

**MEDICINAL CANNABIS INDUSTRY
(PATIENT ACCESS TO MEDICINAL CANNABIS)**

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SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2020 NO. 16

(Gazetted 5th May, 2020)

IN EXERCISE of the powers conferred by section 61 of the Medicinal Cannabis Industry Act 2018 and every power thereunto enabling, the Minister, acting on the advice of the Authority, makes the following Regulations:

MEDICINAL CANNABIS INDUSTRY (PATIENT ACCESS TO MEDICINAL CANNABIS) REGULATIONS, 2020

PART I

PRELIMINARY

1. These Regulations may be cited as the Medicinal Cannabis Industry (Patient Access to Medicinal Cannabis) Regulations, 2020. **Citation**

2. In these Regulations — **Definition**

“authorised health care facility employee” means a doctor, a nurse not below the rank of staff nurse, pharmacist or any other employee approved by the Authority and who is authorised by the person who has management or control of a health care facility, on behalf of the health care facility, to prescribe, administer, or dispense, as may be appropriate and in accordance with the provisions of the Act, medicinal cannabis to a patient at the health care facility;

“authorised patient” means a patient who is issued a prescription for medicinal cannabis pursuant to section 36 (3) of the Act;

“authorised medical doctor” means a doctor who is registered to practice under the Medical Registration Act and who is granted written authorisation by the Authority to prescribe medicinal cannabis in accordance with the provisions of the Act and its Regulations; **Cap. 293**

Cap. 202
Cap. 225
Cap. 393

“facility caregiver” means a person so designated pursuant to regulation 6;

“health care facility” means a hospital, clinic, wellness centre or nursing home;

“hospital” includes a private hospital;

“institution” means a school or educational institution pursuant to the Education Act, child care service pursuant to the Children (Care and Adoption) Act, a lock-up or a prison pursuant to the Prisons Act;

“Medicinal Cannabis Consumption Lounge” means a private enclosed space that is approved by the Authority, in accordance with Part VII, for the exclusive use for treatment of patients who are prescribed medicinal cannabis in accordance with the Act;

“relevant licensing authority” means in relation to a medical doctor, nurse or pharmacist or such other professional as may be prescribed by the Minister by Order, the authority that is responsible for licensing and regulating the practice of such professionals;

“vaporisation” means the process of heating dried plant material or cannabis concentrates dissolved in carrier oils, or solid cannabis concentrates to the point where a vapour is produced for inhalation.

PART II

DUTIES AND RESPONSIBILITIES

Exception to
the possession
and use of
medicinal
cannabis

3. (1) Pursuant to section 57 (1) (b) of the Act, the following exceptions shall apply in relation to the possession of medicinal cannabis, that is to say –

- (a) the possession of medicinal cannabis by a patient issued a prescription to be treated with medicinal cannabis in accordance with the Act; or
- (b) the possession of medicinal cannabis by a caregiver who is designated by a patient in accordance with the Act.

(2) Pursuant to section 57 (1) (c) (v) of the Act, an authorised patient is permitted to engage in the use of medicinal cannabis as treatment in a public place subject to the stipulation in paragraph (3).

(3) Pursuant to paragraph (2), the stipulation is that the treatment does not involve the smoking, vaporisation or consumption of the medicinal cannabis by a similar method.

4. (1) An authorised patient or a caregiver who obtains medicinal cannabis on behalf of an authorised patient shall –

Duties of
authorised
patient and
caregiver

- (a) only purchase the medicinal cannabis from an authorised pharmacist and a pharmacy which is issued a dispensing licence in accordance with the Medicinal Cannabis Industry (Licensing) Regulations; and
- (b) not have in his possession any amount of medicinal cannabis which exceeds the amount prescribed for the patient to whom he is designated caregiver.

(2) A caregiver who obtains medicinal cannabis on behalf of an authorised patient shall ensure that the patient complies with the information provided by the authorised pharmacist, in accordance with section 48(6) of the Act.

