

No. of 2020

VIRGIN ISLANDS
CANNABIS LICENSING ACT, 2020
ARRANGEMENT OF SECTIONS

Section

PART I
PRELIMINARY

1. Short title and commencement.
2. Interpretation.
3. Protection from criminal liability.
4. Object and scope.

PART II
POSSESSION OF MEDICINAL CANNABIS

5. Permitted use and possession for medicinal use.
6. Use of cannabis only at private dwelling.
7. Prohibitions.

PART III
VIRGIN ISLANDS CANNABIS LICENSING AUTHORITY

8. Establishment of the Authority.
9. Functions of the Authority.
10. Establishment of the Board.
11. Revocation.
12. Resignation.
13. Proceedings of meetings of the Board.
14. Seal of the Authority.
15. Committees of the Board.
16. Disclosure of interest.
17. Appointment and employment of employees of the Authority
18. Funds of the Authority and Accounts and Audit of the Authority.
19. Authority to be consulted.
20. Report to Minister.
21. Directions of Minister.

**PART IV
ACCESS TO MEDICINAL CANNABIS**

- 22. Use of medicinal cannabis.
- 23. Caregivers.
- 24. Authorisation to recommend medicinal cannabis.
- 25. Dispensing of medicinal cannabis.

**PART V
LICENSING THE SUPPLY OF MEDICINAL CANNABIS**

- 26. Licence application regime.
- 27. Basic qualification requirements in relation to an applicant.
- 28. Matters to be taken into consideration by the Authority in granting a licence.
- 29. Disqualification from holding a licence.
- 30. Authority to make determination on application.
- 31. General circumstances in which the Authority may recommend the refusal to issue a licence.
- 32. Notification of decision.
- 33. Matters to be specified in medicinal cannabis licence and terms and conditions of licence.
- 34. Period of validity of a licence.
- 35. Variation of licence.
- 36. Applications for variation of licence.
- 37. Duration of licences and obligations with respect to fees and security bond.
- 38. Renewal of licences.
- 39. Revocation or suspension of licence.
- 40. Notification of proposed revocation or suspension.
- 41. Cessation of suspended activities and reinstatement of licence.
- 42. Disposal of medicinal cannabis, application of security bond.
- 43. Inspection of premises prior to issuance of licence.
- 44. Assignment and transfer.

**PART VI
OFFENCES**

- 45. Prohibitions.
- 46. Prohibitions relating to an authorised medical professional.

**PART VII
APPEALS**

- 47. Establishment of the Virgin Islands Cannabis Appeals Tribunal.
- 48. Appeals to the Tribunal.

PART VIII
MISCELLANEOUS

- 49. Standards requirements.
 - 50. Regulations and Issuance of Guidelines.
 - 51. Special provision for fees and security bonds.
 - 52. General Penalties.
- SCHEDULE

I Assent

, 2020

VIRGIN ISLANDS

No. of 2020

A Bill for

An Act to provide for the establishment of the Cannabis Licensing Authority, for the purpose of regulating and controlling the licensing of the analysis, cultivation, processing, importation, exportation, distribution and sale of cannabis in the Virgin Islands.

[Gazetted , 2020]

ENACTED by the Legislature of the Virgin Islands as follows:

**PART I
PRELIMINARY**

Short title and commencement.

1. (1) This Act may be cited as the Cannabis Licensing Act, 2020.

(2) This Act shall come into force on such day to be appointed by the Minister by notice published in the *Gazette*.

Interpretation.

2. (1) In this Act, unless the context otherwise requires.

"Authority" means the Virgin Islands Cannabis Licensing Authority, as established under section 8 of this Act, which will be responsible for the administration, implementation and management of this Act and is created for the purpose of regulating and controlling the licensing of the analysis, cultivation, processing, import, export, testing, research, distribution, and sale of medicinal 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 but does not contain a psychoactive substance.

"cannabidiol products" means a preparation or other product which contains cannabidiol and which includes a concentration of less than 1% THC that is processed, manufactured, imported or sold pursuant to this Act.

"cannabis resin" has the meaning assigned to such term in the Drugs (Prevention of Misuse) Act;

"caregiver" means a person designated as the caregiver of a Therapeutic User pursuant to section 23 of this Act;

"Chairman" means the Chairman of the Authority;

"citizen" means an individual who is a citizen of the Virgin Islands;

"cultivate" means the planting, germination, harvesting, curing and drying of cannabis and "cultivation" has the corresponding meaning;

"dispose" means the procedure for destroying cannabis;

"drug trafficking" shall have the meaning ascribed to it under the *Drug Trafficking Offences Act*;

"GAP" means Good Agricultural Practice;

"*Gazette*" means the Virgin Islands Official *Gazette*;

"GDP" means Good Distribution Practice;

"GMP" means Good Manufacturing Practice;

"GPP" means Good Pharmacy Practice;

"handling" includes use, possession, analysis, cultivation, processing, importation, exportation, transportation, processing, sale, and distribution;

"harvest" means the process of gathering cannabis plants that have been reaped, whether manually or by way of machinery, whether or not such cannabis plant is deemed to have no commercial value or viability;

"illness" means an illness or condition that is likely to result, or continue to result in, a significant reduction in the quality of life of a person, whether from the symptoms of the illness or condition or from treatment for the symptoms of

the illness or condition, including any of the following:

- (a) pain associated with cancer;
- (b) severe and treatment resistant nausea and vomiting due to chemotherapy;
- (c) status of human immunodeficiency virus or acquired immune deficiency syndrome;
- (d) Parkinson's disease;
- (e) multiple sclerosis;
- (f) severe intractable epilepsy;
- (g) damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
- (h) post-traumatic stress disorder;
- (i) rheumatoid arthritis or any similar chronic autoimmune inflammatory disorder with severe or debilitating conditions;
- (j) autism;
- (k) glaucoma;
- (l) sickle cell anaemia;
- (m) anxiety;
- (n) sleep disorders;
- (o) chronic pain;
- (p) Alzheimer's disease;
- (q) Crohn's disease;
- (r) Hepatitis B;
- (s) Dravet's syndrome;
- (t) Depression; or
- (u) any other illness or condition declared by the Minister, acting on the advice of the Authority, by order published in the Gazette, to be a qualifying medical condition;

"inspector" means a person designated as an inspector under section 43;

"licence" means a medical cannabis-related licence issued to an individual or entity by the Authority in accordance with the provisions of this Act;

"licensed premises" means the premises specified in an application for a licence pursuant to this Act that are owned or in possession of the licensee and within which the licensee is authorised to cultivate, manufacture, process, extract, distribute, sell, or test medicinal cannabis in accordance with the provisions of this Act;

"licensee" means any person licensed or registered pursuant to this Act;

"medical practitioner" means a medical practitioner registered in accordance with the provisions of the Medical Act;

"medicinal cannabis" or "cannabis" means:

