

THE DANGEROUS DRUGS ACT

ORDERS

(under section 7D(3)(a))

The Dangerous Drugs (Cultivation of Ganja for Scientific Research Purposes) L.N. 56/2015
(University of the West Indies) Order, 2015

REGULATIONS

(under section 9)

The Dangerous Drugs Regulations, 1948

L.N. 28/48
21/58

REGULATIONS

(under section 9A(2))

The Dangerous Drugs (Cannabis Licensing) (Interim) Regulations, 2016

L.N. 54/A/2016

ORDERS

(under section 10(3))

(Omitted)

ORDERS

(under section 11(1) and (3))

(Omitted)

REGULATIONS

(under section 19)

The Dangerous Drugs (Authorization Conditions) Regulations, 1948

L.N. 29/48

THE DANGEROUS DRUG ACT

REGULATIONS
(under section 7D(3)(a))THE DANGEROUS DRUGS (CULTIVATION OF GANGA FOR SCIENTIFIC
RESEARCH PURPOSES) (UNIVERSITY OF THE WEST INDIES) ORDER, 2015*(Made by the Minister on the 22nd day of April, 2015)*

L.N. 56/2015

1. This Order may be cited as the Dangerous Drugs (Cultivation of Ganja for Scientific Research Purposes) (University of the West Indies) Order, 2015.

2. The University of the West Indies, situated at Mona, in the parish of St. Andrew (hereinafter “the institution”), is authorized to cultivate ganja for the purposes of scientific research on the lands, specified in Part 1 of the Schedule hereto, of the institution subject to the terms and conditions specified in Part 2 of the Schedule hereto.

SCHEDULE

(Paragraph 2)

Part 1

(Description of Land)

Land being part of the University of the West Indies Mona Campus, Kingston 7, Jamaica.

Part 2

*(Terms and Conditions)**Duration and Renewal of Order*

1. This Order shall expire one (1) year after coming into effect.
2. This Order may be renewed on application by the Institution received at least thirty (30) days prior to the date of expiration of this Order.
3. Where the Order is not renewed or is revoked, the Institution shall immediately cease its operations with respect to the activity authorized by this Order and shall take the necessary steps, in conjunction with the Jamaica Constabulary Force, to destroy all remaining ganja plants and products that it has in its possession or control.

Cessation of Terms and Conditions of this Order

4. In the event that the institution desires to cease to carry out the activity specified herein it shall give the Minister responsible for Science and Technology sixty (60) days prior written notice.

SCHEDULE, cont'd.

5. The terms and conditions of this Order shall automatically cease to have effect upon the promulgation, pursuant to section 9A of the Dangerous Drugs (Amendment) Act ("the Act"), of Rules and Regulations, by the Minister responsible for Justice, concerning the handling of ganja for medical, therapeutic and scientific purposes as defined by the Act. Once promulgated, the said Rules and Regulations shall govern the activity of the Institution.

Breach of this Order

6. Any contravention of the terms and conditions of this Order may result in it being terminated if such contravention is not cured to the satisfaction of the Minister responsible for Science within thirty (30) days of the occurrence of the breach.

Power to Add, Modify or Vary Conditions

7. The Minister responsible for Science reserves the right to add, modify or otherwise vary the terms and conditions of this Order at any time upon reasonable notice to the Institution.

Obligations of the Institution

The Institution shall:

8. Comply with any directives issued by the Minister responsible for Science and Technology pursuant to this Order or to powers vested in him by any relevant legislation applicable hereto with all reasonable promptitude.

9. Ensure that its servants, agents, employees, independent contractors and third party partners adhere to the terms and conditions of this Order.

10. Ensure that it employs adequate security measures in order to safeguard the ganja and any part thereof, the lands on which the ganja is being cultivated and the facilities being used for the authorized activity.

11. At all times allow the Scientific Research Council (hereinafter "the SRC") and any other body authorized for these purposes by the Minister responsible for Science and Technology, to inspect its facilities wherein cultivation and research into the ganja plants are being conducted so as to ensure that the terms and conditions of this Order, the Act and any Rules or Regulations made thereunder are being upheld.

12. Maintain accounts and records in such manner as may be prescribed by the Minister responsible for Science and Technology, the SRC or any other body designated by the Minister responsible for Science and Technology for the purposes of this Order.

13. At the end of each quarter, submit to the Minister responsible for Science and Technology and the SRC or its designee, a Report outlining all the activities undertaken for that period in relation to the activity authorized by this Order.

14. Permit the SRC, or any other body so designated by the Minister responsible for Science and Technology, to enter in or upon any lands, properties and or facilities and conduct an audit of the activities being carried out pursuant to this Order.

15. From time to time, provide such information, reports, and records as may be reasonably requested by the SRC, or any other body so designated by the Minister responsible for Science and Technology for the purposes of this Order.

THE DANGEROUS DRUGS ACT

REGULATIONS
(under section 9)

THE DANGEROUS DRUGS REGULATIONS, 1948

(Made by the Governor in Executive Council on the 22nd day of
March, 1948)

L.N. 28/48
Amended:
L.N. 21/58

1. These Regulations may be cited as the Dangerous Drugs Regulations, 1948.

2. In these Regulations, unless the context otherwise requires—
“authority” means—

- (a) any licence issued by the Chief Medical Officer under section 19 of the Act;
- (b) any authority granted by the Chief Medical Officer under regulations made under that section;
- (c) any general authorization conferred by these Regulations; and the expression “authorized” shall be construed accordingly;

“authorized veterinary surgeon” means a veterinary surgeon to whom an authority has been granted by the Chief Medical Officer;

“chemist and druggist” means a person who is registered as a pharmacist under the provisions of the Pharmacy Act;

“drug” means any drug, not being a preparation within the meaning of these Regulations to which Part IV of the Act applies;

“preparation” means any preparation, admixture, extract, or other substance, containing such a proportion of a drug as is sufficient to make the preparation, admixture, extract or substance, a drug to which Part IV of the Act applies;

“register” means a bound book and does not include any form of loose leaf register or card index.

3.—(1) A person shall not, unless he is duly authorized so to do or otherwise than in accordance with the terms and conditions of his authority, supply or procure or offer to supply or procure, to or for

any person (including himself), whether in the Island or elsewhere, or advertise for sale a drug or preparation.

(2) Subject as hereinafter provided, a person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in the Island, unless that latter person is authorized to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the terms and conditions of that person's authority:

Provided that for the purpose of this paragraph the administration of a drug or preparation by, or under the direct personal supervision and in the presence of, a duly registered medical practitioner, or by, or under the direct personal supervision and in the presence of a duly registered dentist in the course of dental treatment, shall not be deemed to be the supplying of a drug or preparation.

4.—(1) A person shall not be in possession of a drug or preparation unless he is duly so authorized.

(2) For the purposes of these Regulations—

(a) a person to whom a drug or preparation is lawfully supplied—

(i) by a duly registered medical practitioner or authorized veterinary surgeon who dispenses his own medicines;

(ii) on a prescription lawfully given by a duly registered medical practitioner, a duly registered dentist or a duly authorized veterinary surgeon,

shall be deemed to be a person authorized to be in possession of the drug or preparation so supplied:

Provided that a person supplied with a drug or preparation by, or on a prescription given by a registered medical practitioner, shall not be deemed to be a person authorized to be in possession of the drug or preparation if he was then being supplied with a drug or preparation by, or on a prescription given by, another registered medical practitioner in the course of treatment and did not disclose the fact to the first-mentioned medical practitioner before the supply by him or on his prescription;

(b) a person shall be deemed to be in possession of a drug or preparation if it is in his actual custody or is held by any other person subject to his control or for him or on his behalf.

5.—(1) Where a drug or preparation is to be lawfully supplied to any person (hereinafter referred to as the "recipient") otherwise than by, or on prescription given by, a duly registered medical practitioner, the person supplying the drug or preparation (hereinafter referred to as "the supplier") shall not deliver it to a person who purports to be sent by or on behalf of the recipient, unless that person either—

- (a) is a person authorized under these Regulations to be in possession of that drug or preparation; or
- (b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorized by the recipient to receive the drug or preparation in question on behalf of the recipient and the supplier is reasonably satisfied that the document is a genuine document.

(2) A person to whom a drug or preparation is lawfully delivered in the circumstances mentioned in sub-paragraph (b) of paragraph 1 shall be deemed to be a person authorized to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable the delivery to the recipient to be effected.

6.—(1) The following persons, that is to say—

- (a) duly registered medical practitioners;
- (b) registered dentists;
- (c) persons in charge of laboratories used for the purposes of research or instruction and attached to institutions, schools, or colleges, approved for the purpose of this regulation by the Chief Medical Officer;
- (d) analysts designated for the purpose of section 17 of the Food and Drugs Act;
- (e) Government dispensers who are employed or engaged in dispensing medicines at a public institution;
- (f) the Island Chemist, the Government Chemist and the Government Pathologist; and
- (g) an authorized veterinary surgeon,

are hereby authorized, so far as may be necessary for the practice or exercise of their respective professions or employments in their capacity

as members of their respective classes, to be in possession of drugs or preparations.

(2) Persons who are members of the classes designated at (a), (e), and (g) of paragraph (1) are hereby authorized, so far as may be necessary for the practice or exercise of their respective professions or employments in their capacity as members of their respective classes, to supply drugs or preparations.

(3) In this regulation the expression "public institution" means a public hospital, public dispensary, prison, poor-house or industrial school.

7.—(1) Subject to the proviso hereinafter contained, persons lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Act are hereby authorized—

(a) to manufacture at the shop in the ordinary course of their retail business any preparation; and

(b) subject to the provisions of these Regulations, to carry on at the shop the business of retailing, dispensing or compounding drugs or preparations:

Provided that such persons have been granted an authority by the Chief Medical Officer under the Dangerous Drugs (Authorization Conditions) Regulations, 1948, and notice thereof given in the *Gazette*.

(2) Every drug or preparation in the actual custody of a person authorized by virtue of this regulation shall be kept in a locked receptacle which can be opened only by him or by some assistant of his being a chemist and druggist.

8.—(1) If any person, being an authorized person within the meaning of these Regulations is convicted of an offence against the Act, or of an offence against the Pharmacy Act or the Food and Drugs Act, the Minister may, if he is of opinion that that person ought not to be allowed to remain an authorized person, by notice in the *Gazette* withdraw the authority of that person:

Provided that nothing in this paragraph shall be taken to prejudice any power otherwise vested in the Chief Medical Officer of withdrawing any authority granted by him.