5. (1) An authorised patient who is a student of a school or educational institution and is required to be treated with medicinal cannabis during regular school hours, shall be permitted to do so subject to the stipulations provided under paragraph (2).

Use of
medicinal
cannabis by
authorised
patient

(2) Pursuant to paragraph (1), the stipulations are that –

- (a) the treatment is administered to the patient by the facility caregiver; and
- (b) the treatment does not involve the smoking, vaporisation or consumption of the medicinal cannabis by a similar method.

(3) An authorised patient who is an employee and is required to be treated with medicinal cannabis during working hours shall be permitted to do so subject to the stipulations provided under paragraph (4).

(4) Pursuant to paragraph (3), the stipulations are that –

- (a) the treatment administered to the authorised patient will not put any other at risk as a result of the duties which the authorised patient is required to perform;
- (b) the treatment will not affect the ability of the authorised patient to carry out the duties effectively; and

- (c) the treatment does not involve the smoking, vaporisation or consumption of the medicinal cannabis by a similar method.

(5) An authorised patient who is an inmate at a correctional facility may be treated with medicinal cannabis, provided that –

- (a) the treatment is administered by a facility caregiver designated by the correctional facility and the treatment does not endanger the safety of the other inmates or staff at the correctional facility; and
- (b) the treatment does not involve the smoking, vaporisation or other consumption of the medicinal cannabis by a similar method.

**Designation as
f a c i l i t y
caregiver**

6. (1) Subject to these Regulations, an institution may designate a person as a facility caregiver to have responsibility for assisting in obtaining and administering medicinal cannabis to a patient at the facility.

(2) A designation under paragraph (1) shall not be made unless it receives the prior approval by the Authority.

(3) The Authority shall issue guidelines for the making of an application for approval of a designation of a facility caregiver.

(4) A person shall not be designated as a facility caregiver unless the person –

- (a) is twenty-one years or older; and
- (b) successfully completes a training programme approved by the Authority for facility caregivers.

(5) Where a designation of facility caregiver has been approved by the Authority, the Authority shall issue to the person so designated, an identification card containing the following information –

- (a) the name of the person;
- (b) the stated designation;
- (c) a random alphanumeric identification number that is unique to the person;
- (d) a photograph of the person;

- (e) the name and address of the institution to which the person is designated; and
- (f) the date of issuance and date of expiry of the identification card.

(6) A person designated as a facility caregiver shall be authorised to obtain and administer, on behalf of the institution, medicinal cannabis to the patients at the institution, to whom he has been designated.

(7) A person in charge of an institution, shall submit to the Authority, at the end of each month but no later than the fifteenth day of the following month, a report, in such form and manner as may be provided by guidelines issued by the Authority, which shall include the following –

- (a) the name and unique alphanumeric identification number of each facility caregiver designated by the facility;
- (b) the date on which the report is prepared;
- (c) the total number of patients assisted by the facility caregiver for the preceding month;
- (d) the name and random alphanumeric identification number of each authorised patient;
- (e) the medicinal cannabis product including, the brand name, dosage and route administered to each authorised patient;
- (f) any change of dosage, if any, that was required during the course of the treatment and the reason for the change;
- (g) any adverse effects noted in relation to an authorised patient; and
- (h) any other information as may be specified, by guidelines issued by the Authority.

(8) The designation of facility caregiver shall be valid for a period not exceeding two years and such designation may be renewed, provided that the individual undergoes such training every two years as may be approved by the Authority.

(9) A person designated as a facility caregiver shall not –

- (a) hold a direct or indirect business or economic interest in any operation or facility which supplies medicinal cannabis;
- (b) be a person who is convicted of an offence under the Drugs (Prevention of Misuse) Act, the Drug Trafficking Offences Act, the Proceeds of Crime Act or any offences involving fraud or dishonesty.

Changing of
facility
caregiver

7. (1) Where an institution wishes to change its facility caregiver, the institution shall notify the Authority, as soon as practicable, and shall, without delay, revoke the designation of the facility caregiver and notify the person of the revocation.

