



OAS | **CICAD**



**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD**

Secretariat for Multidimensional Security

**SEVENTY-SECOND REGULAR SESSION
November 8-11, 2022
Washington D.C.**

**OEA/Ser.L/ XIV.2.72
CICAD/doc.2724/22
November 11, 2022
Original: English**

**AN OVERVIEW OF THE MEDICAL CANNABIS INDUSTRY AND ITS REGULATORY REGIME
JAMAICA**



**Cannabis
Licensing
Authority**

Jamaica

Building an Industry;
Cultivating Responsibly

An Overview of the Medical Cannabis Industry and its Regulatory Regime

Presented by:
Shountae Boothe
Legal Officer
Cannabis Licensing Authority

Outline

- 1. The Cannabis Licensing Authority, what it is, its role, functions, purpose.**
- 2. The Regulatory Regime of medical cannabis**

Section 2 of the Amended Dangerous Drugs Act

Amendment
of section 2
of principal
Act.

3. Section 2 of the principal Act is amended—

- (a) by deleting the definition of “ganja” and substituting therefor the following—

““ganja” includes all parts of the plant *cannabis sativa* from which the resin has not been extracted and includes any resin obtained from that plant, but does not include—

- (i) medicinal preparations made from that plant;
- (ii) hemp;”;

What is the CLA and what does it do?



**Cannabis
Licensing
Authority**
Jamaica

- The Cannabis Licensing Authority (CLA) is a regulatory entity established under Section 9A of the amendment to the Dangerous Drugs Act, to enable the establishment of a regulated industry in hemp and ganja for medical, scientific and therapeutic purposes.



What is the CLA and what does it do?

- As per the amendment to the Dangerous Drugs Act, the Authority shall have –

*“...The power to make, with the approval of the Minister responsible for justice, regulations for the issue and regulation, by the Authority, of such **licenses, permits and authorizations, as may be appropriate, for handling of–***

- ***Hemp; and***
- ***Ganja for medical, therapeutic or scientific purposes within the meaning of section 7D;***



What is the CLA and what does it do?

- *The duty to ensure that regulations that it makes do not contravene Jamaica's international obligations; and*
- *Such other powers, functions and duties as may be assigned to the Authority under this Act and otherwise in relation thereto..."*



Section 9 (a) (2) of the Dangerous Drugs (Amendment) Act

- The Authority has the power to issue licenses, permits and authorizations for the handling of hemp and ganja for **medical, therapeutic and scientific purposes within the meaning of section 7D.**
- **Handling** includes- use, cultivation, processing, importation, exportation, transit, manufacture, sale, possession and distribution
- **Medical, therapeutic or scientific purposes** includes research, clinical trials, therapy and treatment, and the manufacture of nutraceuticals and pharmaceuticals

The Interim Regulations

- In May 2016, The Dangerous Drugs (Cannabis Licensing) (Interim) Regulations, were promulgated. These Regulations set out guidelines and regulations for the application and handling of ganja under the following activities:



What is Medicinal Marijuana

Medical Marijuana/Medicinal Cannabis/ Medicinal Ganja is cannabis that is cultivated, sold and consumed for the specific purpose of medicinal consumption or for scientific and therapeutic purposes, in accordance with globally accepted standards that ensures safe consumption of the herb and its derivatives as a prescribed or recommended medicine

In Jamaica the regulatory standards for possession of Medical Ganja is that it is prescribed or **recommended in writing by-**

- A registered medical practitioner; or
- Other health practitioner or class of practitioner, approved for that purpose by the Minister responsible for health by order published in the Gazette.

| In other words

- Ganja that has not been prescribed by a medical practitioner cannot be said to be used medicinally and is therefore not medicinal ganja and **is possessed unlawfully**