- (a) cannabis that is grown and sold in accordance with the provisions of this Act;
- (b) seeds, immature plants as well as all parts of the plant, along with the resin extracted from the plant;
- (c) every compound, manufacture, salt, derivative, mixture or preparation from cannabis; or
- (d) cannabis concentrate;

and is cultivated, possessed, manufactured, distributed or sold under a license issued under this Act in which the concentration of THC is greater than 1%;

"Medicinal Cannabis Dispensary" means a facility whereupon the activities licensed pursuant to a Medicinal Cannabis Dispensary Licence are conducted;

"Minister" means the Minister with responsibility for Trade or such other minister that may be appointed by Premier to manage the medicinal cannabis portfolio for the Virgin Islands;

"minor" means a person who is under the age of eighteen (18) years;

"non-citizen" means an individual who is not a citizen;

"private dwelling" means the structure in which an individual lives, either alone, with such individual's family or with other individuals, in an apartment or building, or group of buildings, and occupied as a place of residence;

"public place" means, generally, an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, express or implied, whether by payment of money or not;

"strain" means a unique cannabis cultivar differentiated from another by its genotype and metabolomic constitution;

"therapeutic use" means in relation to the use or consumption of medicinal cannabis to help produce a useful or favorable effect on the body or mind.

"Therapeutic User" means an individual who declares himself or herself in need of medicinal cannabis for a medicinal or therapeutic use in the manner and form issued by the Authority.

"THC" means delta-9-tetrahydrocannabinol;

"Tribunal" means the Virgin Islands Cannabis Appeals Tribunal established under section 47 of this Act;

"Visiting Therapeutic User" means a person who

- (a) is a Therapeutic User; and
- (b) is not a resident of the Virgin Islands.

Protection from
criminal liability.

3. (1) The provisions of the Drugs (Prevention of Misuse) Act, the Anti-Money Laundering and Terrorist Financing Code of Practice, the Proceeds of Criminal Conduct Act, the Drug Trafficking Offences Act and the Medical Act, shall not prohibit, or otherwise restrict or render unlawful, the handling, supply, possession and use of cannabis and cannabidiol in accordance with the provisions of this Act or any regulations made under this Act.

- (2) There shall be
 - (a) no cultivation, importation or processing of cannabis;
 - (b) no production of any products intended for medicinal or therapeutic use deriving from or resulting from the use of cannabis as defined herein; and
 - (c) no trade of cannabis,

carried out in the Virgin Islands prior to obtaining all necessary approvals, authorisations, licences and permits as required by or under all applicable laws, including this Act.

(3) The manufacture and sale of cannabidiol shall be subject to such other laws and regulations in the Virgin Islands as the case may be and where any such CBD product has been approved by the appropriate regulatory body, the

Authority shall issue a Letter of No Objection with respect to the sale of such CBD products.

4. (1) The object of this Act is to provide for Object and scope.
- (a) the establishment of the Virgin Islands Cannabis Licensing Authority whose functions will be described herein; and
 - (b) a regulatory and licensing regime to regulate the sale, supply, importation, cultivation, research, transportation, exportation of cannabis or medical cannabis for certain purposes;
 - (c) the establishment of a licensed medical cannabis industry recognising the medicinal and therapeutic properties of cannabis and, exempting from the strict regulatory framework cannabidiol that has been shown to have non-addictive and non-psychoactive effects.

PART II POSSESSION OF MEDICINAL CANNABIS

5. (1) In accordance with the provisions of this Act, a person, who is not a minor, may possess up to one (1) gramme of medicinal cannabis for medicinal or therapeutic use. Permitted use and possession for medicinal use.

(2) Upon completion of a Self-Declaration Form prescribed by the Authority in accordance with section 22(2), a person, who is not a minor, may possess greater than one 1 gramme of medicinal cannabis but less than 50 grammes or 10 grammes of cannabis resin for medicinal or therapeutic use.

(3) A person may possess more than 50 grammes of cannabis or 10 grammes of cannabis resin, if a Medical Document has been issued by a medical practitioner in accordance with section 24 under Part II of this Act.

(4) A person who contravenes, or causes the contravention of subsection (2) and (3) commits an offence and shall be deemed to be in possession for the purpose of supplying it to another in contravention of section 24 of this Act or for drug trafficking in contravention of section 6(2)(c) of the Drug (Prevention of Misuse) Act, unless the contrary is proved, the burden of proof being on the accused.

(5) A person who commits an offence under subsection (4) commits an offence and is liable

- (a) on summary conviction to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding ten years but

no less than three years, or to both such fine and imprisonment ; and

- (b) on conviction on indictment to a fine not exceeding of \$200,000 or to a term of imprisonment not exceeding fifteen years but no less than ten years, or to both such fine and imprisonment.

Use of cannabis only at private dwelling.

6. The use of cannabis by a person under this Part of this Act shall only be at and in relation to a private dwelling or such place as may be designated by or permitted by the Authority.

Prohibitions.

7. (1) A person shall not import cannabis into the Virgin Islands or export cannabis from the Virgin Islands for any purpose, unless the Authority authorises such importation and/or exportation in accordance with this Act.

(2) A person who contravenes, or causes the contravention of sub section (1) of this Act commits an offence and is liable

- (a) on summary conviction to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding ten years but no less than three years, or to both such fine and imprisonment; and
- (b) on conviction on indictment to a fine not exceeding of \$200,000 or to a term of imprisonment not exceeding fifteen years but no less than ten years, or to both such fine and imprisonment.

PART III VIRGIN ISLANDS CANNABIS LICENSING AUTHORITY

Establishment of the Authority.

8. (1) There is hereby established, for the purposes of this Act, a body to be known as the Virgin Islands Cannabis Licensing Authority.

(2) The Authority shall be a body corporate and shall have perpetual succession and a common seal, which shall be officially and judicially noted, and shall have the power to sue and be sued in its own name and to hold and dispose of property and section 21 of the Interpretation Act shall apply accordingly.

(3) The Authority may engage an expert, advisor 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.

(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.

9. (1) The Authority shall

Functions of the Authority.

- (a) develop, maintain and enforce policies, procedures and guidelines for the medicinal cannabis industry;
- (b) subject to subsection (2), regulate the handling of medicinal cannabis, including but not limited to the licensing and regulation of the use, possession, cultivation, processing, analytical testing, research, distribution, sale, import, export and transportation of medicinal cannabis;
- (c) designate areas for cultivation of cannabis in the Virgin Islands, and until further designation by Cabinet, cultivation shall be limited to 50 acres in Paraquita Bay;
- (d) designate areas which may be exempted with respect to permitted consumption of cannabis in public spaces;
- (e) limit the number of licenses, including Medicinal Cannabis Dispensary licenses that may be issued, taking into account the supply and demand for medical cannabis in the Virgin Islands;
- (f) establish and maintain a confidential electronic database to document registered Therapeutic Users, caregivers, medical practitioners, licensees, and other persons registered with the Authority;
- (g) establish and maintain a confidential electronic database to track all cannabis harvested, processed, sold in the Virgin Islands and exported from the Virgin Islands;
- (h) develop and execute enforcement procedures in relation to the inspection of premises that are operated by persons or organisations in order to ensure compliance with the provisions of this Act and establish an internal inspection division to conduct all such inspections;
- (i) enforce procedures in relation to the inspection of licensed premises, or premises proposed to be licensed, in order to ensure compliance with the provisions of this Act;