(2) Where the person whose authority is withdrawn under paragraph (1) is a duly registered medical practitioner, a registered dentist or an authorized veterinary surgeon, the Minister may by notice given in

like manner, direct that it shall not be lawful for that person to give prescriptions for the purposes of these Regulations.

9.—(1) For the purposes of these Regulations a prescription means a prescription directing the supply of a drug or preparation and given either by a duly registered medical practitioner for the purposes of medical treatment, or by a registered dentist for the purposes of dental treatment or by an authorized veterinary surgeon for the purposes of animal treatment.

(2) A person by whom a prescription is given shall comply with the following requirements:

The prescription shall—

- (a) be in writing and signed by the person giving it with his usual signature and dated by him;
- (b) specify the address of the person giving it;
- (c) specify the name and address of the person for whose treatment it is given or, if it is given by a veterinary surgeon, of the person to whom the article prescribed is to be delivered;
- (d) have written thereon, if given by a dentist, the words "For local dental treatment only", and, if given by a veterinary surgeon, the words "For animal treatment only";
- (e) specify, if it prescribes a preparation contained or compound of preparations all of which are contained in the British Pharmacopoeia of the British Pharmaceutical Codex, the total amount of the preparation or of each preparation, as the case may be, and in any other case the total amount of the drug to be supplied;
- (f) specify whether it is intended for internal or external use, and be restricted to not more than would be sufficient for fourteen days use.

10.—(1) A person shall not supply a drug or preparation on a prescription—

- (a) unless the prescription complies with the provisions of these Regulations relating to prescriptions; and
- (b) unless he either—
 - (i) is acquainted with the signature of the person by whom it purports to have been given and has no reason to suppose that it is not genuine; or

- (ii) has taken reasonably sufficient steps to satisfy himself that it is genuine.

(2) If a prescription expressly states that it may, subject to the lapse of a specified interval or of specified intervals, be dispensed a second or third time, the drug or preparation thereby prescribed may, as the case may be, be supplied a second or a third time after the specified interval or intervals, and no more, but subject as aforesaid, a prescription shall not, for the purposes of these Regulations be taken to authorize the drug or preparation prescribed to be supplied more than once.

(3) The person dispensing a prescription shall, at the time of dispensing it, mark thereon the date on which it is dispensed, and, in the case of a prescription which may be dispensed a second or a third time, the date of each occasion on which it is dispensed, and shall retain it and keep it on the premises where it is dispensed and so that it may be available at all times for inspection.

11.—(1) Subject to the provisions of this regulation, no person shall—

- (a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein; or
- (b) supply a preparation, unless the package or bottle in which it is contained is plainly marked—
 - (i) in the case of a powder, solution, or ointment, with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution, or ointment; or
 - (ii) in the case of tablets or other similar articles, with the amount of the drug in each article and the number of the articles in the package or bottle.

(2) This regulation shall not apply in a case where a preparation is lawfully supplied in accordance with these Regulations by, or on a prescription lawfully given by, a duly registered medical practitioner

12.—(1) Every person authorized to supply drugs or preparations shall comply with the following provisions—

- (a) he shall, in accordance with the provisions of this regulation, keep a register in the form set out in the First Schedule and enter therein true particulars with respect to every quantity

First
Schedule.

of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him, whether to persons within or to persons outside the Island;

- (b) he shall use a separate register or separate part of the register for entries made with respect to each of the classes of drugs and preparations specified in the Third Schedule, and for this purpose such drug shall be deemed to comprise its salts and any preparation, admixture, extract or other substance containing it or its salts; Third
Schedule.
- (c) the required entry shall be made on the day on which the drug or preparation is received or on which the transaction with respect to the supply by him of the drug or preparation takes place, or if that is not reasonably practicable, on the day next following the said day;
- (d) a separate register shall be kept in respect of each set of premises at which the authorized person carries on business, and for each department of the business carried on by him;
- (e) no cancellation, obliteration or alteration shall be made of an entry in the register, and any correction of an entry must be made by way of a marginal note or footnote which must specify the date on which the correction is made;
- (f) the authorized person shall, on demand by the Chief Medical Officer by any person empowered in that behalf by order in writing by the Chief Medical Officer furnish to the Chief Medical Officer or that person, as the case may be, such particulars as the Chief Medical Officer or that person may require with respect to the obtaining or supplying by the authorized person of any drug or preparation or with respect to any stocks of drugs or preparations in the possession of the authorized person;
- (g) the register may be used for the purpose of the entries required to be made under regulation 16 of the Pharmacy Regulations, 1975, but save as aforesaid shall not be used for any purpose other than the purposes of these Regulations;
- (h) the authorized person shall once in every three months balance his register by totalling the last columns of Parts I and II and by subtracting the total of Part II from that of Part I and by bringing down the balance in Part I as the stock on hand.

(2) So much of this regulation as requires a person to enter in the register particulars with respect to drugs or preparations supplied by him shall not apply to—

- (a) a duly registered medical practitioner who enters in a day book particulars of every drug or preparation supplied by him to any person, together with the name and address of that person and the date of the supply, and enters in a separate book kept for the purposes of this regulation a proper reference to each entry in the day book which relates to the supply of any drug or preparation; or
- (b) a person lawfully keeping open shop for the sale of drugs and poisons within the meaning of the Pharmacy Act, who enters in a separate book kept for the purposes of this regulation a proper reference to each entry in a prescription book which relates to the supply of any drug or preparation.

(3) References in the separate book must be made in chronological order and the book must be kept in separate parts relating respectively to each of the several classes of drugs and preparations specified in paragraph (1), and must not be used for any purpose other than the purposes of paragraph (2).

(4) The entry in the day book or in the separate book must be made on the day on which, but for paragraph (2), an entry would have been required to be made in the register, and sub-paragraph (e) of paragraph (1) shall apply as respects any such entry.

(5) Every register, every separate book kept under the provisions of paragraph (2), every day book in which any entry with respect to the supply of a drug or preparation is made and every prescription book containing an entry which is referred to in the separate book shall be kept on the premises to which the register or book relates or where the prescription was dispensed, as the case may be, and so as to be at all times available for inspection.

(6) Every entry required to be made under this regulation and every correction of such an entry must be made in ink or otherwise so as to be indelible.

(7) For the purposes of this regulation "a proper reference" means a reference which is entered in the separate book under the same date as that on which the entry in the day book or in the prescription book was made and is otherwise such as to enable that entry to be easily identified.

13.—(1) Any medical practitioner carried as part of the complement of a ship in a port of the Island or, if there is no such practitioner, the master of that ship is hereby authorized—

- (a) so far as is necessary for the purpose of compliance with the United Kingdom Acts relating to merchant shipping, to purchase and be in possession of drugs and preparations; and
- (b) subject to and in accordance with any instructions issued by the Board of Trade, to supply drugs and preparations to members of the crew.

(2) The master of a foreign ship which is in a port in the Island is hereby authorized to purchase and to be in possession of such quantity of drugs and preparations as may be certified by the Chief Medical Officer to be necessary for the equipment of the ship until it next reaches its home port.

(3) No drug or preparation shall be supplied to any master of any ship except on a written order signed by him and countersigned by the Chief Medical Officer.

(4) Any person who supplies a drug or preparation in accordance with the provisions of this regulation shall retain the written order and mark it with the date on which the drug or preparation was supplied and keep it on his premises so as to be at all times available for inspection.

(5) Where a drug or preparation is supplied to a member of the crew of a ship, an entry in the official log book of the medical treatment shall, notwithstanding anything in these Regulations, be a sufficient record of the supply, if that entry specifies the drug or preparation supplied.

14.—(1) All registers, records, books, prescriptions and other documents which are kept, issued or made in pursuance of the requirements or for the purposes of these Regulations shall be preserved in the case of a register, book or other like record, for a period of two years from the date on which the last entry is made therein, and in the case of any other document for a period of two years from the date on which it is issued or made.

(2) Every signed order given by an authorized person for a drug or preparation shall be preserved for a period of two years from the date on which the last delivery under the order was made.

15. The Minister may, subject to such conditions as he may prescribe, exempt any hospital or other public institution from any provision of these Regulations.

16. Nothing in these Regulations shall apply to—

Second
Schedule.

- (a) any of the drugs or preparations mentioned in the Second Schedule or to a drug or preparation which has been denatured in manner approved by the Chief Medical Officer;
- (b) any prescription issued to an officer carrying out duties in connection with sampling for the purposes of the Food and Drugs Act or the Pharmacy Act.

THE DANGEROUS DRUGS REGULATIONS, 1948

13

FIRST SCHEDULE

(Regulation 12)

Form of Register

PART I

Entries to be made in case of drugs or preparations obtained

(The class of drugs and preparations to which the entries relate to be specified at the head of each page in the Register).

Stock on hand	Date on which supply received	Name	Address	Form in which obtained	Amount obtained	Total of stock and amount obtained
		of person or firm from whom obtained				

PART II

Entries to be made in case of drugs or preparations supplied

(The class of drugs and preparations to which the entries relate to be specified at the head of each page in the Register).

Date on which the transaction was effected	Name	Address	Authority of person or firm supplied to be in possession	Form in which supplied	Amount supplied
	of persons to whom supplied				

[The inclusion of this page is authorized by L.N. 4/1976]

SECOND SCHEDULE

(Regulation 16)

Drugs and Preparations exempted from these Regulations

Pasta Arsenicalis, B.P.C. 1934
 Pil. Ipecac. c. Scilla, B.P.C. 1934
 Pil. Digitalis et Opii Co., B.P.C. 1923
 Pil. Hydrarg. c. Cret. et Opii, B.P.C. 1934
 Pulv. Cretae Aromat. c. Opio, B.P. 1932
 Pulv. Ipecac. et Opii, B.P. 1932
 Suppos. Plumbi c. Opio, B.P. 1932
 Tabellae Plumbi c. Opio, B.P.C. 1934
 Elixir Diamorphinae et Terpini c. Apomorphina, B.P.C. 1934
 Linctus Diamorphinae Camphoratus, B.P.C. 1923 and 1934
 Linctus Diamorphinae c. Ipecacuanha, B.P.C. 1934
 Linctus Diamorphinae et Scillae, B.P.C. 1923 and 1934
 Linctus Diamorphinae et Thymi, B.P.C. 1923 and 1934
 Mixtures of Pulv. Ipecac. et Opii, B.P. 1932 with any of the following—
 Hydrarg. c. Cret., B.P. 1914 and 1932
 Acetylsalicylic Acid
 Phenacetin
 Quinine and its Salts
 Sodium Bi-carbonate

Cocaine Eyedrops—a preparation consisting of an admixture of cocaine in castor oil with mercuric chloride in a proportion of not more than one part in 200 of cocaine and not less than one part in 3,000 of mercuric chloride.