(2) Where a facility caregiver receives a notice pursuant to paragraph (1) he shall, within five days of such receipt, return his identification card to the institution.

(3) The institution shall, upon receipt of the identification card, forward it to the Authority.

PART III

CONDITIONAL REQUIREMENTS FOR AUTHORISED MEDICAL DOCTORS AND AUTHORISED PHARMACISTS

Continuing
education
requirements
for authorised
medical doctors
and authorised
pharmacists

8. (1) In order to be authorised to prescribe medicinal cannabis, a medical doctor shall be required to undergo continuing medical education courses approved by the Authority, upon the advice of the Advisory Council.

(2) Pursuant to paragraph (1), an authorisation of a medical doctor may be renewed, provided that the medical doctor undergoes the continuing medical education training at the end of every two years from the date on which the previous authorisation was granted by the Authority and the training shall include training in the following areas –

- (a) the endocannabinoid system;
- (b) the administration or dosing of medicinal cannabis;
- (c) contraindications to the use of medicinal cannabis which includes drug interaction and drug cannabis disease interaction coursework;
- (d) complications of medicinal cannabis use; and

- (e) the potential side effects of the use of medicinal cannabis.

(3) In order to be authorised to dispense medicinal cannabis in accordance with the provisions of the Act, a pharmacist, shall be required to undergo continuing pharmacy education training in such areas as may be specified by the Authority, upon the advice of the Advisory Council.

(4) Pursuant to paragraph (3), an authorisation of a pharmacist may be renewed, provided that the pharmacist undergoes the continuing pharmacy education training at the end of every two years from the date on which the previous authorisation was granted by the Authority.

9. Pursuant to Part IV of the Act, the Authority shall issue a triplicate medicinal cannabis certificate booklet, a duplicate prescription pad, and an identification card booklet, to an authorised medical doctor to prescribe medicinal cannabis.

Materials to be
issued to an
authorised
medical doctor

PART IV

GENERAL REQUIREMENTS

10.(1) An application for the grant of a certificate of authorisation shall be made –

- (a) by a medical doctor in the manner prescribed in Form 1 in the First Schedule; or
- (b) by a pharmacist in the manner prescribed in Form 2 in the First Schedule.

Granting of
certification of
authorisation
to medical
doctor and
pharmacist
First Schedule

(2) An authorisation granted to –

- (a) a medical doctor shall be in the form set out in Form 3 in the First Schedule or;
- (b) a pharmacist shall be in the form as set out in Form 4 of in the First Schedule.

(3) An authorisation granted to an authorised medical doctor or an authorised pharmacist is valid for two years.

11.(1) A medical certificate issued to a patient pursuant to section 36 (2) of the Act shall be in triplicate form specifically provided by the Authority.

Manner in
which medical
certificate and
prescription
shall be issued

(2) A prescription issued to a patient pursuant to section 47 of the Act shall be in duplicate form.

(3) A prescription for medicinal cannabis shall only be issued on the Authority's approved duplicate prescription pad specifically provided by the Authority.

(4) All items issued by the Authority shall only be used for the purpose of prescribing medicinal cannabis.

(5) A medical doctor who contravenes paragraph (4) may have his authorisation to prescribe medicinal cannabis revoked by the Authority after being issued a warning.

Refusal of
authorised
medical doctor
to issue
prescription

12. (1) An authorised medical doctor shall refuse to prescribe medicinal cannabis to a patient if –

- (a) there are reasonable grounds to believe that the patient or his caregiver has presented false or misleading information, or have falsified documents in an effort to procure medicinal cannabis from the medical doctor;
- (b) there are grounds to believe that the patient or his caregiver intends to divert medicinal cannabis for use on the illicit market;
- (c) there are grounds to believe that the patient or his caregiver is seeking access to medicinal cannabis, for recreational purposes; and
- (d) a patient who requires a caregiver to manage or administer medicinal cannabis, refuses to designate a person as a caregiver.