- (j) ensure that proper disposal requirements are prescribed for the safe disposal of cannabis which is handled under this Act;
 - (k) enter into any arrangement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions;
 - (l) charge fees for services provided by or on behalf of the Authority;
 - (m) work with other relevant ministries in the development of appropriate cannabis import and export fees; and
 - (n) do all such things and perform such other functions as the Authority reasonably considers necessary or expedient for the purpose of carrying out its functions under this Act.
- (2) In performing the functions specified in subsection (1), the Authority shall
- (a) formulate standards and prescribe codes of practice to be observed by licensees, other persons involved in the medicinal cannabis industry, including the ability to set limits on the amount of cannabis that may be purchased or take whatever steps it deems necessary to prevent potential abuse of cannabis;
 - (b) establish incentives for multiple license holders who wish to participate in the cannabis industry for extended periods;
 - (c) examine ways in which licensees can assist traditional farmers avail of economic opportunities associated with the cannabis industry including, having due regard to applicants that represent or partner with traditional or local farmers;
 - (d) build community partnerships by engaging local farmers and communities in the design and delivery of their authorised activities; and promote employment opportunities and career pathways in the cannabis industry for local farmers;
 - (d) determine the fees to be charged for services provided by or on behalf of the Authority;
 - (e) facilitate scientific research in respect of medicinal

cannabis and where applicable, apply the results of such research in the development of the medicinal cannabis industry;

- (f) establish a framework for international registration of medicinal cannabis products and CBD products in the Virgin Islands; and,
- (h) do all such things as the Authority considers necessary or expedient for the purpose of carrying out its functions.

10. (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.

Establishment of the Board.

(2) The Board shall comprise seven persons appointed by the Cabinet from among persons with qualifications and experience in the following disciplines:

- (a) law;
- (b) finance;
- (c) medicine and scientific research;
- (d) agriculture;
- (e) business management;
- (f) law enforcement; and
- (g) drug education.

(3) A person appointed to the Board shall not 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 Minister shall by instrument in writing appoint one of the Members of the Board to be the Chairman of the Board and another Member to be the Deputy Chairman of the Board.

(5) A Member of the Board shall be appointed for such term not exceeding two years and shall be eligible for reappointment.

(6) Where a vacancy arises in the membership of the Board or a Member is temporarily absent or incapable of performing his or her duties, the Minister acting in his or her own discretion shall appoint a person to fill the vacancy

or to act in the place of that Member during the period of absence.

(7) The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

(8) There shall be paid to the Chairperson, Deputy Chairperson and other members of the Board such remuneration as may be determined by Cabinet.

(9) A Member of the Board shall not be held personally liable for anything done or omitted in the discharge of the functions of the Authority, unless it is shown that the act or omission was reckless or in bad faith.

Revocation.

11. (1) The Minister may at any time revoke the appointment of a Member, if the Member

- (a) is declared bankrupt;
- (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 or otherwise is in a position of conflict of interest or perceived conflict of interest; or
- (f) is convicted of an indictable offence or otherwise bring his office into disrepute.

Resignation.

12. (1) An appointed member of the Board, other than the Chairperson, may at any time, resign his office by instrument in writing, addressed to the Cabinet and transmitted through the Chairperson, and from the date of receipt by the Cabinet of such instrument, the person shall cease to be a member of the Board.

(2) The Chairperson may, at any time resign his office by instrument in writing addressed to the Cabinet and such resignation shall take effect as from the date of receipt by the Cabinet of that instrument.

Proceedings of meetings of the Board.

13. (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 and shall

develop rules and procedures to regulate the conduct of its business and proceedings.

(2) At any meeting, five Members shall constitute a quorum.

(3) The Chairperson or in the case of the inability of the Chairperson to act, the Deputy Chairperson shall preside at all meetings of the Board, and when so presiding the Chairperson or Deputy Chairperson shall have a casting vote in any case where the voting is equal.

(4) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member of the Board.

(5) Minutes in proper form of each meeting of the Board shall be kept and confirmed as soon as reasonably practicable at a subsequent meeting of the Board.

(6) All documents and decisions of the Board may be signified under the hand of the Chairperson, the Deputy Chairperson or any other member authorised by the Board. Seal of Authority.

14. The Authority shall have an official seal for the authentication of documents issued by the Authority and the application of the seal of the Authority shall be authenticated by the signature of the Chairman or a person authorised to do so by the Board.

Seal of the Authority.

15. (1) The Board may appoint such committees, for any general or special purposes, with which the Board may be concerned, as in the opinion of the Board would be better regulated and managed by means of a committee.

Committees of the Board.

(2) A committee appointed pursuant to subsection (1) may include persons who are not members of the Board or employees of the Authority, so however that; the appointment of any such persons shall be subject to the approval of the Cabinet.

16. (1) A member of the Board who is in any way directly or indirectly interested in any matter whatsoever which falls to be considered by the Board, shall forthwith disclose the nature of his interest to the other members of the Board upon a conflict of interest arising, and the disclosure shall be recorded in the minutes of the next meeting of the Board, and the member shall not take part in any deliberation or decision of the Board with respect thereto.

Disclosure of interest.

(2) A member of the Board need not attend in person at a meeting of the Board in order to make a disclosure that he is required to make under this section, if the member takes reasonable steps to ensure that the disclosure is made by notice

which is taken into consideration and read at the next meeting held after the disclosure is made.

Appointment and employment of employees of the Authority.

17. (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 Board shall consult with the Minister in establishing the qualifications for the various offices established within the Authority and shall advise the Cabinet on all appointments to fill such offices.

Funds of the Authority and Accounts and Audit of the Authority.

18. (1) The funds and resources of the Authority shall consist of

- (a) such sums as may, from time to time, be placed at the disposal of the Authority by the House of Assembly;
- (b) and all other sums and property which may, in any manner, become payable to or vested in the Authority in respect of any matter incidental to its functions.

(2) The expenses of the Authority, including the remuneration of members of the Authority and employees and agents of the Authority shall be paid out of the funds of the Authority and thereafter all remaining revenues received in respect of any matter incidental to the functions of the Authority shall be paid into the Consolidated Fund within such period as may be specified by the Minister of Finance, in writing.

(3) The Authority may, with the approval of the Minister of Finance, direct that such percentage of sums received from licence fees be applied for the following purposes

- (a) the strengthening of social programmes related to drug abuse prevention and treatment;
- (b) the training of licensees in the cultivation of cannabis; the funding of scientific and medical research relating to cannabis;
- (c) such other purposes, as may be determined by the Authority, after consultation with the Minister.

(4) The Authority shall keep proper accounts and records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to internationally accepted accounting principles.

(5) The accounts of the Authority shall be audited annually by the Director of Audit or by an auditor appointed by the Authority with the approval of the Director of Audit.