THIRD SCHEDULE

(Regulation 12)

- (1) Medicinal opium;
- (2) Any extract or tincture of cannabis (Indian hemp) and any preparation, not being a preparation capable of external use only, made from extract or tincture of cannabis;
- (3) Morphine and its salts, and any solution or dilution of morphine or its salts in an inert substance whether liquid or solid containing any proportion of morphine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth of one per cent of morphine (calculated in respect of anhydrous morphine);
- (4) Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and any solution or dilution of cocaine or its salts in an inert substance, whether liquid or solid, containing any proportion of cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-tenth of one per cent of cocaine or any proportion of ecgonine;
- (5) Acetyldihydrocodeine;
- (6) Acetyldihydrocodeinone;
- (7) Alphameprodine;
- (8) Alphaprodine;
- (9) Benzylmorphine;
- (10) Betameprodine;
- (11) Betaprodine;
- (12) Diacetylmorphine (also known as diamorphine or heroin);
- (13) Diethylthiambutene;
- (14) Dihydrodesoxymorphine (also known as desomorphine);
- (15) Dihydromorphine;
- (16) 1:3-Dimethyl-4-phenyl-4-propionyloxyhexamethyle-neimine;
- (17) Dimethylthiambutene;
- (18) Dioxaphetyl butyrate (4-morpholino-2:2-diphenyl ethyl butyrate);
- (19) Dipipanone;
- (20) Ethylmethylthiambutene;

- (21) Hydrocodone (also known as dihydrocodeinone or dicodide);
- (22) Hydromorphone (also known as dihydromorphinone or dilauidide);
- (23) Hydroxypethidine;
- (24) Isomethadone (also known as isoamidone);
- (25) Ketobemidone;
- (26) Levomethorphan;
- (27) Levorphanol;
- (28) Methadol;
- (29) Methadone (also known as amidone);
- (30) Methadyl acetate;
- (31) Methyldesomorphine (6-methyl- Δ^6 -desoxymorphine);
- (32) 1-Methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester;
- (33) Metopon (also known as methylhydromorphinone);
- (34) Morphine-N-oxide (also known as genomorphine);
- (35) Normethadone;
- (36) Oxycodone (also known as dihydrohydroxycodeinone or eucodal);
- (37) Pethidine;
- (38) Phenadoxone;
- (39) Phenomorphan (3-hydroxy-N-phenethylmorphinan);
- (40) Propoxyphene (4-dimethylamino-1 : 2-diphenyl-3-methyl-2-propionloxy-butane);
- (41) Racemethorphan;
- (42) Racemorphan;
- (43) Thebaine;
- (44) The esters of morphine (other than diacetylmorphine), ecgonine, oxycodone, hydrocodone, hydromorphone, acetyldihydrocodeinone and dihydromorphine; the ethers of morphine (other than benzylmorphine, codeine, ethylmorphine and pholcodine); the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives.

THE DANGEROUS DRUGS ACT

REGULATIONS
(under section 9A(2))THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM) REGULATIONS,
2016*(Made by the Minister on the 5th day of May, 2016)*

L.N. 54/A/2016

PART I. *Preliminary*

1. These Regulations may be cited as the Dangerous Drugs (Cannabis Licensing) (Interim) Regulations, 2016. Citation.

2.—(1) The object of these Regulations is to provide for an interim licensing regime pursuant to the power conferred on the Cannabis Licensing Authority (hereinafter referred to as the “the Authority”) under section 9A(2) of the Act until more fulsome regulations are made under that section. Objects and interpretation.

(2) In these Regulations—

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

“cultivation” includes harvesting, curing and drying;

“cultivation site” means the premises specified in a cultivator’s licence as the premises on which ganja plants are authorised to be cultivated under the licence;

“dispose” in relation to ganja means destroying the ganja in accordance with directions or codes of practice issued by the Authority for the purposes of these Regulations;

“downstream buyer” means a buyer who is the holder of a processing licence; a research and development licence or a retail licence;

“herb house” means any premises on which a licensee is permitted to provide ganja for sale only, or for sale and consumption, for medical or therapeutic purposes under regulation 24;

“licence”, unless otherwise specified, means a licence under these Regulations;

“original application” in relation to a licence, means the first successful application for that licence made by the licensee concerned and the words “original licence” shall be construed accordingly;

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

“secure”, in relation to any premise, includes having a fully fenced perimeter, and entrances and exits that are subject to security procedures in accordance with these Regulations.

PART II. *General Provisions for Licences*

Application
for licence.

3.—(1) An application may be made to the Authority, in accordance with these Regulations, for—

- (a) a cultivator’s licence, being a licence in terms of sub-Part A of Part III;
- (b) a processing licence, being a licence in terms of sub-Part B of Part III;
- (c) a transport licence, being a licence in terms of sub-Part C of Part III;
- (d) a retail licence, being a licence in terms of sub-Part D of Part III;
- (e) a research and development licence, being a licence in terms of sub-Part E of Part III.

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

Form 1,
First
Schedule.

- (a) a completed application in accordance with Form 1 of the First Schedule;
- (b) proof to the satisfaction of the Authority that the applicant meets the basic qualification requirements set out in paragraph (3);
- (c) the relevant licence application fee set out in Part A of the Second Schedule.

Second
Schedule.

- (d) the required information mentioned in paragraph (4) in respect of the applicant’s employees;
- (e) in the case of a licence under sub-Part A (cultivator’s licence), where there is a written agreement between the applicant and a downstream buyer, for the applicant to supply ganja to be used in accordance with a licence, a copy of that agreement;
- (f) a current tax compliance certificate in respect of the applicant;
- (g) a police report in respect of the applicant, being in the case of—
 - (i) an individual, a report on that individual;
 - (ii) in the case of a company, a report in respect of each of its directors;

- (iii) in the case of a society registered under Co-operative Societies Act or the Friendly Societies Act, a report in respect of each of its members;
 - (h) in accordance with paragraph (6), proof that the applicant owns the premises on which the activities which are the subject of the licence will be carried on, or has the written agreement of the owner of those premises to use the premises for those activities, together with—
 - (A) proof that all applicable taxes in respect of the premises have been paid up to date; and
 - (B) a survey diagram of the land comprising the premises or on which the premises are situated (as the case may be);
 - (i) where the applicant—
 - (i) is a society registered under the Co-operative Societies Act or the Friendly Societies Act, a copy of the certificate of such registration; or
 - (ii) has submitted an application for registration under the Co-operative Societies Act or the Friendly Societies Act, and the application has not yet been determined, evidence of that;
 - (j) where the applicant is a company or registered business, a copy of the Certificate of Incorporation of the company or the Business Registration Certificate of the business (as the case may be); and
 - (k) any other information required under Part III to be submitted with an application for the particular licence type.
- (3) For the purposes of paragraph (2)(b), the basic qualification requirements are that the applicant—
- (a) is either—
 - (i) an individual who is ordinarily resident in Jamaica, and has been so for a period of not less than three years immediately preceding the date of the application, and has attained the age of eighteen years;
 - (ii) a company incorporated, or business registered, under the laws of Jamaica and demonstrating substantial ownership and control by persons ordinarily resident in Jamaica; or

- (iii) a co-operative society registered under Co-operative Societies Act or a society registered under the Friendly Societies Act; and

(b) is not disqualified under paragraph (7) from applying for a licence.

(4) For the purposes of paragraph (2)(d), the required information in respect of the applicant's employees is a list, in Form 2 of the First Schedule, of all persons to be employed by the applicant in connection with the activity that is the subject of the licence, together with—

Form 2,
First
Schedule.

- (a) a recent police report in respect of each such person;
 - (b) proof that each such person has attained the age of eighteen years; and
 - (c) a photograph of each such person, certified by a Justice of the Peace.
- (5) The fee referred to in paragraph (2)(c) shall not be refundable.

(6) For the purposes of paragraph 2(h), the proof required is—

- (a) in the case of registered land, a certificate of title to the property, duly issued under the Registration of Titles Act;
- (b) in the case of unregistered land, a deed of conveyance of the property or any other form of proof mentioned in sub-paragraph (c), together with the statutory declaration of not less than two persons resident in the area where the land is located, confirming that the applicant is the owner of the land or that the person who has furnished the applicant with the completed consent form referred to in sub-paragraph (d) is the owner of the land;
- (c) for the purposes of sub-paragraph (b) or in the case of any claim to registered land in respect of which the applicant does not have a certificate of title—
 - (i) a will devising the property;
 - (ii) a certificate of compliance with the necessary formalities, duly issued under the Facilities for Titles Act; or
 - (iii) or any other documentary proof (such as a certificate, receipt, contract of sale, deed of gift or lease agreement),

from which it can reasonably be established that the applicant has the rights of ownership claimed in the property; or

- (d) if the applicant does not claim any rights of ownership in the property, a duly completed Consent of Property Owner Form in accordance with Form 3 of the First Schedule;

Form 3,
First
Schedule.

(7) A person is disqualified from applying for or holding a licence if—

- (a) the person has been convicted of an offence specified in paragraph (8);
- (b) the person has been convicted of an offence under the Dangerous Drugs Act, other than an offence specified in paragraph (8), unless ten years have elapsed since the date on which the person completed serving the sentence for the offence (or, if sentenced to a fine, has paid the fine) and the person has not during that time been convicted of an offence involving violence or dishonesty; or
- (c) the person has been convicted of an offence, other than an offence falling within paragraph (a) or (b), unless five years have elapsed since the date on which the person completed serving the sentence for the offence (or, if sentenced to a fine, has paid the fine) and the person has not during that time been convicted of an offence involving violence or dishonesty.

(8) For the purposes of paragraph (7), the specified offences are—

- (a) any offence specified in the Third Schedule of the Criminal Records (Rehabilitation of Offenders) Act (offences for which convictions may not be expunged);
- (b) an offence under section 92 or 93 of the Proceeds of Crime Act (money laundering offences); and
- (c) an offence for which the person has been convicted and sentences in any country other than Jamaica and which, if the circumstances constituting the offence had occurred in Jamaica, would constitute an offence referred to in paragraph (a) or (b).

