

# **THE CANNABIS CONTROL BILL, 2019**

## **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 reckless 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 19 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 and 27 of the Bill would provide for the borrowing and investing of monies by the Authority.

Clause 28 of the Bill would provide for the exemption of the Authority from taxes and clause 29 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 30 of the Bill would empower the Authority to issue several types of licences for medicinal, therapeutic or scientific purposes, such as Cultivator Licences, Laboratory Licences, Processor Licences, Retail Distributor Licences, Import Licences and Transport Licences. The Authority would also be empowered to issue Cultivator, Dispensary, Import, Export and Transport Licences for religious purposes.

Clause 31 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 the normal working hours or when the premises are open to the public or otherwise in use by the proposed licensee.

Clause 32 of the Bill would enable the Authority to request further information in relation to an application for a licence. Clause 33 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 34 of the Bill would set out the criteria to be considered by the Authority in determining whether to grant a licence. Clause 35 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 36 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 37 of the Bill would provide for the duration of licences and clause 38 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 39 to 41 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 42 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 43 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 44 of the Bill would limit the number of doses of medicinal cannabis that pharmacy or dispensary would be able to supply at a time.

Clause 45 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 46 of the Bill would provide for the designation of caregivers for patients who need to use medicinal cannabis. Clause 47 of the Bill would permit pharmacists and their authorized 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 48 of the Bill would prohibit the commercial use of cannabis where the handling of the cannabis is licensed for religious purposes. Clause 49 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 50 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 51 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 52 to 59) 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 60 to 65) 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 66 of the Bill would enable the Authority to impose civil penalties for the breach of terms and conditions of licences. Clause 67 of the Bill would provide general penalties for criminal offences under the proposed Act. Clause 68 of the Bill would provide for appeals to the Environmental Commission from decisions of the Authority. Finally, clause 69 of the Bill would provide for the making of regulations.

# CANNABIS CONTROL BILL, 2019

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*Clause*

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## 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, 2019.

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 –

“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;

“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;

“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 30(1)(e)**;

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

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;

“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;

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

“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 30(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;

“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;

“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.

(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.

(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) perform such other functions assigned to it under this Act or any other written law; and
- (m) enter into any arrangement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

(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 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.

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 reckless or 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 14(3)**, 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 ~~on~~ appointment and 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 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 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 reckless or 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 –

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

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

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 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.

(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.
- (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.
- Power to invest      **27.** The Authority may invest monies not immediately required to be expended in meeting any obligation or discharging any function of the Authority in securities approved by the Minister.
- Exemption from taxes, etc.      **28.** 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      **29.** 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

**30.** (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;
- (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;
- (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

**31. (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;
- (b) is a company, firm or co-operative society,

may apply for a licence under **section 30(1)**.

(2) An application for a licence under **section 30(1)** shall be accompanied by satisfactory evidence in the form of a certificate from a medical practitioner to the effect that –



- (a) in the case of an applicant who is an individual, the individual is not addicted to a dangerous drug;
- (b) in the case of an applicant that is a company, firm or co-operative society, no director, partner or other person involved in the management of the applicant is addicted to a dangerous drug.

(3) A person who has been convicted of an indictable offence under the Dangerous Act or the Proceeds of Crime Act shall not be eligible for a licence under **section 30(1)**.

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

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

(6) A controller of a religious organisation may, on behalf of the religious organisation, apply for a licence under section 30(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.

(7) An application for a licence under section 30(3) shall include -

- (a) the name, address and contact information of the controller referred to in subsection (6);
- (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.

(8) Subject to **subsections (2) and (7)**, 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 70**;

(b) the prescribed fee; and

(c) such other documents as may be prescribed.

(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.  
licence

**32.** (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

**33.(1)** Subject to subsection (3), where the Authority receives an application for a licence, it shall publish in the *Gazette* and at least twice during a period of two weeks in two newspapers in daily circulation in Trinidad and Tobago, a notice of that fact.

(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) that any person may –
  - (i) in writing to the Authority; and
  - (ii) on or before a specified date which shall not be less than twenty-one days after the first publication of the notice, object to the granting of the licence and give his reasons; and
- (e) such other information as may be prescribed.

(3) 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 be prescribed.

Considerations for grant of a licence

**34.(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 33(2)(d)**; and
- (d) such other matters as may be prescribed.

Notice of grant or refusal of licence

**35.** (1) Where the Authority decides to grant or refuse to grant a licence, it shall, in writing, inform the applicant 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, in writing, give the applicant the reasons for its refusal.

(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.

Terms and conditions on licence

**36.** (1) A licence shall not be transferable.

(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 70**.

Duration of licences

**37.**(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

**38.** (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.

(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 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.

Enforcement action

**39.** (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 40**; or
- (b) suspend the licence and issue a Notice of Non-Compliance to require the licensee to take corrective action in accordance with **section 40**.

(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 40**; or
- (b) revoke the licence.

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

Notice of Non-Compliance and corrective action by licensee

**40.(1)** For the purposes of **section 39**, 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.

(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

**41.(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

**42.(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.

## **PART V MEDICINAL CANNABIS**

Use of medicinal  
cannabis

**43.** (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.

(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

**44.** 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

**45.** (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

**46.** (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.

**47.** (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

**48.** (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.

**49.** (1) A sacramental dispensary shall —

Sacramental dispensaries

(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.

**50.** (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 —

Declaration of exempt event

(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.

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

Prohibition of use of cannabis by children

(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”

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

Requirement to keep registers of licences

**53.** 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.

Contents of registers

**54.** Subject to this Part, a register shall contain such information as may be prescribed.

Duty to maintain register

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

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

Additions to, removals from and restoration of name to Register

**56.** 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.

Certificate of Chief Executive Officer as to register to be evidence

**57.** 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.

Access to register

**58.** A register under this Part shall at all reasonable times be open to inspection at the office of the Authority and shall be accessible on a website established by the Authority.

Offence to alter register without lawful authority

**59.** 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

**60.** (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

**61.** 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

**62.** (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.

**63.** An inspector appointed under **section 62** 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 62(1)** to the owner, occupier or other person for the time being in charge of the premises, land or vehicle.

Powers of inspectors

**64.** (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) question any person who has duties which in the view of the inspector may be pertinent to the inspection being carried out;
  - (c) verify compliance with this Act and the terms and conditions of any licence;
  - (d) take for analysis sufficient samples of any material;
  - (e) take photographs of anything;
  - (f) make copies of any record or other document;
  - (g) seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law; and
  - (h) direct the temporary suspension of any activity which he reasonably believes to be in contravention of this Act or in breach of 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 39 and 40**.

(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 68** 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

**65.** 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                   **66.** 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.

General penalties               **67.** 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                           **68.** 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.

Regulations                   **69.** (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.



Passed in the House of Representatives this                    day of                    , 2019.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this                    day of                    , 2019.

Clerk of the Senate

I confirm the above.

President of the Senate