19. Any person, body or agency having authority over any matter in respect of which the Authority has functions to perform under this Act, shall not, whether provisionally or finally, approve or determine such matter until the Authority has been consulted.

Authority to be consulted.

20. (1) The Authority shall provide a monthly update to the Minister and submit an annual report relating generally to the execution of its functions and may, at any time, submit a report relating to any particular matter or matters which, in the Authority's opinion, require the special attention of the Minister.

Report to Minister.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the auditor's report thereon, to be laid in the House of Assembly.

21. The Minister acting on the advice of Cabinet may give directions of a general nature as to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be necessary in the public interest, and the Authority shall comply with and give effect to all such directions.

Directions of Minister.

PART IV

ACCESS TO MEDICINAL CANNABIS

22. (1) An individual or non-citizen visiting the Virgin Islands shall be entitled to obtain, possess, store and use cannabis for a medicinal or therapeutic use only where such cannabis is obtained in accordance with the provisions of this Part of this Act.

Use of medicinal cannabis.

(2) The Authority shall prescribe by regulations the manner and form by which individuals may self-declare themselves to be Therapeutic Users for a medical or therapeutic use, provided that any such self-declaration shall include the following information:

- (a) the name, home address and date of birth of the individual;
- (b) proof of identity of the individual; and,
- (c) the nature of the ailment for which the individual seeks to obtain the therapeutic effect of medicinal cannabis.

(3) All licensed operators of Medical Cannabis Dispensaries shall collect and remit Therapeutic User Self-Declaration Forms pursuant to regulations prescribed by the Authority and shall:

- (a) verify the identity of the self-declaring individual;
- (b) maintain a record of all Therapeutic Users that he or she has submitted to the Authority and such record shall be subject to review by the Authority, upon request.

(4) The Authority shall maintain a confidential register of all individuals who are registered and issued Therapeutic User Certificates in accordance with this Act.

Caregivers.

23.(1) Subject to the provisions of this section, a Therapeutic User may designate a person who has responsibility for the immediate care and safety of the Therapeutic User, as caregiver, with respect to assisting him or her in obtaining and administering medicinal cannabis.

(2) A Therapeutic User who is a minor shall have a caregiver, who shall be either a parent or legal guardian of the minor.

(3) A person who is a minor shall not be designated as a caregiver.

(4) Pursuant to subsections (1) and (2), where a Therapeutic User designates a caregiver or is a minor, in addition to the particulars outlined in subsection 22(2) of this Act, the following additional particulars shall be included on his or her Therapeutic User Self-Declaration Form

- (a) the name, address and date of birth of the applicable caregiver; and
- (b) proof of identity of the applicable caregiver.

(5) In addition to the particulars outlined in subsection (4), the applicable caregiver shall be required to sign the Therapeutic User Self-Declaration Form as proof of his or her consent to undertake the immediate care and safety of the Therapeutic User with respect to obtaining and administering medicinal cannabis to such Therapeutic User.

(6) A caregiver shall not be a person who

- (a) has been charged or convicted of an offence under
 - (i) the Drugs (Prevention of Misuse) Act;
 - (ii) the Drug Trafficking Offences Act;
 - (iii) the Proceeds of Criminal conduct Act; or

(iv) any other relevant enactment prescribed by the Minister, by order; or

(b) has a history of substance abuse.

24. (1) The Authority may grant an authorisation of a medical practitioner to issue medical documents respecting dosages and form of cannabis, upon submission by the Medical Practitioner to the Authority

Authorisation to recommend medicinal cannabis.

(a) a copy of the medical practitioners valid practicing certificate; and

(b) a copy of the documentation of training or experience of the medical doctor in relation to prescribing medical cannabis, as required by the Authority.

(2) Pursuant to subsection (1), a medical doctor shall apply for and obtain authorisation from the Authority, prior to prescribing medicinal cannabis.

(3) A medical practitioner may recommend the use of cannabis to a patient for any illness or condition and shall issue the patient a medical document respecting the dosage and form of cannabis ("Medical Document").

(4) A medical document issued under this section shall not exceed a three month supply of medicinal cannabis, as determined by the respective medical practitioner, after which the patient shall be examined by the medical practitioner prior to the recommendation of any further medicinal cannabis.

(5) A medical practitioner who issues a medical document under subsection (4) shall not be held liable for an offence under the Medical Act, 2000 if in his or her assessment, such course of treatment was advisable.

No. 4 of 2000

25. (1) Only a licensed Medical Cannabis Dispensary may dispense medicinal cannabis to persons in accordance with this Act.

Dispensing of medicinal cannabis.

(2) Pursuant to subsection (1), a Medical Cannabis Dispensary may lawfully dispense medicinal cannabis to a person;

(a) upon proof of age of majority, one (1) gramme of cannabis or less;

(b) upon completion of a Self-Declaration in a form prescribed by the Authority for a Therapeutic User or caregiver, up to fifty (50) grammes or less; or

- (c) upon presentation of a Medical Document issued by a medical practitioner, such amount as may be recommended by the medical practitioner.

(3) Upon dispensing medicinal cannabis under subsection (2), the Medical Cannabis Dispensary shall provide to the individual, patient, Therapeutic User or the caregiver a receipt which shall include all of the following:

- (a) the name, address and the business registration number of the Dispensary;
- (b) the date on which the medicinal cannabis was dispensed; and
- (c) the quantity of medicinal cannabis that is dispensed.

(4) Operators of the Medical Cannabis Dispensary shall enter the information referred to in subsection (3) in a register kept by the applicable dispensary and established for that purpose, in the manner specified by guidelines issued by the Authority.

(5) The Authority shall recognise any Medical Document properly issued in another CARICOM state or other recognised jurisdiction and such Medical Document shall operate as if it was issued by a medical practitioner in the Virgin Islands.

(6) A Medical Cannabis Dispensary shall be required to verify the Medical Document of a patient with appropriate identification.

PART IV LICENSING THE SUPPLY OF MEDICINAL CANNABIS

26. (1) Subject to the provisions of this Part, a person or organisation, as applicable, may apply to the Authority, in the prescribed manner, to obtain any one (1) or more of the following licences, provided that all the conditions and requirements of such licences as prescribed by the Authority by Regulations are complied with-:

- (a) an Analytical Testing Licence, to allow for the conduct of testing and analytical service for the purpose of improving or further developing medicinal cannabis;
- (b) a Cultivation Licence, to allow for the growing, harvesting, drying, trimming, curing or packaging of medical cannabis;
- (c) an Import Licence, to allow for the importation of cannabis

for medical and scientific purposes, and planting material from any country where it is legal to do so and in keeping with international treaty obligations;

- (d) an Export License, to allow for the exportation of cannabis for medical and scientific purposes, to any country in keeping with the laws of any such country and international treaty obligations;
- (e) a Medicinal Cannabis Dispensary Licence, to allow for the operation of a retail facility to dispense of cannabis for medical use to individuals holding valid permits or authorisations under this Act;
- (f) a Processing Licence, to allow for activities relating to the processing and manufacturing of cannabis material and medicinal cannabis products;
- (g) a Research and Development Licence, to allow for the conduct of scientific research for the purpose of improving or further developing cannabis for medical use; or
- (h) a Transportation Licence which shall be issued to allow for the transportation of medicinal cannabis.

