in the Notice within the period as specified in the Notice or as extended under subsection (4), the Authority may suspend his licence until the corrective action is completed or, if his licence has already been suspended, revoke his licence.

Effect of
suspension or
revocation

40.(1) Where a licence is suspended under this Part, the licensee shall immediately cease all activities under the licence for such time as the suspension remains in force.

(2) Where a licence has been revoked under this Part, the licensee shall immediately cease all activities under the licence.

(3) A person who fails to cease all activities as required under subsection (1) or (2), commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for a term of seven years.

Surrender of
licence

41.(1) A licensee shall not surrender his licence without the prior approval of the Authority.

(2) A licensee may, in writing, apply to the Authority for approval to surrender his licence in accordance with the disposal conditions and other terms and conditions of his licence.

(3) An application under subsection (2) shall be accompanied by the prescribed fee.

(4) The Authority shall not approve the surrender of a licence unless it is satisfied that the licensee has –

- (a) disposed of any cannabis in his possession or under his control in accordance with the disposal conditions of his licence;
- (b) complied with the disposal conditions and other terms and conditions that relate to the surrender of the licence; and
- (c) ceased all activities under the licence.

(5) Where the Authority approves the surrender of a licence, it shall, in writing, inform the licensee of its approval.

(6) The surrender of a licence comes into effect upon the issuance of the approval of the Authority.

(7) Where a licensee receives the approval of the Authority to surrender his licence, the licensee shall immediately return the licence to the Authority.

(8) The surrender of a licence does not prevent the former holder of the licence from applying for another licence.

(9) The Authority shall cause notice of the surrender of a licence to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

PART V

MEDICINAL CANNABIS

Use of medicinal
cannabis

~~42. (1) A person who uses medicinal cannabis without being authorised to use medicinal cannabis by a prescription or recommendation from a medical practitioner commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.~~

(1) A person who uses medicinal cannabis without being authorised to use medicinal cannabis by a prescription or recommendation from a medical practitioner commits an offence and is liable -

(a) on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of six months; or

(b) on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.

(2) The parent or guardian of, or a person with responsibility for, a patient who is a child shall obtain a certificate in writing from a medical practitioner certifying that the use of medicinal cannabis is necessary in the case of that child, and the parent or guardian shall consent in writing to the use of medicinal cannabis by the child.

(3) A parent or guardian of, or a person with responsibility for, a child who fails to comply with subsection (2) and permits or causes the child to use medicinal cannabis commits an offence and is liable on conviction on indictment

to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.

Dose limitation

43. In circumstances where a prescription or recommendation by a medical practitioner requires the repeated usage of medicinal cannabis which may span several months, a pharmacy or dispensary shall not dispense to the patient more than a thirty day supply of individual doses at a time.

Keeping of records

44. (1) A medical practitioner shall maintain a record of every patient to whom he has prescribed or recommended medicinal cannabis, and where that patient has a caregiver the medical practitioner shall also enter into the record the name and contact information of the caregiver.

(2) The medical practitioner referred to in subsection (1) shall submit to the Authority at such times as the Authority may direct a report containing such information from his records other than the name or identity of any patient, as may be prescribed.

(3) The Authority may request further information from the medical practitioner in writing.

Caregivers

45. (1) Subject to subsections (2) and (3), a patient may designate a person as a caregiver and any person so designated shall be responsible for –

- (a) the immediate care and safety of the patient;
- (b) assisting the patient with obtaining medicinal cannabis and other medicinal or medical requirements for his care or safety; or
- (c) acting in the best interest of the patient.

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(2) A relative or friend appointed for a medically recommended person by the Psychiatric Hospital Director or a duly authorised medical officer under the Mental Health Act, shall be deemed to be the caregiver of that person.

(3) A parent or guardian of, or a person with responsibility for, a patient who is a child shall be deemed to be the caregiver for that child unless he designates another person or a person is designated by an order of the Court.

(4) A person who is designated as a caregiver under this Act shall obtain from a medical practitioner a certificate that states that the caregiver is not addicted to a dangerous drug.

(5) A person who is under the age of eighteen years shall not be designated as a caregiver.

(6) A caregiver shall not be a person who has been convicted of an indictable offence under the Dangerous Drugs Act.

(7) A patient who changes his caregiver shall notify his medical practitioner of the change and give that medical practitioner such information as the medical practitioner may require in respect of the new caregiver.

46. (1) A pharmacist or authorised personnel under the supervision of a pharmacist in a pharmacy or a pharmacist or authorised personnel under the supervision of a pharmacist in a dispensary may dispense medicinal cannabis to a patient and where applicable, to a caregiver for a patient.