(2) Where an authorised medical doctor refuses to prescribe medicinal cannabis for any of the reasons specified in paragraph (1), he shall, without delay, provide the patient with a written notice that sets out the reason for the refusal and provide the Authority with a copy of the notice.

Additional
information
required on the
issuance of
medical
certificates

13. (1) A medical certificate and prescription issued to a patient by an authorised medical doctor shall, at all times, bear the authorisation number which appears on the certificate of authorisation issued to the medical doctor by the Authority, in accordance with section 36 of the Act.

(2) If a patient has more than one qualifying medical condition, which requires more than one prescription, the authorised medical doctor shall submit to the Authority a separate medical certificate for each qualifying condition.

Procedure for
the issuance of
an
identification
card to a
visiting
qualifying
patient

14. (1) A visiting qualifying patient may –

- (a) upon arrival in Saint Vincent and the Grenadines, visit an authorised medical doctor who after examination of the patient determines whether to prescribe medicinal cannabis to the patient and issues an identification card in accordance with the Act and its Regulations.

- (b) notwithstanding paragraph (1) (a), prior to arrival in Saint Vincent and the Grenadines, lodge with the Authority, by electronic means or in another manner as may be specified, by guidelines issued by the Authority, a document which certifies that he is authorised to be treated with medicinal cannabis in accordance with the laws of the jurisdiction in which the patient resides.

(2) Pursuant to paragraph (1) (b), a document lodged by a patient shall be issued by the medical doctor who has treated the patient for a qualifying medical condition in the jurisdiction which he resides and such document shall be notarised by a Notary Public from said jurisdiction.

(3) In addition to the document submitted under paragraph (1) (b), a visiting qualifying patient shall also submit the following information to the Authority in such form as may be specified by guidelines issued by the Authority –

- (a) information relating to the prescription of medicinal cannabis by an authorised medical doctor, whilst he is in Saint Vincent and the Grenadines; and
- (b) a certified copy of a government or state issued photo identification issued in the jurisdiction in which he resides;

(4) Upon review and certification of the documents submitted to the Authority pursuant to this regulation, the Authority shall issue to the visiting qualifying patient by electronic means or otherwise, an order which will permit him to obtain a prescription for medicinal cannabis in accordance with the Act and these Regulations.

(5) Upon receipt and verification of an order issued by the Authority pursuant to paragraph (4), the authorised medical doctor shall issue to the visiting qualifying patient, a medical certificate on which he shall record the visiting qualifying patient's point of entry into Saint Vincent and the Grenadines, an identification card and a prescription for the use of medicinal cannabis only during the period of his stay in Saint Vincent and the Grenadines.

(6) An authorised pharmacist shall dispense medicinal cannabis to a visiting qualifying patient only upon submission of the medical certificate and identification card issued pursuant to paragraph (5), and shall comply with all requirements under the Act regarding the dispensing of medicinal cannabis.

(7) A visiting qualifying patient who attempts to take medicinal cannabis outside of Saint Vincent and the Grenadines commits an offence.

(8) A visiting qualifying patient shall pay to the Authority the fee prescribed in the Second Schedule.

S e c o n d
Schedule

Additional requirements in relation to confidential register

15. (1) Pursuant to section 50 of the Act, a patient whose records are sought to be disclosed, except as stated in the Act or by any law enforcement agency, shall be contacted before the disclosure of such records.

(2) A request for disclosure of an authorised patient's record shall be made to the Authority, in writing.

(3) Within twenty-four hours of receiving any request pursuant to paragraph (2), the Authority shall contact and inform the patient of the request and shall furnish the authorised patient with a copy of the request.

(4) An authorised patient may make a request to the Authority for disclosure of information related to him that is stored in the confidential register and upon making such request, he shall be required to sign a consent form provided to him by the Authority.

Duty of patient to provide information to medical doctor
Keeping of records by medical doctor

16. An authorised patient shall disclose to his medical doctor, any drug or other pharmaceutical that he is using, whether pursuant to a prescription or otherwise and any known past or present disease or illness.