(9) For the avoidance of doubt, reference in this regulation to an “offence” does not include any contravention for which a person may be liable to a fixed penalty under section 7G of the Act.

4. Where an application for a licence is made under these Regulations, the Authority may, subject to the provisions of this Part and Part III—

Determination
of application.

- (a) if the Authority is satisfied that the application is in accordance with the Act and these Regulations, approve the application on such terms and conditions as the Authority considers fit; or

Terms and
conditions of
licences.

- (b) refuse the application, notifying the applicant in writing of the reasons therefor and of the applicant's right of appeal under regulation 34.

5. The following terms and conditions shall be deemed to be terms and conditions of every licence, in addition to any other terms and conditions which may apply to any such licence by virtue of any other provision of these Regulations—

- (a) compliance with the codes of practice and directives referred to in regulation 29;
- (b) display of the certificate of licence (or a copy thereof duly certified by a Justice of the Peace) in a conspicuous location on the premises on which the activity which is the subject of the licence is carried on or, in the case of a transport licence, in a conspicuous location on the vehicle in respect of which the licence is issued;
- (c) the required information referred to in paragraph (4) of regulation 3, in respect of each new employee to whom that paragraph applies, shall be submitted to the Authority prior to engaging the employee, and the employee shall not be engaged without that approval;
- (d) the licensee shall provide to the Authority at such intervals as the Authority may require, a full accounting of all transactions, including the price for which ganja was purchased and sold by the licensee, and sufficient information related thereto as would enable the Authority to trace, back to the supplier, the ganja purchased by the licensee;
- (e) the licensee shall provide to the Authority a weekly reconciliation statement in respect of all ganja handled, and all ganja disposed of, by the licensee;
- (f) any ganja which constitutes waste material or by-products of the activities carried on under the licence—
 - (i) shall be disposed of in accordance with the directives issued by the Authority; and
 - (ii) before such disposal, shall be packaged in a manner approved by the Authority and made available for inspection by the Authority; and
- (g) the licensee shall keep a log, in a form approved by the Authority, of all persons entering and exiting the premises on which the activities which are the subject of the licence are carried on, and shall make the log available to the Authority for inspection on request.

Amendment of
licence.

6.—(1) The Authority may—

- (a) on its own initiative, where there is reasonable cause to do so, and after consultation with the licensee; or
- (b) on the application of the licensee,

amend a licence.

(2) An amendment made under this regulation may include an amendment extending the period of duration of a cultivator's licence for such further period as may be necessary for the completion of the cultivation of crops on the cultivation site, being in any event a period not extending beyond the duration of the crop cycle.

7.—(1) A licence issued under these Regulations shall, subject to regulation 9 (revocation or suspension of licences), be valid for the period specified in paragraph (2), unless renewed for a further period in accordance with regulation 8 (renewal of licences), or surrendered at an earlier date by notice in writing given by the licensee to the Authority.

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

(2) The period mentioned in paragraph (1) is—

- (a) in the case of a cultivator's licence, a period of one year from the date of issue of the licence; and
- (b) in the case of any other licence, a period of three years from the date of issue of the licence,

or such longer period as the Authority may allow under regulation 6(2) (extension to allow for completion of crop cycle).

(3) The relevant licence fee specified in the Second Schedule shall be payable by the licensee, to the Authority, annually on the anniversary of the date of issue of the licence so long as the licence is valid (within the meaning of this regulation).

Second Schedule.

(4) 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 regulation 10(2)).

8.—(1) A licensee may apply for renewal of the licence by submitting to the Authority a completed application in accordance with Form 1 of the First Schedule, together with—

Renewal of licences. First and Second Schedules.

- (a) the relevant licence renewal application fee set out in Part A of the Second Schedule and any amounts required to replenish the relevant security bond set out in Part B of the Second Schedule; and
- (b) 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) The Authority, in determining an application for renewal under this regulation, shall take into account the factors required under these Regulations to be taken into account on the original application, and may also take into account any information garnered during the course of the original licence and any subsequent renewal thereof.

(3) The provisions of regulation 7 shall apply (with the necessary modifications) to a licence renewed under this regulation.

(4) A licence renewed under this Regulation may include such terms and conditions as the Authority thinks fit, including any term or condition not included in the original licence or a subsequent renewal thereof.

Revocation or
suspension of
licences.

9.—(1) The Authority shall revoke a licence in any case where the Authority is satisfied that the licensee is disqualified under regulation 3(7) from holding the licence.

(2) The Authority may, if satisfied that paragraph (3) applies in respect of any licence—

- (a) issue such directions to the licensee as the Authority thinks fit to address the breach or non-compliance (as the case may be);
- (b) revoke the licence; or
- (c) suspend the licence for a specified period.

(3) This paragraph applies in any case where the Authority is satisfied that—

- (a) there is a breach of any term or condition of a licence; or
- (b) the licensee has failed, without reasonable excuse, to comply with any provision of the Act or these Regulations.

(4) Before taking any proposed action under paragraph (1) or (2) in respect of a licence, the Authority shall notify the licensee as to the proposed action, and the grounds therefor, and give the licensee an opportunity to make written representations in respect of the proposed action.

(5) After acting in accordance with paragraph (4), the Authority shall in writing notify the licensee concerned of the decision of the Authority to issue directions or to revoke or suspend the licence pursuant to this regulation, and of the licensee's right to appeal under regulation 34.

Disposal of
ganja,
application of
security bond.

10.—(1) Where by virtue of any provision of these Regulations, 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 ganja in the custody or control of the licensee and not lawfully held under any other licence, permit or other authorization under the Act, and the licensee shall comply with those directions.

(2) The security bond paid under these Regulations by a licensee on the issue of the licence may be applied by the Authority to offset any costs reasonably incurred by the Authority in disposing of any ganja, due to—

- (a) the licensee's failure to comply with directions issued under paragraph (1) to the licensee;
- (b) the licensee's failure to dispose of the ganja in any case where disposal becomes necessary (for example, where the crop is infected or the ganja exceeds the quantity that the licensee is permitted to handle under the licence); or
- (c) any circumstances from which the Authority may reasonably conclude that the licensee has abandoned the licence or the ganja.

(3) Where a licensee intends to surrender a licence or does not make an application for the renewal of a licence under these Regulations, the licensee shall, not later than sixty days before the surrender or expiration of the licence (as the case may be), make a written report to the Authority setting out a disposal plan for all ganja 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 paragraph (3).

PART III. *Provisions Applicable to Specific Licence Types*

Sub-Part A—Cultivator's Licences

11.—(1) Where the applicant for a cultivator's licence is an individual, there shall be submitted with the application—

Additional
requirements for
cultivator's
licence.

- (a) two passport-sized photographs of the applicant; and
- (b) copies of two Government issued forms of identification, certified by a Justice of the Peace.

(2) The Authority shall not approve an application for a licence to cultivate ganja unless, in addition to the requirements set out in Part II, the following requirements are met—

- (a) arrangements satisfactory to the Authority are in place for the off-site security surveillance of the proposed cultivation site, whether by electronic means or otherwise;
- (b) the proposed cultivation site is not situated within six hundred metres of any school;

- (c) the proposed cultivation site consists of an area having clearly defined boundaries, and ownership of the proposed cultivation site is clearly established in accordance with regulation 3(2)(h) and (6);
- (d) the Authority is satisfied that approving the application would not be inconsistent with any requirements under the Natural Resources Conservation Authority Act or any action taken by the National Environmental Planning Agency in exercise of functions under that Act (for example, any conservation plans, designated protected areas and designated zoning) and any other applicable laws concerning the issue of licences with respect to the carrying on of any trade or business in the geographical area concerned;
- (e) in the case of an application for a Tier 2 or Tier 3 licence, the applicant has submitted, to the satisfaction of the Authority, a draft security contract that includes provision for—
 - (i) off-site web-enabled electronic surveillance;
 - (ii) regular physical inspections and written reports thereon; and
 - (iii) a panic alarm system tied to a base operation that is operated, by a security company that is included on a list of approved security companies published by the Authority (whether on its website or otherwise) from time to time;
- (f) the applicant has submitted, to the satisfaction of the Authority, a proposal for the implementation of a system to monitor, track and trace all ganja cultivated on the proposed cultivation site;
- (g) the applicant meets the qualifications set out in regulation 13 in respect of the licence tier applied for; and
- (h) the applicant is a fit and proper person for the issue of a cultivator's licence.

(3) In determining any application for a cultivator's licence, the Authority shall give preference to those applicants with a downstream buyer for the crops harvested from the cultivation site.

(4) The factors which the Authority may take into account in deciding whether a person is a fit and proper person for the purposes of this regulation are—

- (a) whether the person is of good repute, having regard to matters concerning the person's character, honesty, and personal and professional integrity;
- (b) whether the person has the necessary skills and experience to fulfill the person's obligations as a licensee;

- (c) whether the person has sound and stable sources of financing or is in financial circumstances which may limit the person's capacity to fulfill the person's obligations as a licensee;
- (d) the person's history of compliance with this Act; and
- (e) where the applicant is not a natural person, whether the factors specified in this paragraph are met by the persons in effective control of the operations of the applicant.

12.—(1) Before determining an application for a cultivator's licence, the Authority shall cause an inspection to be made of the proposed cultivation site on which the activities which are the subject of the licence are to be carried on, and a person authorized for that purpose shall have power to—

Pre-licence
inspection.

- (a) enter onto the site for the purpose of conducting the inspection;
- (b) require any person who would be required or authorized to give any report under the sub-part if the licence were to be approved, to submit to an interview for the purpose of assessing the person's capability to provide the report;
- (c) take photographs of the site; and
- (d) traverse the site in order to establish the boundaries of the site.

(2) A person authorised under paragraph (1) shall promptly submit a report of the inspection to the Authority, together with the photographs taken.

(3) The Authority may cause to be conducted any further inspections as are necessary to ensure full compliance with the requirements of this sub-Part for the approval of a licence, and particularly with a view to inspecting the working of surveillance systems at the proposed cultivation site concerned.

(4) The Authority shall issue to each person authorized under paragraph (1) an identification card, and each person shall, on entering any proposed cultivation site for the purpose of carrying out any function specified in paragraph (1), produce the identification card to the owner or other person in charge thereof.

13.—(1) Where the Authority approves an application for a cultivator's licence, the Authority shall issue to the applicant, upon the receipt of the applicable licence fee and applicable security bond specified in the Second Schedule, a licence in the form set out in the Third Schedule, being—

Issue of
cultivator's
licence.
Second and
Third
Schedules.