(2) Subject to subsection (1), a pharmacist or authorised person being supervised by a pharmacist shall only dispense or supply medicinal cannabis on the submission by a patient or where applicable, a caregiver, of a prescription or recommendation and a valid form of identification.

(3) Upon dispensing medicinal cannabis to a patient or, where applicable, a caregiver, a pharmacist or other authorised personnel under the supervision of a pharmacist shall ensure that the label given in respect of the prescription or the recommendation has the prescribed information.

(4) A pharmacist shall enter the information referred to in subsection (3) in a register kept by him and established for that purpose, in the prescribed manner.

(5) A pharmacist shall not dispense to a patient or where applicable, a caregiver –

- (a) a quantity of medicinal cannabis greater than that which the patient or caregiver is permitted to obtain under a prescription; or
- (b) any form of cannabis prohibited under this Act or any other written law.

(6) A pharmacist shall conform to any requirement or limitation set by the medical practitioner as to the form of medicinal cannabis that is required in relation to the patient and shall provide to a patient and where applicable, a caregiver, the following information:

- (a) the lawful methods for administering medicinal cannabis in individual doses;

- (b) any potential danger stemming from the use of medicinal cannabis;
- (c) how to prevent or deter the misuse of medicinal cannabis by children; and
- (d) any other information which the pharmacist may consider to be relevant.

**PART VI
CANNABIS FOR RELIGIOUS PURPOSES**

Prohibition of commercial use of cannabis for religious purposes

47. (1) A controller of a religious organisation which is permitted to handle cannabis under a licence shall not handle or permit the handling of cannabis for any type of commercial benefit or engage in any type of sale, supply or other transaction involving cannabis for money or for any profit, financial or monetary gain or compensation.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of six months.

(3) For the avoidance of doubt, where there are reasonable grounds to suspect that there is an intention to contravene the provisions of the Dangerous Drugs Act, subsection (1) shall not restrict the exercise of the discretion of the Director of Public Prosecutions from prosecuting a person for a relevant offence under that Act or any other written law.

Sacramental dispensaries

48. (1) A sacramental dispensary shall —

- (a) not be operated for money or for any profit, financial or monetary gain or compensation;
- (b) only dispense to persons registered as adherents to the religious organisation;
- (c) dispense no more than thirty grams of cannabis to any single adherent; and
- (d) establish and maintain all prescribed records.

Declaration of exempt event

49. (1) The Minister may, by Order, declare an event to be an exempt event for the purposes of this Act, if he is satisfied that the event is —

- (a) promoted or sponsored by a person who is an adherent of a religious organisation; and

(b) primarily for religious purposes, in accordance with the provisions of this Act.

(2) Where an event is declared under this section to be an exempt event for the purposes of this Act, no person at the event shall be liable to arrest, detention or prosecution for any offence or any other penalty regarding cannabis being transported to, or which is possessed, supplied or used at the exempt event in such amount and under such conditions as are specified in the Order.

Prohibition of use of cannabis by children

50. (1) No person shall cause or permit ~~a child to use cannabis the~~ dispensing of cannabis to a child at a place of worship, a sacramental dispensary or an exempt event.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a term of five years.

PART VII REGISTERS

Definition of “register”

51. In this Part, “register” means a register established under this Part.

Requirement to **keep establish and maintain** registers of licences

52. (1) The Authority shall establish and maintain a separate register for each type of licence and shall cause each licence which is granted to be registered in the appropriate register.

(2) The Authority shall also establish and maintain a private register containing any information submitted in an AML/CFT/PF risk assessment questionnaire referred to in section 30(7)(b).

(3) Subject to this Part, a register shall contain such information as may be prescribed.

~~Contents of registers~~
Custody and access to registers

53. ~~Subject to this Part, a register shall contain such information as may be prescribed.~~ (1) The Authority shall have custody of the registers and all documents which relate to them.

(2) The Authority shall, upon payment of the prescribed fee, allow any person to inspect the public registers during normal business hours.

(3) The Authority shall, upon payment of the prescribed fee, provide a person with a certified copy of or an extract from the public registers.

(4) The Authority may, on his own motion, or when requested by the Supervisory Authority, provide a certified copy of or an extract from the registers to the Supervisory Authority.

(5) The Authority shall not disclose information provided in an application for registration or a licence or in an AML/CFT/PF risk assessment questionnaire referred to in section 6 or 8, except —

- (a) to the Supervisory Authority;
- (b) for the purposes of law enforcement or court proceedings;
- (c) pursuant to an order of the Court; or
- (d) where required under any written law.

Duty to ~~maintain register correct and update registers~~

54. (1) The Authority shall ensure that the information contained in each register is correct **and updated**.

(2) The Authority may, for the purposes of subsection (1), amend a register to correct **and update** the information contained therein.