17.(1) An authorised medical doctor shall keep or cause to be kept, such records, for a period of ten years from the date of the making of the records, in respect of his authorised patients.

(2) In cases where an authorised medical doctor ceases to practice in Saint Vincent and the Grenadines, he shall, in relation to any records that are kept by him, in accordance with paragraph (1) –

(a) ensure that the records continue to be retained until the end of the retention period; and

(b) notify the Authority, in writing, of the manner in which said records are kept.

Disclosure of information relating to medical doctor to relevant licensing authority

18. The Authority may disclose, in writing, information regarding an authorised medical doctor, in relation to his treatment of an authorised patient where –

(a) the relevant licensing authority makes a written request to the Authority for the information;

(b) the Authority has grounds to believe that the authorised medical doctor has contravened, a provision of the Act, these Regulations or any other relevant enactment; or

(c) the authorised medical doctor has been charged or convicted of an offence under –

- (i) the Act or any Regulations made thereunder;
- (ii) the Drug Trafficking Offences Act; Cap. 173
- (iii) the Drugs (Prevention of Misuse) Act; Cap. 284
- (iv) the Proceeds of Crime Act; or No. 38 of 2013
- (v) any other relevant enactment.

19.(1) The Authority shall report the matter to the relevant licensing authority for further and necessary action, where the Authority has reason to believe that an authorised medical doctor –

Making of report to relevant licensing authority in relation to medical doctor

- (a) is in contravention of –
 - (i) the Act and any Regulations made thereunder;
 - (ii) the Drug Trafficking Offences Act; Cap. 173
 - (iii) the Drugs (Prevention of Misuse) Act; Cap. 284
 - (iv) the Proceeds of Crime Act; or No. 38 of 2013
 - (v) any other relevant enactment;
- (b) has knowingly issued a medical certificate, prescription, or an identification card that contains false or misleading information; or
- (c) has issued a medical certificate or prescription contrary to established medical practice.

(2) The Authority may suspend the certificate of authorisation issued to the medical doctor which shall be published by notice in the Gazette, pending the outcome of the investigation into the matter by the relevant licensing authority.

Offences

20.(1) No person shall alter or deface a medical certificate, an identification card, a prescription or any other document that is issued or provided by an authorised medical doctor or the Authority.

Prohibition against altering documents and cannabis use by children

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(3) No person shall cause or permit a child to use cannabis unless it is for medicinal purposes in accordance to this Act or these Regulations.

Prohibition of
i l l e g a l
s o u r c i n g o f
m e d i c i n a l
c a n n a b i s

21.(1) A person is permitted to obtain the prescribed quantity of medicinal cannabis to fill his prescription from more than one pharmacy if a pharmacy is unable to supply the entire quantity, or the patient requests less than the entire quantity called for in the prescription.

(2) An authorised pharmacist shall make a notation of the quantity supplied on the prescription.

(3) A person is prohibited from obtaining in excess of the maximum thirty-day limit specified in the prescription.

(4) A person who contravenes paragraph (3) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Filling a
prescription in
contravention
of section 47 of
the Act

22. (1) An authorised pharmacist shall not fill a prescription for medicinal cannabis if the quantity of medicinal cannabis that is to be dispensed, would exceed the dosage which is specified under section 47(2) of the Act.

(2) An authorised pharmacist who contravenes paragraph (1) commits an offence and upon the first contravention will be issued a warning.

(3) The Authority may suspend the certificate of authorisation which shall be published by notice in the *Gazette*, on the second or any subsequent contravention of paragraph (1), issued to the authorised pharmacist, pending the outcome of the investigation into the matter by the relevant licensing authority which may result in the revocation of the certificate of authorisation.

PART V

DISPENSING OF MEDICINAL CANNABIS

W r i t t e n
n o t i f i c a t i o n
p r o v i d e d b y
a u t h o r i s e d
p h a r m a c i s t t o
p r o f e s s i o n a l
l i c e n s i n g
a u t h o r i t i e s

23. (1) The Authority shall, within thirty days after the issuance of a dispensing licence in accordance with the Medicinal Cannabis Industry (Licensing) Regulations, provide written notification of this fact to the relevant licensing authority and the Ministry responsible for health, along with a copy of the dispensing licence.