(2) An applicant for a licence shall submit to the Authority:

- (a) a completed application in accordance with the applicable form prescribed by Regulations issued by the Authority that contains the information specified in subsection (3);
- (b) proof to the satisfaction of the Authority that the applicant meets the basic qualification requirements set out in this section;
- (c) the relevant prescribed licence fee, as prescribed by the Authority, which shall not be refundable;
- (d) a police report in respect of the applicant, being in the case of:
 - (i) an individual, a police report on such individual; or,
 - (ii) an applicant that is not an individual, a police report in respect of each of the individuals that exercise *de facto* control over such entity;

- (e) evidence that the applicant owns the premises on which the activities that are the subject of the licence will be carried out on, or has the written agreement with the owner of those premises to use the premises for such activities, together with
 - (i) a survey plan of the land comprising the premises; or
 - (ii) such other property description deemed acceptable by the Authority, or upon which the premises are situated, as the case may be;
- (f) where the applicant is a company or registered business, a copy of the certificate of incorporation of the company or the registered business certificate of the business, as the case may be; and
- (g) any other information required under section 27 or section 51 of this Act or as required by the Authority.

(3) The information required pursuant to subsection (2)(a) shall include the following:

- (a) if the applicant is
 - (i) an individual, his or her name, date of birth and gender;
 - (ii) an applicant that is not an individual, the name of the entity;
- (b) the address, telephone number and if applicable, the facsimile number and email address for
 - (i) the person for whom the licence is sought; and
 - (ii) where applicable, each building within the premises where the proposed activities are to be conducted;
- (c) the mailing address for the premises for which the licence is required;
- (d) the proposed activities to be conducted on the premises and the purpose for conducting those activities;
- (e) a detailed description of the security measures at the

premises for which the licence is sought, subject to this Act and any regulations issued by the Authority; and

- (f) a detailed description of the method the applicant proposes to use for record keeping, which shall allow for:
 - (i) compliance with the provisions of this Act, Regulations and any guidelines issued by the Authority;
 - (ii) the Authority to inspect and monitor the activities of the licensee; and
 - (iii) the reconciliation of orders for medicinal cannabis and shipments and inventories of medicinal cannabis, where applicable.

(4) Where an applicant intends to conduct any activity for which a licence is required under this Act upon more than one premises, a separate application shall be submitted in respect of each premises.

27. (1) Pursuant to section 26(2)(b) of this Act, the basic qualification requirements in relation to an applicant include:

Basic qualification requirements in relation to an applicant.

- (a) if the applicant is any one (1) of the following:
 - (i) a citizen of the Virgin Islands;
 - (ii) an individual who is ordinarily resident in the Virgin Islands and has been so for a period of not less than the three (3) year period immediately preceding the date of the application; or,
 - (iii) subject to subsection (2) of this Act, a body corporate, or business, registered under the laws of the Virgin Islands; and,
- (b) the applicant is not disqualified under section 29 of this Act from applying for a licence.

(2) Where an application is submitted pursuant to subsection (1)(a)(iii), the provisions of the Non-Belongers Land Holding Regulation Act shall be applicable in the case of an applicant where a non-citizen is, either directly or indirectly, a stakeholder of such body corporate or business registered under the laws of the Virgin Islands and, as such, constitutes a prospective foreign-owned licensee;

Cap. 122

Matters to be taken into consideration by the Authority in granting a licence.

28. Without limiting the matters to which the Authority may have regard to in deciding whether to grant a licence, an applicant shall satisfy such due diligence and information requests as may be specified by the Authority, as it considers necessary or appropriate.

Disqualification from holding a licence.

29. An applicant shall be disqualified from holding a licence if the applicant does not satisfy the due diligence requirements pursuant to section 28 of this Act or any other requirements stipulated under this Act.

Authority to make determination on application.

30. (1) Where a person has made an application for a licence, the Authority shall decide whether to make a recommendation to the Minister to issue, or refuse to issue the licence.

(2) The Authority may, subject to this Act, make a recommendation to refuse to issue a licence if the Authority considers it appropriate having regard to the following:

- (i) the information and documents provided by the applicant;
- (ii) any information or documents received in response to a due diligence check conducted pursuant to section 28 of this Act;
- (iii) any written advice provided by an agency of the government of the Virgin Islands in relation to the application; and
- (iv) any other matter relating to the activities authorised by the licence or to any other matter that the Authority considers relevant;

General circumstances in which the Authority may recommend the refusal to issue a licence.

31. (1) The Authority shall make a recommendation to the Minister to refuse to issue a licence if:

- (a) the Authority is not satisfied on reasonable grounds that:
 - (i) the applicant has satisfied the due diligence requirements pursuant to section 28 of this Act; and
 - (ii) any of the applicant's relevant business partners in relation to the application, whether in relation to a business relating to the proposed activity for which the licence is sought, or in relation to any other business, has not satisfied the due diligence requirements;

- (iii) the applicant will take all reasonable measures to ensure the physical security of the premises on which the activity authorised under a licence will be carried out;
- (iv) the suitability of the location of the premises or proposed security arrangements at the premises where activities authorised by the licence will be carried out;
- (b) the applicable licence application fee or security bond has not been paid; or
- (c) the applicant has not complied with a requirement under this Act in relation to the application.

(2) A business partner of the applicant is a relevant business partner in relation to an application if the Authority considers it is reasonable in the circumstances of the application, to take that business associate into account.

32. The Authority shall, within thirty (30) days of an approval given by the Minister: Notification of decision.

- (a) notify the applicant, in writing, of the Minister's decision; and
- (b) issue to the applicant a licence specifying to the applicant certain matters as identified in section 33 of this Act.

33. (1) A licence shall, after payment of the applicable fee and security bond prescribed by regulations issued by the Authority, be issued in the manner prescribed by regulations issued by the Authority and shall provide for the following: Matters to be specified in medicinal cannabis licence and terms and conditions of licences.

- (a) the name of the licensee;
- (b) the activities authorised by the licence, and the extent to which those activities are authorised;
- (c) a description of the premises on which the activity that is authorised by the licence is to be conducted;
- (d) the persons authorised by the licence to engage in the activities authorised by the licence;
- (e) the conditions (if any) imposed by the Authority;

- (f) the period for which the licence is in force, provided that, in no event shall the initial term of a licence be for a period greater than three (3) years;
- (g) that the Authority may, in accordance with section 42 of this Act, require the disposal of medicinal cannabis in the possession of, or under the control of, the licensee.