- (a) a Tier 1 cultivator's licence in the case of a cultivation site—
 - (i) comprising land of 4,047 square metres or less;

- (ii) the boundaries of which are secured by chain-linked fencing (or fencing of comparably equivalent security) of a height of at least 2 metres; and
 - (iii) which satisfies the requirements set out in paragraph (2);
- (b) a Tier 2 cultivator's licence in the case of a cultivation site—
 - (i) comprising land of more than 4,047 square metres but not exceeding 20,235 square metres;
 - (ii) the boundaries of which are secured by chain-linked fencing (or fencing of comparably equivalent security) of a height of at least 2.5 metres; and
 - (iii) which satisfies the requirements set out in paragraph (2); or
- (c) a Tier 3 cultivator's licence in the case of a cultivation site—
 - (i) comprising land of more than 20,235 square metres;
 - (ii) the boundaries of which are secured by chain-linked fencing (or fencing of comparably equivalent security) of a height of at least 2.5 metres; and
 - (iii) which satisfies the requirements set out in paragraph (2).
- (2) The requirements mentioned in paragraph (1) are that —
 - (a) the premises are secure and there is sufficient parking inside the premises for vehicles to park and for the purpose of loading ganja for transport;
 - (b) the nature of the terrain is appropriate and the site is accessible by road; and
 - (c) there is a clearly defined area for each aspect of the cultivation process (for example, a plant nursery, a planting area, and a drying area).

14.—(1) Without prejudice to the power of the Authority to impose terms and conditions for any cultivator's licence, the following terms and conditions shall be deemed to be included in the terms and conditions of a cultivator's licence—

- (a) the licensee undertakes to enter into an agreement with the Authority to sell to the Authority the entire crop produced on the cultivation site, which agreement shall—
 - (i) be entered into simultaneously with an agreement entered into by the Authority to sell the entire crop to a downstream buyer identified either by the licensee or an

Terms and conditions applicable to cultivator's licence.

- independent third party, for use for medical, therapeutic or scientific purposes; and
- (ii) include, as part of its terms and conditions, a requirement that any security bond required to be paid under these Regulations by the downstream buyer be forfeited to the Authority in the event that the downstream buyer fails to complete the contract;
- (b) cultivation by the licensee on the cultivation site shall not exceed the maximum number of ganja plants permitted thereon as specified in the licence;
- (c) each ganja plant on the cultivation site shall be tagged with a unique identifier issued by the Authority;
- (d) a report on the activities conducted on the cultivation site shall be made to the Authority—
- (i) at weekly intervals in the case of a Tier 1 licence, or every two days in the case of a Tier 2 or Tier 3 licence;
 - (ii) forthwith in the case of any exceptional event; and
 - (iii) at such other times as may be reasonably required by the Authority;
- (e) the licensee shall observe all applicable directions issued by the Pesticides Control Authority;
- (f) any ganja cultivated on the cultivation site—
- (i) in excess of the amount permitted under the licence;
 - (ii) which remains undried for more than twenty-one days after harvesting, unless paragraph (2)(c)(i) applies; or
 - (iii) otherwise than in accordance with the licence or any provision made by or under the Act,
- shall be disposed of in accordance with directions issued by the Authority;
- (g) all ganja harvested from the cultivation site shall be dealt with in accordance with paragraph (2);
- (h) the licensee shall notify the Authority at least fourteen days in advance of carrying out any harvesting of ganja on the cultivation site and shall not carry out any such harvesting unless a representative of the Authority (so authorized for that purpose) is present; and

- (i) any drying or curing of ganja harvested from the cultivation site shall be completed within twenty-one days after the harvesting, and the licensee shall facilitate the conduct of a site inspection by the Authority on completion of the process.

(2) With respect to a licence under this sub-Part, where—

- (a) the licensee harvests ganja that is to be sold uncured, the licensee shall hand the harvested ganja over, within twenty-one days after the harvesting, to an officer of the Authority, being an officer designated by the Authority for the purpose of the performance of the contractual arrangements mentioned in paragraph (1)(a);
- (b) the licensee harvests ganja that is to be sold cured, the licensee shall hand the cured ganja over, within the period specified by the Authority (being a date within six weeks after the harvesting), to an officer of the Authority, being an officer designated by the Authority for the purpose of the performance of the contractual arrangements mentioned in paragraph (1)(a), and the licensee shall ensure that the harvested ganja remains tagged as required by paragraph (1)(c) at all times during that period; or
- (c) the licensee does not, at the time of harvesting ganja, have a downstream buyer for the ganja, or an arrangement with such a buyer subsequently falls through, the licensee is permitted to—
 - (i) store the ganja securely, for not more than six weeks after the date of the harvesting, while attempting to find a downstream buyer; and
 - (ii) bag or cure the ganja if prior approval to do so is obtained from the Authority.

Testing,
packaging and
labeling.

15.—(1) All ganja harvested on a cultivation site shall be packaged in the official bags provided by the Authority.

(2) The Authority may charge a reasonable fee for the supply of bags under this regulation.

(3) The bags provided by the Authority under this regulation shall be labeled with identifiers unique to the licensee, which may include the relevant licence number, a unique lot number and the result of any potency or safety tests done.

(4) For the purposes of this regulation, the Authority may at any stage of cultivation by a licensee, require the licensee to have any ganja at the cultivation site tested by an analytical service provider licensed under sub-Part E, and the results of the test furnished to the Authority.

(5) A person who, without lawful excuse or authority, is in possession of, or uses, any bag, label or other unique identifier devised by the Authority for the purposes of these Regulations commits an offence.

Sub-Part B—Processing Licences

16. The Authority shall not approve an application for a licence to process ganja unless, in addition to the requirements set out in Part II, the following requirements are met—

Additional
requirements
for processing
licence,

- (a) the applicant shall satisfy all applicable requirements under the Food and Drugs Act and the Standards Act;
- (b) the applicant shall be registered, as may be applicable, with the Bureau of Standards, the Ministry responsible for health and the Ministry responsible for labour;
- (c) the Authority is satisfied that approving the application would not be inconsistent with any requirements under the Natural Resources Conservation Authority Act or any action taken by the National Environmental Planning Agency in exercise of functions under that Act (for example, any conservation plans, designated protected areas and designated zoning) and any other applicable laws concerning the issue of licences with respect to the carrying on of any trade or business in the geographical area concerned; and
- (d) the matters referred to in regulation 17 have been verified.

17. Before determining an application for a processing licence, the Authority shall cause an inspection to be made of the premises to be used for the activity proposed to be carried out under the licence, and in particular to verify that—

Pre-licensing
security
verification.

- (a) the area for receiving the ganja is secure; _____
- (b) an electronic surveillance system for off-site monitoring, which captures all access points to the premises, is in place and in good working order;
- (c) the premises proposed for the carrying on of the processing activities are fit for that purpose, being secure premises with an enclosed building that has—
 - (i) clearly defined areas for receiving, storing and processing ganja; and
 - (ii) entrances and exits that are the subject of strict access control systems and monitoring procedures, and a logged accessed control system is in place, which includes additional security mechanisms for the areas designated for storage of ganja and that access to those storage areas

is limited to the smallest number of persons as is reasonably practicable for the purposes; and

(d) all designated security posts on the premises are adequately staffed.

Issue of
processing
licence.
Second and
Third
Schedules.

18.—(1) Where the Authority approves an application for a licence to process ganja for medical, therapeutic or scientific purposes, the Authority shall, upon receipt of the applicable licence fee, and the applicable security bond specified in the Second Schedule, issue to the applicant a Tier 1 licence or a Tier 2 licence (as the case may require) in the form set out in the Third Schedule.

(2) A Tier 1 shall be issued in respect of a licence to process ganja on premises not exceeding two hundred square metres.

(3) A Tier 2 shall be issued in respect of a licence to process ganja on premises exceeding two hundred square metres.

Terms and
conditions of
transport
licence.

19. Without prejudice to the power of the Authority to impose terms and conditions for any processing licence, it shall be deemed to be a term and condition of every processing licence that the licensee shall, for the duration of the licence, remain compliant with all applicable requirements made by or under the following—

(a) the Food and Drugs Act;

(b) the Standards Act;

(c) the Patents Act; and

(d) any other applicable laws relating to standards or intellectual property.

Sub-Part C—Transport Licences

Additional
requirements for
transport
licence
application.

20.—(1) The Authority shall not approve an application for a licence to transport ganja unless the Authority is satisfied upon an inspection of the vehicle proposed to be licenced, that the vehicle is fit for the purpose and, in particular, that the vehicle is properly ventilated and is equipped so as to allow tracking by the Global Positioning System.

(2) In addition to the matters required under Part II, the following matters shall be submitted by the applicant in respect of the vehicle proposed to be licensed—

(a) proof that the applicant owns the vehicle or proof that the applicant has the written agreement of the owner of the vehicle to transport ganja pursuant to a licence under this sub-Part;

- (b) proof of valid registration as a commercial vehicle; and
- (c) proof of valid carrier's insurance at such minimum value as may be fixed by the Authority by notice in writing from time to time.

21.—(1) Where the Authority approves an application for a transport licence, the Authority shall upon receipt of the applicable fee set out in the Second Schedule issue a licence in the form set out in the Third Schedule.

Issue and scope of transport licence, Second and Third Schedules.

(2) A licence issued under paragraph (1) shall be construed as authorising, in the licensed vehicle, the transportation of ganja to or from a location specified in paragraph (3), for use for any medical, therapeutic or scientific purpose.

(3) The locations mentioned in paragraph (2) are—

- (a) any cultivation site; or
- (b) any premises on which a licensee is permitted to—
 - (i) process, sell, or carry out any research or development on ganja; or
 - (ii) provide therapeutic services using ganja.

22. Without prejudice to the power of the Authority to impose terms and conditions for any transport licence, the following terms and conditions shall be deemed to be included in the terms and conditions of a transport licence—

Terms and conditions of processing licence.