(2) The notification shall contain –

- (a) the name of the licensee;
- (b) the address of the pharmacy from which the authorised pharmacist will operate;
- (c) the address of the pharmacy, if it is different to the mailing address; and
- (d) the number which appears on the dispensing licence.

24. (1) An authorised pharmacist shall not dispense medicinal cannabis to an authorised patient or caregiver where –

Refusal to dispense medicinal cannabis by an authorised pharmacist

- (a) the prescription and identification card presented by the authorised patient or caregiver do not meet the requirements of the Act;
- (b) the prescription issued by the authorised medical doctor is in contravention of section 47(2) of the Act;
- (c) subject to paragraph (2), the authorised pharmacist has reason to believe that the prescription or the identification card contains false or misleading information; or
- (d) an authorised patient who has a designated caregiver presents himself without the caregiver to fill the prescription.

(2) The authorised pharmacist shall not refuse to dispense medicinal cannabis to an authorised patient on the basis of the circumstances specified under paragraphs (1) (b) or (c), unless the authorised pharmacist has made all efforts to contact the authorised medical doctor whose name appears on the prescription, in an effort to verify the information in question.

(3) If the authorised pharmacist refuses to dispense medicinal cannabis to an authorised patient pursuant to paragraph (1), the authorised pharmacist shall, without delay, provide the authorised patient with a written notification of the reason for the refusal, in the form provided by the Authority and shall, within seven days thereafter, notify the Authority of said facts in addition to providing the following information -

- (a) the name and identification number of the patient named on the prescription;
- (b) the date on which the authorised pharmacist refused to fill the prescription; and
- (c) the reasons for such refusal.

25. (1) Medicinal cannabis that is dispensed to a patient shall be returned to the authorised pharmacist who filled the prescription by the patient or the caregiver relating thereto where –

Return, replacement, and recall of medicinal cannabis

- (a) the patient to whom the medicinal cannabis was prescribed no longer requires the medicinal cannabis;
- (b) there is a manufacture recall; or

- (c) the authorised patient suffers an adverse reaction to the particular preparation.

(2) Upon the return of medicinal cannabis pursuant to paragraph (1), the authorised pharmacist shall complete a return form in such manner as may be provided by guidelines issued by the Authority.

(3) A return form contains the following information –

- (a) the name and the identification number of the authorised patient to whom the medicinal cannabis was prescribed;
- (b) the address of the pharmacy;
- (c) the date on which the medicinal cannabis was dispensed;
- (d) the quantity of medicinal cannabis that was dispensed;
- (e) a description of the medicinal cannabis, including its brand name; and
- (f) the original source of the medicinal cannabis.

(4) A copy of the return form that is submitted to the Authority must be retained by the authorised pharmacist for at least three years after the day on which the medicinal cannabis was returned.

Restrictions on display of medicinal cannabis to minors

26. (1) Except as authorised by law, an authorised pharmacist shall not display medicinal cannabis in such a way that it is visible or accessible for handling by a minor, without the assistance of an employee of the pharmacy.

(2) For the purpose of this Regulation, “minor” means a person who is under the age of eighteen.

Medicinal cannabis paraphernalia

27. (1) For the purposes of this regulation –

- (a) “medicinal cannabis paraphernalia” means an equipment, a product or material of any kind, which is designed or marketed for use in ingesting, inhaling or otherwise introducing into the human body, a medicinal cannabis product;
- (b) “marketed for use” means advertising, distributing, offering for sale, displaying for sale, or selling, in a manner which promotes the use of a medicinal cannabis paraphernalia.

(2) A person shall use medicinal cannabis paraphernalia solely and exclusively for the purpose of the consumption of medicinal cannabis.

(3) A licensed pharmacy shall not import or offer for sale, medicinal cannabis paraphernalia without obtaining written authorisation from the Authority.