(2) The following terms and conditions shall be deemed to be terms and conditions of every licence, in addition to any other terms and conditions that the Minister may determine

- (a) that the licensee carries out any activity authorised by the licence in accordance with the licence;
- (b) that the licensee complies with any guidelines issued by the Authority;
- (c) that the licensee displays the licence in a conspicuous location on the premises on which the activity which is the subject of the licence;
- (d) that the licensee shall notify the Authority as soon as reasonably practicable after any of the following matters come to the attention of the licensee
 - (i) a breach of the licence;
 - (ii) or any other matter that may require or permit the Minister to revoke the licence;
- (e) that the licensee shall permit an inspector to enter the premises where the activity which is the subject of the licence is being conducted

Period of validity of a licence.

34. Subject to section 33(f), a licence shall cease to be in force

- (a) at the end of the period for which it is expressed to be in force; or,
- (b) if it is revoked earlier, when it is revoked.

Variation of licence.

35. (1) The Authority may vary a licence by giving notice in writing to the licensee:

- (a) at any time, on the Authority's own initiative; or,
- (b) on application made by the licensee.

(2) The Authority may vary a licence if the Authority considers it appropriate in all the circumstances to do so.

(3) A variation made under this Act may include an amendment extending the period of validity, in the case of a Cultivation Licence, for such further period as may be necessary for the completion of the cultivation of cannabis on the respective premises, being in any event a period not to exceed the duration of the then-current crop cycle.

(4) Without limiting subsection (1) , the Authority may vary a licence:

- (a) to impose conditions or additional conditions,
- (b) to remove or vary conditions that were imposed by the Authority pursuant to this Act; and/or
- (c) to extend, modify or reduce the activities authorised by the licence or the licensee.

(5) A variation of a licence shall take effect on the day specified in a notice given pursuant to subsection (1).

36. (1) An application for variation of a licence shall be in writing, and shall contain the following information:

Applications for variation of licence.

- (a) a detailed document outlining the proposed variation as well as any additional information that is relevant to the proposed variation; and
- (b) a copy of the original licence.

(2) An application for a variation shall be accompanied by the applicable fee, as prescribed by regulations issued by the Authority.

(3) An application may be withdrawn at any time before a decision is made on the application, but the applicable fee shall be non-refundable.

(4) Where an application has been made for variation of a licence, the Authority may refuse to vary the licence.

Duration of licences and obligations with respect to fees and security bond.

37. (1) A licence issued under this Act shall, subject to section 39 of this Act, be valid for the period specified therein, unless

- (a) renewed for a further period in accordance with section 38 of this Act;
- (b) revoked in accordance with section 39 of this Act; or
- (c) surrendered at an earlier date by notice in writing given by the licensee to the Authority.

(2) Upon the revocation, surrender or expiration of a licence, any security bond paid by the licensee in relation to the licence shall be refunded by the Authority, less any costs offset, in accordance with section 42(2) of this Act.

Renewal of licences.

38. (1) A licensee may apply for renewal of the applicable licence at least thirty days (30) prior to the expiration of the current license, by submitting to the Authority a completed application in the form prescribed by Regulations issued by the Authority, together with

- (a) the original licence;
- (b) the licence renewal application fee and any amount required to replenish the relevant security bond, as prescribed by regulations issued by the Authority; and
- (c) all supporting documentation as would be required on an original application for the licence, other than any documentation expressly exempted by the Authority from time to time for the purposes of the renewal.

(2) Where a completed application for renewal is submitted within the thirty (30) calendar day period specified under section 37(1), the licensee may continue to operate until the Minister approves or refuses the application for renewal.

(3) A licensee that does not submit an application for renewal within the thirty (30) days, shall be required to pay the prescribed late fee along with the licence renewal application fee in order to renew the licence.

(4) The Authority, in advising the Minister in relation to determining an application for renewal under this section, shall consider the factors required under this Act to be taken into account on an original application, and may also take into account any information garnered during the course of the term of the original applicable licence and any subsequent renewal thereof.

(5) The provisions of section 37 shall apply, with the necessary modifications, to a licence that is renewed under this section.

(6) A licence renewed under this section may include such terms and conditions as the Authority, subject to the approval of the Minister, thinks fit, including any term or condition not included in the original applicable licence or a subsequent renewal thereof.

39. (1) The Authority shall, by notice in writing given to the licensee, revoke or suspend a licence if the Authority is satisfied on reasonable grounds:

Revocation or suspension of licence.

- (a) that the licensee, or if the licensee is a company or business, any of the persons having *de facto* control over the company or business, has engaged in conduct that constitutes an offence under the Drugs (Prevention of Misuse) Act, the Proceeds of Criminal Conduct Act, the Drug Trafficking Offences Act or any other relevant enactment since the applicable licence has been issued;
- (b) that the licensee no longer satisfies the due diligence requirements pursuant to section 28 of this Act; or
- (c) that a business partner of the licensee no longer satisfies the due diligence requirements pursuant to section 28 of this Act (whether in relation to a business relating to the licence or in relation to any other business).

(2) The Authority may, by notice in writing given to the licensee, revoke or suspend a licence, if the Authority is satisfied on reasonable grounds:

- (a) that a condition of the licence has been breached;
- (b) that the licence was obtained or varied on the basis of information that:
 - (i) was materially false or misleading; or
 - (ii) omitted a matter or thing without which the information provided was materially misleading;
- (c) that the location, facilities or security arrangements at the premises at which activities authorised by the licence are to take place are no longer suitable for such activities;
- (d) that the licensee has ceased to carry on all activities

authorised by the licence;

- (e) that the activities authorised by the licence to be undertaken at the premises by the licensee have been undertaken by the licensee at a place other than at such premises;
- (f) that the licensee has not taken all reasonable measures to ensure the physical security of medicinal cannabis within the licensee's possession or control; or
- (g) that the licensee has not provided information required by a notice given under section 40 of this Act within the time specified in the notice.

(3) The revocation or suspension of a licence takes effect on the day specified in the notice under subsection (1) or (2).

Notification of proposed revocation or suspension.

40. (1) Before revoking or suspending a licence pursuant to section 39, the Authority shall give written notice of the proposed revocation or suspension to the licensee.

(2) A notice under subsection (1) shall

- (a) state that the Authority proposes to revoke or suspend the licence and the reasons for the proposed revocation or suspension;
- (b) invite the licensee to make a written submission to the Authority about the proposed revocation or suspension; and
- (c) specify a period within which the licensee may make its written submission pursuant to paragraph (b), provided that such period shall be no less than the thirty (30) day period following the day upon which such notice was given.

Cessation of suspended activities and reinstatement of licence.

41. (1) If a licence is suspended in respect of any or all activities set out in the licence, the respective licensee shall cease conducting all such activities for the duration of the suspension.

(2) The Authority shall, by notice to a licensee, reinstate a licence, in respect of any or all activities affected by the suspension if the licensee demonstrates to the Authority that

- (a) the breach or failure which gave rise to the suspension has been rectified; or

- (b) the suspension was unfounded.

42. (1) Where by virtue of any provision of this Act, a licence is suspended, revoked or surrendered, or has expired, the Authority shall give to the licensee such written directions as the Authority considers appropriate for the safe custody or disposal, (as the case may require) of any medicinal cannabis in the custody or control of the licensee and not lawfully held under any other licence and the licensee shall comply with such directions.