Additions to, removals from and restoration of name to Register

55. (1) The Authority shall —

~~(a) where a licence is granted, add the name of the licensee and the licence to the appropriate register;~~

~~(b) where a licence is revoked, remove the name of the licensee and the licence from the appropriate register; and~~

~~(c) where the name of a licensee and his licence have been previously removed from the appropriate register under paragraph (b), and a new licence is subsequently granted to the licensee, restore the name of the licensee and the licence to the appropriate register.~~

(a) where a licence is granted, insert the name of the licensee into the appropriate register of licences;

(b) where a licence is suspended, insert the name of the suspended licensee into the appropriate register of suspensions; and

(c) where a licence is revoked, remove the name of the licensee from the appropriate register of licences and insert the name

of the revoked licensee into the appropriate register of revocations.

(2) The Authority shall have the power to restore names to the register of licences from time to time, in appropriate circumstances.

Certificate of Chief Executive Officer as to register to be evidence registration

~~56. Where a licence is granted, a certificate from the Chief Executive Officer to the effect that the licence of the licensee is contained in a register is evidence of that fact.~~

Certificate of grant of licence

56. (1) Where a licence has been granted pursuant to section 34, the Chief Executive Officer shall issue a certificate of grant of licence to the licensee and such copies of it, if any, as are required for the purposes of subsection (3).

(2) A certificate of grant of licence shall bear an identifying number and shall show the date from which the licence is effective.

(3) A licensee shall cause his certificate of registration, or a copy of it issued by the Authority, to be displayed in public view at the place from which the licensee carries on the business for which the licence was granted.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of six thousand dollars and a further one hundred dollars in respect of each day during which the offence has continued.

(5) A person who, not being licensed, displays a certificate of registration, a copy of a certificate of registration, or a document purporting to be a certificate of registration or purporting to be a copy of a certificate of registration, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and imprisonment for one year.

Access to register

57. A register under this Part, **other than a private register referred to in section 52(2)**, shall at all reasonable times be open to inspection at the office of the Authority and shall be accessible **to the public** on a website established by the Authority.

Offence to alter register without lawful authority

58. A person who alters a register without lawful authority commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for a term of one year.

PART VIII INSPECTIONS

Inspection programme

59. (1) The Authority shall establish an inspection programme to monitor compliance with the requirements of this Act and the terms and conditions of licences.

(2) The Authority shall establish the qualifications for inspectors and a training programme to ensure a high level of competence for inspectors.

Conduct of inspections

60. The Authority shall conduct inspections with or without notice and carry out any other examination as may be necessary to verify compliance with the provisions of this Act and any applicable terms and conditions of a licence.

Appointment of inspectors

61. (1) The Authority shall appoint an inspector or an inspection team to inspect any premises, ~~land or vehicle~~ where any activity regulated under this Act is conducted and to submit a report to it upon the completion of an inspection.

(2) An inspection team under subsection (1) may comprise such number of persons as the Authority deems necessary having regard to the expertise and training required for the inspection.

(3) An inspector who is conducting an inspection may be accompanied by a police officer.

(4) Inspectors appointed under subsection (1) shall take direction and instructions from the Authority in respect of their functions and duties.

(5) An inspector or inspection team under this section shall provide an inspection report of its inspections to the Authority within twenty-one days of his or its appointment or such other time as the Authority may determine.

(6) Where a person has been appointed under this section, he shall be issued a certificate of his appointment in the form approved by the Authority.

Production of certificate of appointment.

62. An inspector appointed under **section 61** shall, on seeking admission to any premises, ~~land or vehicle~~ for the purposes of this Act, if required, produce the certificate of his appointment issued under **section 61(1)** to the owner, occupier or other person for the time being in charge of the premises, ~~land or vehicle~~.

Powers of inspectors

63. (1) An inspector appointed under this Act shall, for the purposes of the enforcement of this Act, have the power to do all or any of the following:

- (a) to enter any premises specified in a licence, ~~other than a dwelling-house~~, with or without a warrant during **normal**

working hours or such other times as the premises are open to the public or otherwise in use by the licensee;

- (b) **to** question any person who has duties which in the view of the inspector may be pertinent to the inspection being carried out;
- (c) **to** verify compliance with this Act and the terms and conditions of any licence;
- (d) **to** take for analysis sufficient samples of any material;
- (e) **to** take photographs **of anything**;
- (f) **to** make copies of any record or other document;
- (g) **to** seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law; and
- (h) **to** direct the temporary suspension of any activity which he reasonably believes to be in contravention of this Act or in breach the terms and conditions of a licence.

(2) Where an inspector takes action under subsection (1)(h), he may –

- (a) order the licensee to prohibit employees and other persons from engaging in the activity;
- (c) order that any material be safely and securely stored; and
- (d) require that corrective action be taken in accordance with **sections 38 and 39**.