Different Systems of Control

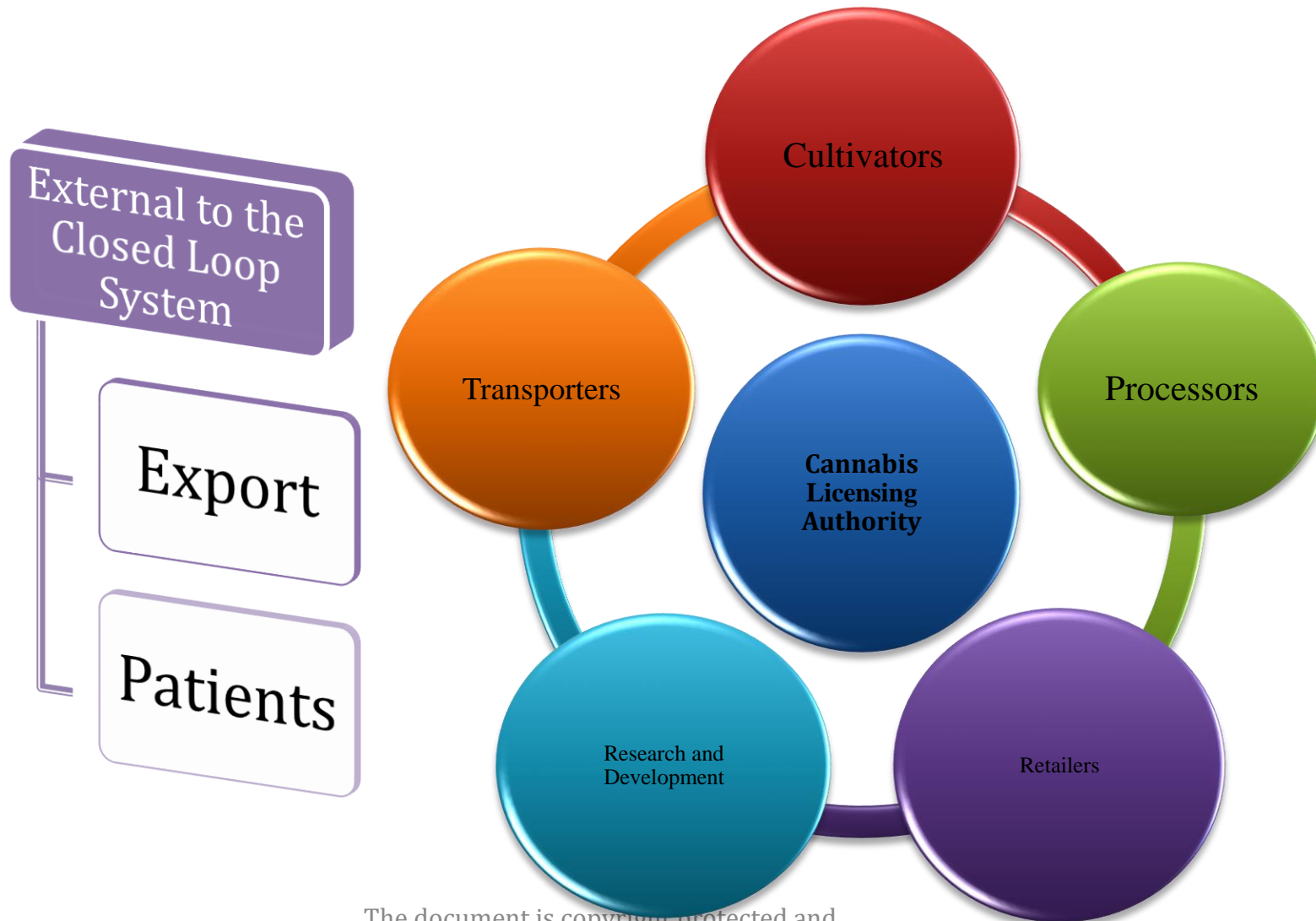
- Ganja because of its THC content is governed in a rather strict way under the current legislative regime.
- Hemp because of the low level of THC is not as governed and is not treated as a dangerous drug.
- **Medicinal Preparations, which are a mixture or drug that contains substances from Ganja is governed by the Ministry of Health under the Food and Drugs Act.**

The Closed Loop System

The closed loop system is a model used by the Authority to ensure that ganja handled within the industry is traded only among licensees to enable the tracking and tracing of ganja (accountability) and the prevention of diversion and inversion. This system is an administrative mechanism operationalised by the use of a Tripartite Agreement among two licensees and the CLA.

Regulation 2(2) of the Dangerous Drugs (Cannabis Licensing) (Interim) Regulations, 2016

Different Systems of Control



OTHER FORMS OF LEGAL CANNABIS

- ✓ The ganja being used for religious purposes as a sacrament in adherence to the Rastafari Faith (PERMIT ISSUED BY MINISTRY OF JUSTICE)
- ✓ For the purposes of scientific research conducted by a duly accredited tertiary institution or otherwise approved by the Scientific Research Council or such other body as may be prescribed by the Minister
- ✓ A householder in Jamaica is entitled to cultivate up to five (5) plants for medical and therapeutic use of the leaves or for horticultural purposes. where there is more than one household in any premises, each household shall be treated as a separate premises.
- ✓ THE CANNABIS LICENSING AUTHORITY DOES NOT REGULATE CANNABIS FOR SACRAMENTAL, NOR RECREATIONAL USE