Disposal of medicinal cannabis, application of security bond.

(2) The security bond paid under this Act by a licensee on the issue of a licence may be applied by the Authority to offset any costs reasonably incurred by the Authority in disposing of any medicinal cannabis, due to

- (a) the licensee's failure to comply with directions issued under subsection (1) to the licensee;
- (b) the licensee's failure to dispose of the medicinal cannabis in any case where disposal becomes necessary (for example, in the case of medicinal cannabis that has spoiled, or in the case of a quantity medicinal cannabis possessed by a licensee that exceeds the quantity that such licensee is permitted to possess pursuant to the respective licence); or
- (c) any circumstances from which the Authority may reasonably conclude that the licensee has abandoned the licence or medicinal cannabis.

(3) Where a licensee intends to surrender a licence or does not make an application for the renewal of a licence under this Act, the licensee shall, not later than sixty (60) days before the surrender or expiration of the licence (as the case may be), provide a written report to the Authority setting out a disposal plan for all medicinal cannabis estimated to be left in the licensee's possession on the date of the termination.

(4) A licensee shall comply with such written directions as may be issued to the licensee by the Authority in response to a report made by the licensee under subsection (3).

43. (1) The Authority may designate in writing inspectors for the purposes of this section.

Inspection of premises prior to issuance of licence.

(2) Prior to considering an application for a licence, the Authority shall cause an inspection to be made of the proposed premises on which the licensed activities are to be carried on, by an inspector who shall have power to:

- (a) enter onto the premises for the purpose of conducting the inspection;
- (b) require any person to provide such information as may be required for the purpose of assessing the person's capability; and
- (c) take photographs of the premises.

(3) Every inspector designated in accordance with this section shall be furnished by the Authority with identification and shall when exercising any power conferred on him by this section, produce the identification or a copy thereof.

(4) Pursuant to subsection (1), the inspector shall promptly submit a report of the inspection to the Authority, together with any photographs taken.

(5) A person shall comply with any request or requirement of an inspector under this Act.

(6) A magistrate who is satisfied by sworn information in writing of an inspector that there are reasonable grounds for suspecting that

- (a) an offence under this Act or any regulations has been, is being or is about to be committed on any premises, place or in a vehicle; and
- (b) admission to the premises has been or is likely to be refused,

may by warrant under his hand, which shall continue in force for a period of one month, authorise any inspector to enter the premises.

(7) A person who

- (a) obstructs or impedes an inspector in the exercise of a power under this section;
- (b) without reasonable excuse, refuses to comply with a request under this section; or
- (d) in purported compliance with such a request, knowingly or recklessly gives information that is false or misleading in a material respect,

commits an offence and is liable, on summary conviction to a fine not exceeding

ten thousand dollars or to a term of imprisonment not exceeding six months.

44. (1) Subject to subsection (2), a licensee shall not, directly or indirectly, assign, transfer, offer as security or otherwise encumber its respective licence(s) to another person or cause or permit another person to use such licence(s). Assignment and transfer.

(2) Notwithstanding subsection(1), a licence may be assigned, transferred, offered as security or otherwise encumbered upon application to the Authority, provided that the due diligence requirements pursuant to section 28 are conducted in respect of the intended recipient.

(3) Any purported assignment or transfer of a licence, save and except in accordance with subsection (2), shall be null and void.

PART VI OFFENCES

45. (1) No person shall Prohibitions.

(a) unless otherwise authorised pursuant to this Act, including but not limited to the prescription of a medical practitioner, have in his or her possession, medicinal cannabis

(i) on a school bus or public transport;

(ii) on the premises of any pre-school, primary or secondary school or at a tertiary institution;

(iii) in a private residence that is used at any time to provide licensed child care or other similar social service care at the residence;

(b) unless otherwise authorised pursuant to this Act, engage in the use of medicinal cannabis

(i) on a school bus or any public transport;

(ii) on the premises of any preschool, primary or secondary school or at a tertiary institution;

(iii) in any motor vehicle;

(iv) in a private residence that is used at any time to provide licensed child care or other similar social service care at the residence; or

- (v) in any public place;
- (c) sell medicinal cannabis other than
 - (i) in the case of a Medicinal Cannabis Dispensary, to a patient pursuant to his or her medical document or a Therapeutic User or caregiver, as applicable; or,
 - (ii) in the case of any other licensee, to the holder of a license issued by Authority.
- (d) purchase medicinal cannabis other than:
 - (i) in the case of a patient, under a medical document, a Therapeutic User or caregiver, as applicable, from a Medicinal Cannabis Dispensary.
 - (ii) in the case of any other licensee, in accordance with the terms of his or her license.
- (e) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or boat whilst under the influence of medicinal cannabis;
- (f) use medicinal cannabis, if such person is not a patient under a medical document or Therapeutic User and is not authorised to use medicinal cannabis pursuant to this Act;
- (g) possess medicinal cannabis, if such person is not a patient under a medical document, Therapeutic User or caregiver, or is otherwise authorised to possess medicinal cannabis pursuant to this Act;
- (h) allow any person who is not authorised to use medicinal cannabis pursuant to this Act to use medicinal cannabis;
- (i) knowingly make a misrepresentation to an inspector of any fact or circumstances relating to the use or possession of medicinal cannabis;
- (j) permit a minor to use medicinal cannabis; or
- (k) except if done in accordance with section 44 of this Act, assign, transfer, offer as security or otherwise encumber a licence issued pursuant to this Act unless first authorised in writing by the Authority.

(2) A person who contravenes subsection (1), commits an offence and is be liable

(a) on summary conviction to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding ten years but no less than three years, or to both such fine and imprisonment; and

(b) on conviction on indictment to a fine not exceeding of \$200,000 or to a term of imprisonment not exceeding fifteen years but no less than ten years, or to both such fine and imprisonment.

46. (1) No medical practitioner

Prohibitions relating to an authorised medical professional.

(a) shall hold a direct or indirect economic interest in any operation or facility which supplies medicinal cannabis, if such medical practitioner is engaged in prescribing medicinal cannabis or is in a partnership with an authorised medical practitioner who prescribes medicinal cannabis;

(b) serve on the board of directors of a facility which supplies medicinal cannabis; or

(c) issue a medicinal cannabis prescription for such medical practitioner's personal benefit or for the benefit of any member of such medical practitioner's family.

(2) A medical practitioner who contravenes any of the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars (\$25,000) or to a term of imprisonment not exceeding six (6) months.

PART VII APPEALS

47. (1) For the purposes of this Act, there is hereby established the Virgin Islands Cannabis Appeals Tribunal.

Establishment of the Virgin Islands Cannabis Appeals Tribunal. Schedule

(2) The provisions of the Schedule shall have effect as to the constitution and operation of the Appeals Tribunal and otherwise in relation thereto.