(4) All paraphernalia shall be sold only from a dispensing licensee or any other facility as approved by the Authority.

(5) A patient or caregiver who is desirous of purchasing medicinal cannabis paraphernalia from an authorised pharmacist shall present their identification card to the authorised pharmacist in order to procure the purchase.

(6) The following vaporising equipment may be sold by a dispensing licensee as medicinal cannabis paraphernalia-

- (a) dry herb vaporisers;
- (b) solid concentrates vaporisers; or
- (c) cannabis concentrates dissolved in carrier oils vaporisers.

(7) Medicinal cannabis product to be used in vaporising equipment mentioned in paragraph (6) shall be subject to the approval of the Authority and the Pharmacy Council.

28. (1) An authorised pharmacist shall, on or before the fifteenth day of each month from the date on which the dispensing licence is issued, submit a report in such form as may be stipulated by the Authority.

Reports to the
Authority

(2) Pursuant to paragraph (1), the report shall contain the following information-

- (a) the name and identification number of the patients or caregivers to whom medicinal cannabis was dispensed;
- (b) in respect of prescriptions received for the dispensing of medicinal cannabis-
 - (i) the total quantity of dried medicinal cannabis dispensed, expressed in grammes;
 - (ii) the highest single quantity of dried medicinal cannabis per strain dispensed, expressed in grammes;

- (iii) the total quantity of other forms of medicinal cannabis dispensed, expressed in grammes;
- (iv) the highest single quantity of each other form of medicinal cannabis dispensed, expressed in grammes; and
- (v) the number of prescriptions filled;
- (c) the number of patients or caregivers to whom the authorised pharmacist refused to dispense medicinal cannabis; and
- (d) the total number of prescriptions issued by each authorised medical doctor and the name and authorisation number of each authorised medical doctor.

Prescription to
be collected
from patient by
authorised
pharmacist
Request for
information

29. An authorised pharmacist shall collect from an authorised patient or caregiver, to whom medicinal cannabis is dispensed, two copies of the prescription for medicinal cannabis.

30.(1) For the purpose of conducting an investigation under the Act, these Regulations or any other relevant enactment, a police officer may request from an authorised pharmacist the following information –

- (a) whether the authorised pharmacist has dispensed medicinal cannabis to a patient or a caregiver;
- (b) information relating to the identification card of a patient or caregiver and the quantity of medicinal cannabis that was dispensed by the authorised pharmacist to the patient or caregiver; and
- (c) such other information as may be necessary to assist the police officer in the conduct of the investigation.

(2) Any information provided under this regulation shall only be used by the police officer for the purposes of the investigation or the administration or enforcement of the Act, these Regulations or any other relevant enactment.

Retention of
register

31.(1) Pursuant to section 48(4) of the Act, the register that is required to be maintained by an authorised pharmacist shall be kept for a period of three years from the date of the making of the record and where the authorised pharmacist ceases his operations in relation to the pharmacy, he shall ensure that such register continues to be retained until the period aforementioned has expired.

(2) An authorised pharmacist who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

32. (1) Subject to these regulations, an authorised pharmacist who is an authorised health care facility employee, may dispense medicinal cannabis, to another health care facility employee, upon receipt of an order from the health care facility, in writing, that is signed and dated by the person who has management or control of the health care facility.

Distribution of medicinal cannabis at a health care facility

(2) Before dispensing medicinal cannabis under paragraph (1), the authorised pharmacist shall verify the contents of the order.

33. Where a pharmacy receives medicinal cannabis from another pharmacy that is licensed to supply medicinal cannabis in accordance with the Medicinal Cannabis (Licensing) Regulations, that pharmacy shall keep a register containing the following information, which is established for that purpose –

Pharmacists receiving, selling or returning medicinal cannabis

- (a) the quantity of medicinal cannabis that is received;
- (b) a description of the medicinal cannabis, including its brand name;
- (c) the date on which the medicinal cannabis is received; and
- (d) the name and mailing address of the authorised pharmacist or licensed manufacturer from whom the medicinal cannabis is received.