(3) Where an inspector takes action under subsection (2), the decision of the inspector remains in force unless and until –

- (a) it is withdrawn by the inspector;
- (b) reversed or modified by the Authority; or
- (c) altered through an appeal under **section 67** or judicial review.

(4) Where an inspector takes any action under subsections (1)(h) and (2), he shall, within twenty-four hours of taking such action, make a report to the Authority of his findings and any actions taken by him.

(5) A report under subsection (4) shall include –

- (a) relevant findings and identify the evidentiary basis for the findings;
- (b) explanations or any other information the inspector deems relevant.

(6) A report submitted under this section shall be made available to the licensee affected who shall have the right to submit explanations or objections within seven days of the issuance of the report.

(7) A person who obstructs or hinders an inspector in the carrying out of his duties under this section commits an offence.

Warrants

64. Where a Magistrate is satisfied by information or oath given by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed in any dwelling house, he may issue a warrant authorising the police officer to –

- (a) enter at any time the place named in the warrant with force if necessary, and inspect that place;
- (b) detain a person found in that place in respect of whom there is reasonable suspicion regarding the commission of an offence under this Act; or
- (c) seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law.

PART IX MISCELLANEOUS

Civil penalties

~~**65.** Where the Authority determines that a licensee has breached a term or condition of his licence, it may, in addition to any other action it may take under this Act and after giving the licensee a reasonable opportunity to make representations, require the licensee to pay to the Authority a civil fine in the sum of five thousand dollars for any single breach and in the case of~~

~~a continuing breach, an additional civil fine of five hundred dollars for every day the breach continues.~~

Administrative
fines

65. (1) The Authority may, with the consent of the Director of Public Prosecutions, issue to any person who, there is reasonable cause to believe, has committed a prescribed summary offence under this Act, a notice offering the person the opportunity to dispense with any liability to conviction in respect of that offence by payment of the prescribed administrative fine.

(2) Where a person is given a notice under this section, criminal proceedings shall not be taken against him for the offence specified in the notice until the expiration of twenty-one days commencing from the day after which the notice was served.

(3) Where a person fails to pay the administrative fine referred to in subsection (1), or where he pays the administrative fine but continues to commit the offence after the expiration of twenty-one days following the date of service of the notice referred to in subsection (1), that person is liable for the offence committed.

(4) Where a person paid an administrative fine under subsection (1), but continues to commit the offence and is convicted under subsection (3), he is liable for the offence from the date after which he made the payment.

(5) Payment of an administrative fine under this section shall be made to the Authority and a certificate that payment of the penalty was made to the Authority by the specified date shall, if the certificate purports to be signed by an officer authorised by the Authority, be admissible as evidence of the facts stated therein.

(6) All monies received under this section shall be credited to the Consolidated Fund.

(7) A notice under subsection (1) shall—

(a) specify the offence alleged;

(b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and

(c) state—

(i) that criminal proceedings shall not be laid until the expiration of twenty-one days from the date of service of

the notice where payment of the administrative fine is made and the commission of the offence is discontinued;

(ii) the amount of the administrative fine and the fact that it is to be paid to the Authority; and

(iii) that the Authority shall not accept any payments in respect of a notice under subsection (1) after the expiration of the twenty-one days.

(8) In any proceedings for an offence to which this section applies, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of an administrative fine thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by, or on behalf of the accused to the giving of such a notice, or, as the case may be, to such payment.

General penalties

66. A person who contravenes, or fails to comply with, any of the provisions of this Act or the Regulations commits an offence and except where the provision by, or under which the offence is created, provides a penalty to be imposed, is liable on summary conviction to a fine of one hundred thousand dollars and in the case of a continuing offence to a further fine of one thousand dollars for each day that the offence continues after conviction.

Appeals

67. A person who is aggrieved by a decision of the Authority under this Act to refuse to grant or renew a licence, to suspend or revoke a licence, or to impose a civil fine, may, within thirty days of being informed of that decision, appeal to the ~~Environmental Commission and the Environmental Commission may grant such relief or make such other order as it thinks fit~~ **High Court.**

Regulations

68. (1) The Authority may, with the approval of the Minister, make Regulations generally for carrying this Act into effect and prescribing anything required to be prescribed under this Act.

(2) Regulations may provide that any contravention thereof shall constitute an offence punishable on summary conviction by a fine not exceeding one hundred thousand dollars and imprisonment for a term not exceeding two years.

(3) Regulations made under this Act shall be subject to the affirmative resolution of Parliament.

Passed in the House of Representatives this day of , 2021.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2021.

Clerk of the Senate

I confirm the above.

President of the Senate