48. (1) A person who is aggrieved by a decision of the Authority or any other person acting in exercise of any function delegated under the Authority, may appeal

Appeals to the Tribunal.

to the Tribunal by way of a notice of appeal made within fourteen (14) days of the date of the decision or within such longer period as the Tribunal may, in any special circumstance, allow.

(2) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, documents or statements relevant to the appeal, a copy of which shall be served on the Authority.

(3) The Tribunal shall, within seven (7) days of the receipt of a notice of appeal under subsection (1) , request the Authority to furnish it with a statement in writing setting out the reasons for its decision.

(4) The Tribunal may order that any book, paper, document or statement, relating to the appeal, which is in the possession of the Authority or any other person acting in exercise of any function delegated under the Authority, or the person aggrieved, be produced at the hearing of the appeal.

(5) The Tribunal shall cause all parties to the appeal to be informed

(a) of the date of the hearing of the appeal;

(b) that they may appear themselves or be represented by their attorney-at-law; and

(c) that they may summon witnesses in their case.

(6) On hearing an appeal under this section, the Tribunal may:

(a) dismiss the appeal and confirm the decision(s) of the Authority;

(b) allow the appeal and set aside the decision(s) of the Authority;

(c) vary the decision(s) of the Authority; or

(d) direct that the matter to be referred to the Minister.

PART VIII MISCELLANEOUS

Standards
requirements.

49. All cannabis that is sold or distributed in the Virgin Islands pursuant to this Act shall meet such standards as may be specified in guidelines set by the Authority, including, but not limited to, GAP, GMP, GDP, GPP.

50.(1) The Authority, shall make Regulations for or with respect to any matter that, by this Act, is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations and Issuance of Guidelines.

(2) Without limiting the generality of subsection (1) regulations made under subsection (1) may make provisions for or with respect to –

- (a) prescribing fees;
- (b) prescribing forms;
- (c) prescribing particulars or information to be included in any application for the issue of a licence or other authorisation or renewal thereof;
- (d) the specific conditions and requirements of licences under section 26(1); and
- (e) generally, any other matter or thing that is authorised or required to be prescribed or necessary to be prescribed to carry out this Act.

(3) The Authority may from time to time, with the approval of the Minister, issue guidelines of practice, or directives, on any matter concerning the regulation of cannabis pursuant to this Act.

51.(1) The Authority may, in respect of any category of licence and with the prior approval of the Minister, after consultation with the Minister responsible for finance: Special provision for fees and security bonds.

- (a) waive the payment of any fee. or security bond, payable under this Act or defer the payment thereof for a specified period; or
- (b) enter into an agreement with any entity, from which any fee or security bond is payable under this Act, for the fee or security bond (as the case may be) to be paid in increments over a stated period of time.

(2) For the avoidance of doubt, a requirement under this Act for the payment of a fee, or security bond, by an applicant or licensee shall be construed as subject to any waiver, deferment or agreement made pursuant to this section, in respect of payment of that fee or security bond (as the case may be) by such applicant or licensee.

52. A person who contravenes, or fails to comply with, any provisions of this Act commits an offence and except where the provision by, or under which the offence is created, provides a penalty to be imposed, is liable as if such offence was committed under the Drug (Prevention of Misuse) Act and such penalties provided thereunder shall apply. General Penalties.

SCHEDULE

[Section 47(2)]

ESTABLISHMENT OF THE VIRGIN ISLANDS CANNABIS APPEALS TRIBUNAL

Constitution and procedure of appeals tribunal appointment of members.

1. (1) The Appeals Tribunal shall consist of not less than three nor more than five members appointed by the Cabinet, being persons appearing to the Minister to be knowledgeable and experienced in matters relating to medicinal cannabis, law, scientific research and finance.

(2) For the hearing of an appeal under this Act, the Appeals Tribunal may consist of one member sitting alone if the parties to the appeal agree.

Temporary Appointment.

2. If the chairman or other member of the Appeals Tribunal is absent temporarily or unable to act, the Cabinet may appoint another person to act temporarily as chairman or such other member.

Appointment period.

3. (1) Subject to the provisions of this Schedule, a member of the Appeals Tribunal shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment.

(2) Every member of the Appeals Tribunal shall be eligible for reappointment, but no such member shall be appointed for more than six consecutive years.

(3) If any vacancy occurs in the membership of the Appeals Tribunal, the vacancy shall be filled by the making of another such appointment; however, the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

(4) Cabinet may, at any time, revoke the appointment of the chairman or any other member if it thinks it expedient so to do.

Resignation.

4. (1) Any member of the Appeals Tribunal other than the chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and transmitted through the chairman and from the date of the receipt by the Cabinet of such instrument such member shall cease to be a member of the Appeals Tribunal.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Publication of membership.

5. The names of the members of the Appeals Tribunal as first constituted and every change in membership thereof shall be published in the

Speaker.

Clerk of the House of Assembly.

OBJECTS AND REASONS

This Bill provides for the establishment of the Cannabis Licensing Authority, for the purpose of regulating and controlling the licensing of the analysis, cultivation, processing, importation, exportation, distribution and sale of cannabis in the Virgin Islands.

This Bill is divided into eight parts.

Part I (clauses 1 to 4) provides for preliminary matters which includes the short title and commencement of the proposed Act and definition of terms used in the Bill. Clause 3 provides for objects and scope of the Bill.

Part II (Clauses 5-7) Under Part II provision is made for the possession of medical cannabis.

Part III(Clauses 8-21) provision is made for the establishment of the Authority and standard provisions applicable to the Authority and Board, including Revocation, Resignation, Proceedings of Meetings, Committees of the Board and Report to Minister.

Part IV (Clauses 22- 25) provision is made for access to medicinal cannabis.

PART V (Clauses 26- 44) makes provision for Licensing and the supply of medicinal cannabis.

Clause 26 makes provision for the licensing regime and the different types of licence under the Act. Analytical Testing Licence, Cultivation Licence, Import Licence, Export License, Medicinal Cannabis Dispensary Licence, Processing Licence, Research and Development Licence, Transportation Licence,

Clause 27 provides for the basic qualifications in relation to an applicant, if the applicant is any one (1) of the following: a citizen of the Virgin Islands; an individual who is ordinarily resident in the Virgin Islands and has been so for a period of not less than the three (3) year period immediately preceding the date of the application; or, subject to subsection (2) of the Bill, a body corporate, or business, registered under the laws of the Virgin Islands; and, if the applicant is not disqualified under section 29 of the Bill from applying for a licence.

The other provisions under Part V provides for other matters including variation of licence, renewal of licences, revocation or suspension of licences and assignment and transfer.

PART VI (Clauses 45-46) provides for offences and penalties.

Part VII (Clauses 47-48) provides for the Establishment of the Cannabis Appeals Tribunal.

PART VIII (Clauses 49- 52) provides for miscellaneous provisions and clause 50 notably provides for Regulations and issuance of guidelines.

The Bill contains one schedule which addresses the establishment of the Virgin Islands Cannabis Appeals Tribunal.

Minister for Trade