- (a) prior to the transportation of any ganja, the proposed transportation time and route shall be submitted for the approval of a person designated by the Authority for that purpose, and the approved route shall be entered in a log kept in a form approved by the Authority;
- (b) real time access to the tracking of the vehicle, while transporting ganja, shall be provided to the Authority;
- (c) all ganja to be transported in the vehicle shall be placed in a compartment of the vehicle and sealed therein prior to the transportation, and upon arrival at the delivery location the seal shall be checked to verify that it has not been tampered with;
- (d) during transportation of ganja, the vehicle shall not divert from the logged transportation route except in accordance with the prior written approval of the Authority, which approval shall—
 - (i) specify the time and place of the diversion, the circumstances warranting the diversion and the name of the official who gave the approval on behalf of the Authority; and

- (ii) be entered by that official in the log referred to in subparagraph (a);
- (e) the licensee shall permit an authorized agent of the Authority to accompany the vehicle during any transportation of ganja, and to observe the delivery of the ganja to the delivery location;
- (f) a log of all persons accessing the vehicle shall be kept by the licensee in a form approved by the Authority and the log made available to the Authority for inspection on request; and
- (g) all times for transportation approved under paragraph (a) or (d) shall be between the hours of five o'clock in the morning and six o'clock in the afternoon.

Sub-Part D—Retail Licences

Pre-licence
security
verification.

23. Before determining an application for a retail licence, the Authority shall cause an inspection to be made of the premises to be used for the activity proposed to be carried out under the licence to verify that those premises are, physically secure and otherwise fit for the purposes of the licence, and in particular that the premises meet the requirements specified in regulation 25(c).

Issue and
scope of
retail licence.
Second and
Third
Schedules.

24.—(1) Where the Authority approves an application for a retail licence, the Authority shall, upon receipt of the applicable licence fee specified in the Second Schedule, issue to the applicant a licence, in the form set out in the Third Schedule, being a licence—

- (a) to sell ganja, for the purposes and in the quantity mentioned in paragraph (2)—
 - (i) on premises specified in the licence; and
 - (ii) with the option of consumption on the premises; or
- (b) for the provisions of therapeutic services utilising ganja.

(2) Sale or use of ganja for the purposes specified in paragraph (1), shall be—

- (a) in accordance with the prescription or written recommendation of a registered medical practitioner; or
 - (b) limited, in the case of a person who is not ordinarily resident in Jamaica, and who satisfies the criteria mentioned in section 7D(10)(a) and (b) of the Act, to a quantity not exceeding two ounces, in accordance with a permit issued under section 7D(11) of the Act.
- (3) A licence which permits the activity specified—

- (a) in paragraph (1)(a), shall be described as a retail (herb house) licence;
- (b) in paragraph (1)(b), shall be described as a retail (therapeutic services) licence.

25. Without prejudice to the power of the Authority to impose terms and conditions for any retail licence, the following terms and conditions shall be deemed to be included in the terms and conditions of a retail licence—

Terms and conditions of retail licence.

- (a) the licensee shall furnish to the Authority, at such intervals as the Authority may require, a report disclosing the amount of all ganja received from cultivators licensed under sub-Part A;
- (b) the licensee shall keep, in a form approved by the Authority, a log of all ganja delivered to the licensee and all ganja sold by the licensee;
- (c) the licensee shall ensure that the premises on which the activities which are the subject of the licence are to be carried out are physically secure and otherwise fit for the purposes of the licence, and in particular that the premises comprise an enclosed secure building that has—
 - (i) clearly designated areas for receiving, storing and processing ganja;
 - (ii) strict systems limiting access to ganja on the premises so as to ensure compliance with these Regulations and the terms and conditions of the licence;
 - (iii) camera systems in place to monitor all activities on the premises with respect to the handling of ganja; and
 - (iv) in the case of a retail (herb house) licence, adequate ventilation;
- (d) the licensee shall designate and use a secure area on the premises concerned for storage of all ganja offered for sale by the licensee; and
- (e) the licensee shall keep a log, in a form approved by the Authority, of all persons accessing the area referred to in sub-paragraph (d) and shall make the log available to the Authority for inspection on request.

Sub-Part E—Research and Development Licences

26. The Authority shall not approve an application for a research and development licence authorising—

Additional requirements for application for research and development licence.

- (a) the provision of analytical services unless the Authority is satisfied that the applicant is duly qualified to provide those services;
- (b) the conduct of any research or development unless the Authority is satisfied that the applicant is duly qualified to conduct the research or development (as the case may be).

Issue of
research and
development
licence.
Second and
Third
Schedules.

27. Where the Authority approves an application for a research and development licence, the Authority shall, upon receipt of the applicable licence fee and the applicable security bond specified in the Second Schedule, issue to the applicant a licence in the form set out in the Third Schedule, being a licence authorising—

- (a) the conduct, for experimental purposes, of research and development utilising ganja, which shall be described as a research and development (experimental purposes) licence; or
- (b) the provision of analytical services in respect of ganja, which shall be described as a research and development (analytical services) licence.

Terms and
conditions of
research and
development
licence.

28. Without prejudice to the power of the Authority to impose terms and conditions for a research and development licence, it shall be deemed a term and condition of every research and development licence that the licensee shall keep a log, in a form approved by the Authority, of all persons entering and exiting the premises on which the activities which are the subject of the licence are carried out.

PART IV—General

Publication of
licensees.

29. The Authority shall maintain on its website a list of all current licensees, including in respect of each licensee the following information—

- (a) the name of the licensee;
- (b) the licensee's business address; and
- (c) the date of issue, and the date of expiration, of the licence concerned.

Codes of
practice.

30. The Authority may from time to time, with the approval of the Minister, issue codes of practice, or directives, on any matter concerning the regulation of industry in ganja for medical, therapeutic or scientific purposes.

Inspection and
monitoring.

31.—(1) Any person authorised by the Authority to conduct an inspection for the purposes of these Regulations may, at all reasonable times by day or night—

- (a) enter, inspect and examine any premises on which any activity which is the subject of a licence is being carried on;

- (b) examine and make inquiry into the security, ventilation, and otherwise as to the condition of, any premises referred to in subparagraph (a);
- (c) accompany any vehicle authorised under these Regulations to transport ganja;
- (d) conduct off-site surveillance and monitoring of licensees in respect of activities relating to licences;
- (e) inspect the storage or handling of any ganja by a licensee and direct in what manner such ganja shall be stored or handled in accordance with these Regulations.

(2) The Authority, or any person appointed by the Authority for the purpose, may call for, examine and take extracts from any documents, records, logs, accounts or other information required to be kept or furnished under these Regulations by a licensee, and take samples of any ganja, or product thereof, in the possession or control of the licensee.

(3) The Authority shall cause an inspection in accordance with paragraph (1) to be conducted at least once per calendar year in respect of each licensee.

(4) The Authority, may by notice, in writing to a licensee or applicant for a licence, require the licensee or applicant (as the case may be) to furnish to the Authority within a time specified in the notice any additional information which the Authority reasonably requires for the purpose of monitoring compliance with these Regulations or determining the application concerned.

(5) The Authority shall issue an identification card to each person authorized to carry out any function under this regulation, and each such person shall, on entering premises for the purpose of carrying out any such function, produce the identification card to the owner or other person in charge thereof.

32.—(1) The Authority may, in respect of any category or sub-category of licences and with the prior approval of the Minister, after consultation with the Minister responsible for finance—

Special
provision for
fees and
security bond.

- (a) waive the payment of any fee, or security bond, payable under these Regulations 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 these Regulations, 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 these Regulations 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 regulation, in respect of payment that fee or security bond (as the case may be) by that applicant or licensee.

Offences.

33.—(1) Any person who wilfully—

- (a) obstructs, hinders, assaults or resists any other person exercising any power or duty;
- (b) provides any false or materially misleading information in any application, report or other document required to be furnished to the Authority; or
- (c) fails or refuses to produce any document, or other information, which that person is required to produce,

under these Regulations commits an offence.

(2) A person who commits an offence under these Regulations for which no specific penalty is provided shall be liable upon summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding three months.

Appeals.

34. A licensee or an applicant for a licence (as the case may be) may appeal, in accordance with regulations made under section 9A (7) of the Act, any decision taken by the Authority in respect of the licence or application for a licence.

Special provisions for terms and conditions expiring due to commencement of these Regulations.

35.—(1) When an authorization made by order section 7D(3) the Act provides for the expiration of any term or condition of the authorisation upon the coming into operation of these Regulations—

- (a) the holder of the authorisation shall make a written report to the Authority as to the quantity of all ganja remaining in the cultivation or control of the holder upon the date of the expiration; and
- (b) the authorisation shall be deemed to be subject to the terms and conditions set out in regulations 5 (terms and conditions applicable to all licences) and 14 (terms and conditions applicable to cultivator's licence).

(2) The Authority shall have, for the purpose of monitoring compliance with the terms and conditions referred to in paragraph (1)(b), the powers of inspection and monitoring set out in regulation 31, which regulation shall be construed to apply to the holder of the authorisation concerned as though the authorisation were a licence issued under these Regulations.

FIRST SCHEDULE

(Regulation 3 and 8)

FORM 1

THE DANGEROUS DRUGS ACT

The Dangerous Drugs (Cannabis Licensing)(Interim) Regulations, 2016

CANNABIS LICENSING AUTHORITY

LICENCE APPLICATION FORM

Instructions to Applicant

*(Please also consult the Application Procedure
Checklist set out in the Appendix hereto)*

1. Please read the form carefully and complete in Block Capitals.
2. A separate application is required for each licence being applied for.
3. Each licence will be only applicable to the particular premises for which it is issued.
4. Individuals may only apply for cultivator licences. However, a registered sole trader may apply for any of the licences.
5. In completing this form, please note that:
 - a. Sections A, D, E and F are to be completed by all applicants
 - b. Section B should be completed by individuals and sole traders only
 - c. Section C should be completed by companies and other businesses
 - d. The Authorisation for Background Checks and the Final Declaration must both be signed.

SECTION A: TYPE OF LICENCE

All applicants should complete this section

Type of Licence		
Please indicate the type of licence for which you are applying.		
<input type="checkbox"/> Cultivator (Tier 1)	<input type="checkbox"/> Processor	<input type="checkbox"/> Retailer (Herb House)
<input type="checkbox"/> Cultivator (Tier 2)	<input type="checkbox"/> R&D (Experimental)	<input type="checkbox"/> Retailer (Therapeutic Services)
<input type="checkbox"/> Cultivator (Tier 3)	<input type="checkbox"/> R&D (Analytical Services)	<input type="checkbox"/> Transporter

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, cont'd.

