

ANTIGUA AND BARBUDA



THE CANNABIS (AMENDMENT) BILL, 2022

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AN ACT to amend the provisions of The Cannabis Act, No. 28 of 2018 to increase the type of medicinal cannabis licence necessary, make provision for sacramental dispensary regulations and other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. Short title

This Act may be cited as the Cannabis (Amendment) Act, 2022.

2. Interpretation

In this Act –

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

3. Amendment of Section 2 – Interpretation

Section 2 of the principal Act is amended by

- (a) repealing the definition of “recommendation” and replacing it with the following:
“recommendation” means an electronic or physical counterfoil recommendation that is issued to a patient under Regulations made pursuant to this Act;”

- (b) repealing the definition of “Special Dispenser” and replacing it with the following:
“Special Dispenser” means—
 - a) a registered pharmacist;
 - b) a registered pharmacy technician or a registered nurse who has completed the required training prescribed by the Authority; or
 - c) any person who meets the qualifications issued by the Authority, in addition to any training course prescribed by the Authority, and has successfully completed the required training.”

- (c) by inserting in the appropriate alphabetical position the following:
"telemedicine service" means the delivery of health care services through the use of audio or video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.”

4. Amendment of Section 6– Sacramental Dispensaries

Section 6 of the principal Act is amended in paragraph (a) of subsection (1) by repealing paragraph (a) of subsection (1) and replacing it as follows –

“(a) follow all regulations guiding sacramental cannabis dispensary operations;”.

5. Amendment of Section 18– Establishment and constitution of the Board of the Authority

Section 18(2) of the principal Act is amended—

- (a) Section 18(2) of the principal Act is amended by repealing subsection (2) in its entirety and replacing this with the following –
“(2) The Board is constituted as follows—

.....

- (a) an attorney-at-law with ten years or more experience in practice;
- (b) a medical practitioner with ten years or more experience in practice;
- (c) a businessperson with extensive experience appointed by the Cabinet; and
- (d) two members appointed by the Minister, representing relevant interest groups in Antigua and Barbuda including but not limited to the following—
 - (i) agricultural services;
 - (ii) the Rastafarian Community.”;

(b) by inserting after subsection (4) the following new subsection –

“(5) The quorum of the Board shall be three including the Chairperson.”

6. Amendment of Section 47—Authorized Medicinal Cannabis recommendations

Section 47 of the principal Act is amended by inserting after subsection (1) the following new subsection—

“(2) The Minister may prescribe by Regulations the procedure for recommending non-prescribable medicinal cannabis by telemedicine service.”

7. Amendment of Section 57– Types of licences

Section 57 of the principal Act is amended in subsection (1) by inserting after paragraph (j) the following new paragraph –

“(k) a Medicinal Collaborative Grow Licence which shall be issued to a company owned by five persons or more where such persons shall be citizens of Antigua and Barbuda and the company may hold no more than three types of licences.”

8. Amendment of section 60– Prohibitions

Section 60 of the principal Act is amended in subsection (2) by repealing subsection (2) and replacing it as follows –

“(2) A patient or caregiver shall not knowingly obtain, seek to obtain, or have in their possession, individually or collectively, an amount of medicinal cannabis from an authorized dispensary that would cause either the authorized patient or the caregiver to exceed the prescribed amount or recommendation that they are authorized to have in their possession.”

Passed the House of Representatives on
The day of , 2022.

Passed the Senate on the day of
, 2022.

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

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EXPLANATORY MEMORANDUM

The purpose of this amendment to the Cannabis Act, 2018 is to introduce important provisions to the principal Act that are geared at improving operations for the medicinal cannabis industry in Antigua and Barbuda. An example of a progressive step taken is to introduce the concept of telemedicine. In light of our ongoing Covid-19 pandemic crisis, this concept will help to facilitate the ease of business whilst helping to reduce the spread of the disease between medical practitioners and patients. As the medicinal cannabis industry in this country grows, it is important to strengthen our legislative framework whilst being able to deliver the medicinal benefits of this product to the people of Antigua and Barbuda who need to benefit from it. This Bill further seeks to create new job opportunities for the citizens and nationals of this country whilst maintaining an enforced legislative framework to regulate and monitor the control of medicinal cannabis. In light

The clauses of the Bill are as follows:

Clauses 1 and 2 – Short Title and Interpretation-which identifies the principal Act as the Cannabis Act 2018.

Clause 3 – Amendment of section 2 of the principal Act - which is the section dealing with the Interpretation of various words and phrases used in the principal Act. In this section, the definition of “recommendation” was reworded to include the word ‘electronic’ to address the modernization of the Act with the concept of telemedicine and a new definition of “Special Dispenser” was introduced. This is because the role of a Special Dispenser is necessary but it is contained within the confines of non-prescribable medicinal cannabis, a type of medicinal cannabis that is recommended by a trained medical professional. In this definition, a registered pharmacist is included by default because such a person is already competent with the registered qualifications to dispense non-prescribable medicinal cannabis. Therefore, the inclusion of the new category allows for Antigua and Barbuda to create new employment opportunities for individuals desirous of becoming Cannabis Professionals.

This clause also introduces the incorporation of telemedicine into the medicinal cannabis process which improves the overall efficiency of interaction between patients and healthcare providers. This creates the opportunity for medical practitioners to assess whether or not the patient needs treatment. It also reduces the overall cost of the medical service and medicine.

Clause 4 –Amendment of Section 6– Sacramental Dispensaries- This clause seeks to allow for the provision of separate Regulations to regulate Sacramental Dispensaries. The Authority, after consultation with the sacramental community, will establish operational guidelines for the management of sacramental cannabis dispensaries to support their constitutional rights.

Clause 5 – Amendment of Section 18– Establishment and constitution of the Board of the Authority- The purpose of amending this section is because the cannabis industry is a daily evolving sector which requires daily operational management and decision-making to become a priority of the Board. To support operational efficiency and effectiveness, the Minister will appoint competent individuals whose main priorities will also include the Medicinal Cannabis Authority. The strategic restructuring of the Board reduces the expenses for this infant Authority and will create the opportunity for alliances with other local authorities and agencies, when relevant. The new quorum will be a minimum of at least three (3) members.

Clause 6 –Amendment of Section 47–Authorized Medicinal Cannabis recommendations- This amendment ensures that the process is standardized by providing for the Minister to be able to make Regulations governing how a patient may receive a recommendation for non-prescribable cannabis via Telemedicine.

Clause 7 – Amendment of Section 57– Types of licences- This amendment provides a strategic approach to ensure that the citizens of Antigua and Barbuda become involved in the ownership of the industry. To encourage and support a culture of business collaboration and commitment and to promote the development of corporations amongst Antiguan and Barbuda.

Clause 8 – Amendment of section 60– Prohibitions- This amendment provides for the inclusion of the word “Recommendation” which incorporates non-prescribable cannabis that shall be recommended to an Authorized patient or caregiver.

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