Please indicate whether this is your first time applying

☐ First Time Application ☐ Renewing Application

☐ Current Licence Holder—type: _____

☐ Applied previously, awaiting approval: when did you apply? (MM-YYYY)—
_____ and type of licence applied for: _____

☐ Applied previously, did not receive a licence—when did you apply? (MM-YYYY)—

SECTION B: INDIVIDUAL INFORMATION

Complete this section only if you are an Individual or Sole Trader

SURNAME	FIRST NAME	MIDDLE NAME
OTHER NAMES (IF APPLICABLE)	MAIDEN NAME (IF APPLICABLE)	MOTHER'S MAIDEN NAME
GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female	MARITAL STATUS <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed	DATE OF BIRTH (DD-MM-YYYY)
PLACE OF BIRTH (Town, Country)	NATIONALITY	LENGTH OF TIME LIVING IN JAMAICA (IN YEARS):
TRN	ID# Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card	ID# Type: <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card
PERMANENT ADDRESS	(Street/Apt/H) (Town /City/ Parish)	

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

16.25

FIRST SCHEDULE, cont'd.

MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		
(Street/Apt#) (Town /City/ Parish)		
ADDRESS OF PREMISES BEING LICENCED (IF APPLICABLE)		
(Street/Apt#) (Town /City/ Parish)		
CONTACT NUMBERS (AS AVAILABLE)		
(Home)	(Work)	(Mobile)
EMAIL ADDRESS(ES)		

SECTION C: COMPANY/BUSINESS INFORMATION

Complete this section only if you are a Business or Company, including Cooperative

NAME OF COMPANY/BUSINESS		
REGISTERED ADDRESS		
(Street/Apt#) (Town /City/ Parish)		
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		
(Street/Apt#) (Town /City/ Parish)		
ADDRESS OF PREMISES BEING LICENCED (IF APPLICABLE)		
(Street/Apt#) (Town /City/ Parish)		

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, cont'd.

TRN:	TYPE OF COMPANY/BUSINESS <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability <input type="checkbox"/> Cooperative <input type="checkbox"/> Friendly Society	REGISTRATION NUMBER:
CONTACT NUMBER	EMAIL ADDRESS	
AUTHORISED AGENT:		
Surname	First Name	Middle Name
Position	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (DD-MM-YYYY)
Contact Number(s)	Email Address	

SECTION D: GENERAL DECLARATIONS

*All applicants should complete all the questions in this section.
If necessary, please use a supplementary sheet to provide all of the required information*

1.	Are you, any of your Directors or any of your employees under the age of eighteen (18)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Are you the titled owner of the property being licenced (land, buildings or motor vehicle)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, who is the legal (Titled) Owner of the property? _____ If no, please also provide copy of title as well as Form 3 (Consent of Property Owner Form)
3.	Have you, any of your Directors, your parent company or any related entity ever applied for a licence to handle ganja or ganja products in any other	<input type="checkbox"/> Yes <input type="checkbox"/> No

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

16.27

FIRST SCHEDULE, cont'd.

	jurisdiction whether or not the licence was issued)?	If yes, state jurisdiction and type of licence: _____ _____ Status: <input type="checkbox"/> Current <input type="checkbox"/> Denied <input type="checkbox"/> Being processed <input type="checkbox"/> Issued, but then Revoked/Suspended
4.	Have you, any of your Directors, your parent company or any related entity ever applied for a gaming or racing licence in this or any jurisdiction (whether or not the licence was issued)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state jurisdiction and type of licence: _____ _____ Status: <input type="checkbox"/> Current <input type="checkbox"/> Denied <input type="checkbox"/> Being processed <input type="checkbox"/> Issued, but then Revoked/Suspended
5.	Have you or any of your Directors ever been convicted of any crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state jurisdiction, type of crime and sentence dates: _____ _____
6.	Is the location of your property/facility within 600 metres of any of the following? (Tick all that apply)	<input type="checkbox"/> Schools/Colleges <input type="checkbox"/> Childcare centres <input type="checkbox"/> Playground/ Public Park <input type="checkbox"/> Community Centre <input type="checkbox"/> Library <input type="checkbox"/> Game Arcade <input type="checkbox"/> Place of Worship <input type="checkbox"/> Bus Park
7.	Please state the names(s) of the beneficial owner(s) of the company.	
8.	Please name parent company(ies) and any related entities (if applicable).	

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, cont'd.

SECTION E: STATEMENT OF FINANCIAL HISTORY

*All applicants should complete all the questions in this section.
Please attach supporting documents for all questions to which you have
answered 'Yes'.*

1.	Are you, any of your Directors or any related entity delinquent in the payment of any judgments or tax liabilities due to any governmental agency anywhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Have you, any of your Directors, your parent company or any related entity filed a bankruptcy petition in the past 5 years, or had such a petition filed against it?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Are you, any of your Directors, your parent company or related entity ever been a party to any business trust instrument?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Has a complaint, judgment, consent decree, settlement or other disposition related to a violation of any financial or trade regulation ever been filed or entered against you, any of your Directors, your parent company or any related entity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Have you, any of your Directors, your parent company or any related entity been a party to a lawsuit in the past 5 years, either as a plaintiff or defendant, complainant or respondent, or in any other fashion, in this or any other country?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Have you, any of your Directors, your parent company or any related entity completed financial statements, either audited or unaudited, in the past two years?	<input type="checkbox"/> Yes <input type="checkbox"/> No

7. Attach a list detailing the operating and investment accounts for this business, including financial institution name, address, telephone number, and account number for each account.
8. Attach a list detailing each outstanding loan and financial obligation obtained for use in this business, including creditor name, address, phone number, loan number, loan amount, loan terms, date acquired, and date due.

FIRST SCHEDULE, *cont'd.*

SECTION G: AUTHORISATION FOR BACKGROUND CHECKS

All applicants must sign this section for their application to be processed.

Please **READ CAREFULLY** and sign to give consent.

I, _____, hereby authorize the Cannabis Licensing Authority, or its duly authorized representative, to validate the accuracy of the information provided in connection with this application for a licence. I understand that the Cannabis Licensing Authority may utilize independent agencies to assist in checking such information, and I specifically authorize such an investigation by information services and outside entities of the Cannabis licensing Authority's choice. I also understand that by not signing, I am withholding my permission and that in such a case, no investigation will be done, and my application for a licence will not be processed.

Signature

FINAL DECLARATION

All applicants must sign this section for their application to be processed. _____

I, _____, declare that this form and all the attachments, statements, disclosures and supporting documents are true and correct to the best of my knowledge and belief. I further declare that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a licence by the Cannabis Licensing Authority, and that where, after the issue of a licence, a statement made in connection with the applicant is found to be false, the licence may be revoked.

Position

Signature

Date

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, *cont'd.*

SUPPLEMENTAL INFORMATION FOR LICENCE APPLICATION

*Please respond **ONLY** to the specific sub-form related to the licence
for which you are applying.*

Sub-Form A: Cultivator		
1.	What is the size of the property (in square metres)?	
2.	What is the anticipated crop yield (kg/square metres per harvest)?	
3.	How long is each crop expected to take to harvest?	
4.	What type of ganja will you be growing?	<input type="checkbox"/> Cannabis Sativa <input type="checkbox"/> Cannabis Indica
5.	How will the crop be grown?	<input type="checkbox"/> Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/> Greenhouse <input type="checkbox"/> Hydroponics <input type="checkbox"/> Other, please specify: _____ _____
6.	For what type of use are you cultivating? [Tick all that apply].	<input type="checkbox"/> R&D <input type="checkbox"/> Processing <input type="checkbox"/> Retail
7.	Do you have a buyer or have you started discussions with an entity(ies) to purchase your crop?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person or company and the status of the agreement (confirmed, in-process, etc.): _____ (Attach list if necessary)

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

16,31

FIRST SCHEDULE, cont'd.

Sub-Form B: Processor	
1. What is the size of the property (in sq metres)?	Indoor: _____ Outdoor: _____
2. What ganja products are you intending to manufacture? (Please attach list of products)	
3. Have you started discussions with an entity/entities to sell your products? (Please attach list if necessary)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person(s) or company(ies): _____
4. Do you propose to use a registered trade mark? Is it owned or being used under a licence? Please attach a copy of the trade mark as registered.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Owned <input type="checkbox"/> Used under Licence
5. Do you intend to process/ manufacture other non-cannabis items on the same premises?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach list of items.

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, *cont'd.*

Sub-Form C: Transportation		
1.	How many vehicles do you wish to be licensed? (Attach list with make, model, year of each vehicle along with licence, engine and chassis number)	
2.	Where will the vehicle(s) be routinely parked when not in use?	
3.	For what type of use are you transporting? [Tick all that apply]?	<input type="checkbox"/> R&D <input type="checkbox"/> Processing <input type="checkbox"/> Retail
4.	What type of product do you intend to transport? [Tick all that apply]	<input type="checkbox"/> Raw Material <input type="checkbox"/> Manufactured <div align="center">Products</div>
5.	Have you started discussions with an entity to transport their crops? (Attach list if necessary)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person or company: _____ (Attach list if necessary)
6.	Do you intend to transport other non-cannabis items using the same vehicle?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach list of items.

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

16.33

FIRST SCHEDULE, cont'd.

Sub-Form D: Retailer	
1.	What ganja items do you intend to sell? (Please attach list if necessary)
2.	Have you started discussions with an entity/entities to purchase products? (Please attach list if necessary)
	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate name of person(s) or company(ies): _____
3.	Do you intend to sell other non-cannabis items on the same premises?
	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach list of items.

Sub-Form E: Researcher and Development	
1.	What is the square footage of the property?
	Indoor: _____ Outdoor: _____
2.	What activities do you plan on undertaking? (Tick all that apply)
	<input type="checkbox"/> Research Only <input type="checkbox"/> Research and Cultivation for Research <input type="checkbox"/> Research and Sample Manufacturing <input type="checkbox"/> Analytical Services
3.	Do you intend to research other items on the same premises?
	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach list of items.

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, *cont'd.*

DECLARATION

All applicants must sign this section for their application to be processed.

I, _____ declare that this form and all the attachments, statements, disclosures and supporting documents are true and correct to the best of my knowledge and belief. I further declare that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a licence by the Cannabis Licensing Authority, and that where, after the issue of a licence, a statement made in connection with the applicant is found to be false, the licence may be revoked.

Position

Signature

Date

FIRST SCHEDULE, *cont'd.*

APPENDIX

Application Procedure Checklist

1. Complete Application Forms. Each of the following documents must be completed for new and renewal applications:

- ☐ Application for Licence [FORM 1A]
- ☐ Supplemental Information for licence Application [FORM 1B]
- ☐ Application for Occupational Licences (Group) [FORM 2A]
- ☐ Declaration of Ownership/Change in Directors [FORM 2B]

Please also note that:

- a. If the Applicant does not own the property/premises/motor vehicle being, licensed, Form 2C "Consent of Owner Form" will also be required.
- b. A separate set of application forms are required for each licence being applied for.
- c. Use multiple copies of Form 2A and 2B if necessary.

2. Gather all Supporting Documents. In addition to the above, the following documents must also be submitted:

- ☐ Tax Compliance Certificate
- ☐ Land Title or Lease Agreement for Property/ Premises
- ☐ Official Police Records—for Owner or all Directors, as well as for each Employee
- ☐ Survey diagram of property and/or premises showing all distinct areas (with dimensions and partitions), including—but not limited to—entrance/exits, receiptal/loading areas and storage areas. Diagram does not have to be drawn to scale and should be on single 8½ x 11 (letter-sized) paper.

For Businesses/Companies/Cooperatives:

- ☐ Constituent Documents (e.g. Articles of Incorporation, Partnership Agreement, *etc.*)
- ☐ Certificate of Registration
- ☐ Evidence of Application (in the case of an Application under the Cooperative or Friendly Societies Act, not yet approved)

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, *cont'd.*

For Cultivator's Licence Applicants:

- ☐ Letter of Agreement from prospective Purchaser of raw material individual must have
- ☐ Passport-sized photo (certified by a Justice of the Peace)
- ☐ Copies of two (2) Government Issued Identification

Please also note that:

- a. Only originals of the Police Record(s) will be accepted
- b. All copied documents submitted must be certified by a Justice of the Peace.

3. Submit your Application. All completed application forms and all supporting documents must be placed in a single sealed envelope and delivered to:

Operations Division
Cannabis Licensing Authority
18 Trafalgar Road
Kingston 10

4. Await Feedback from the Cannabis Licensing Authority. The Authority will review your application for completeness and will notify you of any additional information that may be required. All applicants are required to pay a Non-Refundable Processing Fee (per license being applied for). The Application Processing Fee is US\$300 for individuals and US\$500 for all others. Do NOT pay this fee until you are advised by the Authority to provide proof of payment.

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

16.37

FIRST SCHEDULE, cont'd.

FORM 2

**THE DANGEROUS DRUGS ACT
THE DANGEROUS DRUGS (CANNABIS LICENSING)
(INTERIM) REGULATIONS, 2016
CANNABIS LICENSING AUTHORITY
EMPLOYEE INFORMATION LIST**

*Please attach Official Police Record for each Employee as well as a certified copy of their ID.
You may use multiple copies of this form if necessary.*

EMPLOYEE INFORMATION		
EMPLOYEE #1		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRN	ID# Type <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card	Date of Birth (DD-MM-YYYY)
EMPLOYEE #2		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRN	ID# Type <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card	Date of Birth (DD-MM-YYYY)

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, cont'd.

EMPLOYEE #3		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRN	ID#	Date of Birth (DD-MM-YYYY)
Type <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card		
EMPLOYEE #4		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRN	ID#	Date of Birth (DD-MM-YYYY)
Type <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card		
EMPLOYEE #5		
Surname	First Name	Middle Name
Position		Management? <input type="checkbox"/> Yes <input type="checkbox"/> No Director? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRN	ID#	Date of Birth (DD-MM-YYYY)
Type <input type="checkbox"/> Driver's Licence <input type="checkbox"/> Passport <input type="checkbox"/> National Identification Card		

Name of Individual/Business/Company _____

Authorized Agent

Date

FORM 3

THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM) REGULATIONS, 2016

CONSENT BY PROPERTY OWNER TO UTILISE PROPERTY FOR GANJA

Please attach the relevant lease or rental agreement.

- 2. Description of Property (include Volume/Folio and Address or Engine/Chassis No. as appropriate):**

3. Description of intended use of property in relation to Cannabis:

I, _____ declare that I am the owner of this property and

Signed:	Date:
----------------	--------------

Address:	Phone:
-----------------	---------------

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

FIRST SCHEDULE, *cont'd.*

FOR MULTIPLE OWNERS

(Where the property is owned by a Company, this section is to be signed by all Owners/Directors, and the Certificate of Registration attached.)

We, _____

_____ declare that we are the owners of this property
and are fully aware of the intended use of the property as outlined in Section 2 (Page 1) above
and freely give our consent for such activities to be conducted on the site.

Signed: _____ Date: _____

Address: _____ Phone: _____

Signed: _____ Date: _____

Address: _____ Phone: _____

Signed: _____ Date: _____

Address: _____ Phone: _____

Signed: _____ Date: _____

Address: _____ Phone: _____

Signed: _____ Date: _____

Address: _____ Phone: _____

Signed: _____ Date: _____

Address: _____ Phone: _____

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

16.41

SECOND SCHEDULE

(Regulations 3, 7, 8, 13,
18, 21, 24 and 27)

PART A—Fees

<i>(In United States Dollars (or the equivalent in Jamaican currency at the prevailing rate of exchange based on the Bank of Jamaica's weighted average):</i>	
1. Application fee for licence or renewal of a licence:	
(a) cultivator's licence	
(i) in the case of an individual	\$300
(ii) In the case of a company, business, cooperative society or friendly society	\$500
(b) processing licence	\$500
(c) transport licence	\$500
(d) retail licence	\$500
(e) research and development licence	\$500
2. For the Issue of:	
(1) a cultivator's licence—	
(a) Tier 1	\$2,000
(b) Tier 2	\$2,500 for every 4,047 square metres
(c) Tier 3	\$3,000 for every 4,047 square metres
(2) a processing licence—	
(a) Tier 1	\$ 3,500
(b) Tier 2	\$10,000
(3) a transport licence	\$10,000 for the first vehicle and \$1000 for each additional vehicle
(4) a retail licence—	
(a) Herb house	\$2,500
(b) Therapeutic services	\$2,500
(5) a research and development licence	\$5,000

**THE DANGEROUS DRUGS (CANNABIS LICENSING) (INTERIM)
REGULATIONS, 2016**

SECOND SCHEDULE, cont'd.

PART B—Security Bond

(Regulations 13, 18
and 27)

*(In United States Dollars (or the
equivalent in Jamaican currency at the
prevailing rate of exchange based on
the Bank of Jamaica's weighted
average):*

1. Cultivator's licence:

(a) Tier 1 \$1,000

(b) Tier 2 and 3 \$2,000 for every 4,047 square metres

2. Processing Licence \$3,000

**3. Research and Development
Licence** \$3,000

THIRD SCHEDULE

(Regulations 13, 18, 21, 24
and 27)

Form of Licences

CANNABIS LICENSING AUTHORITY	
Certificate of Licence	
	Licence No: _____
This is to certify that _____	
<i>(Name of Licensee)</i>	
of _____ has been	
<i>(Address of Licensee)</i>	
licensed to handle ganja in keeping with the conditions set out below.	
Special Conditions:	
<div style="border-bottom: 1px solid black; margin-bottom: 5px;">— (Type of Licence)</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">— (Address of Premises/Details of M/V)</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">— (Expiry Date)</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">— (Other Conditions: e.g.# of plants, etc.)</div>	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">Dated this _____ day of</div> <div style="text-align: center; padding: 2px 10px;"><i>(Date)</i></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">_____ (Year)</div> <div style="text-align: center; padding: 2px 10px;"><i>(Month)</i></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Signed: _____</div> <div style="text-align: center; padding: 2px 10px;"><i>Chairman—Cannabis Licensing Authority</i></div>

THE DANGEROUS DRUGS ACT

REGULATIONS
(under section 19)THE DANGEROUS DRUGS (AUTHORIZATION CONDITIONS) REGULATIONS,
1948

(Made by the Governor in Executive Council on the 22nd day of March, 1948) L.N. 29/48

1. These Regulations may be cited as the Dangerous Drugs (Authorization Conditions) Regulations, 1948.
2. In these Regulations the term "drugs" means any drug or preparation to which Part IV of the Act applies, or may hereafter apply.
3. The Chief Medical Officer may in writing authorize persons lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Act to be in possession of and to supply drugs or preparations.
4. In such authorization the Chief Medical Officer may impose such conditions as to—
 - (i) the quantity of drugs such persons may have in their possession at any one time; and
 - (ii) the quantity of drugs such persons may supply on any one occasion as the Chief Medical Officer may, in his discretion, consider fair and reasonable.
5. The Chief Medical Officer may in writing authorize a veterinary surgeon to be in possession of and to supply drugs.
6. The Chief Medical Officer may in writing authorize any person to be in possession of drugs for any specified purpose, whether in respect of addiction or otherwise, and such authorization shall specify the maximum quantity of any drug which such person may be in possession of at any one time:

**THE DANGEROUS DRUGS (AUTHORIZATION CONDITIONS)
REGULATIONS, 1948**

Provided that a person authorized under this regulation to be in possession of a drug shall be deemed not to be so authorized if at the time such authorization was granted that person was being supplied with a drug by, or on a prescription given by, any registered medical practitioner other than the Chief Medical Officer in the course of treatment and did not disclose this fact to the Chief Medical Officer before the grant of the authorization.

7. Every authorization granted under regulation 3 shall remain in force until the 31st day of December next after it was granted but may be renewed by the Chief Medical Officer subject to the conditions of these Regulations.

8. Every person to whom an authorization has been granted under regulation 3 shall forward to the Chief Medical Officer before the 31st day of January in any year a return of all drugs received, imported, exported and supplied, by him during the year immediately past.

9. The Chief Medical Officer may refuse to grant an authorization to any person under regulation 3 if, in his opinion, such person is not a fit person to obtain such authorization, but an appeal from such refusal shall lie to the Medical Appeal Tribunal constituted under section 11 of the Medical Act, the decision of which Tribunal shall be final.

10.—(1) The Chief Medical Officer may revoke any authorization which he has granted if, in his opinion, the person to whom it is granted is not a fit person to continue to hold an authorization, provided that in the case of an authorization granted under regulation 3 an appeal from any such revocation shall lie to the said Medical Appeal Tribunal, the decision of which Tribunal shall be final.

(2) On any such revocation the authorization shall be immediately returned to the Chief Medical Officer.

11. The Chief Medical Officer shall keep a register of all persons to whom authorizations have been granted under these Regulations.

12. The grant or revocation of every authorization under regulation 3 shall be published in the *Gazette*.