34. A person shall, upon discovery of the theft or loss of medicinal cannabis in his possession, report the theft or loss of medicinal cannabis–

Theft or loss of medicinal cannabis

- (a) to a police officer, as soon as possible after having knowledge of the occurrence; and
- (b) to the Authority, within forty-eight hours of knowledge of the occurrence.

35. (1) Where the Authority has reason to believe that an authorised pharmacist has contravened any provision of this Act, any Regulations made under this Act, or any other relevant enactment, the Authority shall report the matter to the relevant licensing authority for further and necessary action.

Authority to report contraventions of Act by an authorised pharmacist to relevant licensing authority

(2) Upon contravention of paragraph (1), the Authority may suspend the certificate of authorisation issued to the authorised pharmacist which shall be published by notice in the *Gazette*, pending the outcome of the investigation into the matter by the relevant licensing authority.

PART VI

DISTRIBUTION OF MEDICINAL CANNABIS AT HOSPITALS

Theft or loss of medicinal cannabis at health care facility

36. A person who has the management or control of a health care facility, or a person designated by him, shall upon the discovery of any theft or loss of medicinal cannabis at the health care facility, report the occurrence of such theft or loss –

- (a) to a police officer, as soon as possible after having knowledge of the occurrence; and
- (b) verbally and by submission of a written report to the Authority both within forty-eight hours of the knowledge of such occurrence.

Conditions for sale or distribution of medicinal cannabis at health care facility

37. (1) A person who has the management or control of a health care facility, or a person designated by him, shall not permit medicinal cannabis to be administered, distributed or sold on behalf of the health care facility, except in accordance with the Act and these Regulations.

(2) A person who has the management or control of a health care facility, or a person designated by him, may permit medicinal cannabis to be –

- (a) administered, to an inpatient or outpatient of the hospital on receipt of a prescription or written order; or
- (b) supplied at the health care facility, on receipt of a prescription or written order, to a person referred to in subparagraph (a) or a caregiver.

(3) All medicinal cannabis sold or dispensed to an inpatient, outpatient or a caregiver under this regulation, shall be done in accordance with section 48 of the Act.

Possession of medicinal cannabis in a health care facility by an authorised health care facility employee

38. An authorised health care facility employee is authorised to possess medicinal cannabis for the purposes of, and in connection with his employment, subject to the provisions of the Act and these Regulations.

Retention of documents by person who has the management and control of health care facility

39.(1) A person who has the management and control of a health care facility shall keep or cause to be kept, a register containing the following information and established for said purpose in accordance with guidelines issued by the Authority –

- (a) in respect of medicinal cannabis that is obtained for use at the health care facility –

- (i) the form and brand name of the medicinal cannabis;
 - (ii) the quantity of cannabis that is received;
 - (iii) the name and address of the entity from which the medicinal cannabis is received; and
 - (iv) the date on which the medicinal cannabis is received;
- (b) in respect of medicinal cannabis that is distributed or sold to a patient, in the case where the health care facility operates a pharmacy –
- (i) the name and identification number of the patient;
 - (ii) the name and certificate of authorisation number of the medical doctor who issued the prescription or written order, together with the date on which it was signed;
 - (iii) the daily quantity of medicinal cannabis that is specified in the prescription or written order referred to in paragraph (ii) and, if applicable, the period of use that is specified;
 - (iv) the quantity of medicinal cannabis that is distributed or sold, where applicable; and
 - (v) the date on which the medicinal cannabis is distributed or sold.

(2) Pursuant to paragraph (1), the register shall be retained for three years from the date of making of the register and, where the health care facility ceases to operate, such register shall be retained until the retention period has ended and the person who has the management and control of health care facility shall advise the Authority in writing, of the address of the place of business at which the register is retained and of any subsequent change to the address.

PART VII

GENERAL PROVISIONS ON PHARMACIES

40.(1) An authorised pharmacist shall not permit the use of medicinal cannabis at any pharmacy unless the pharmacy is approved to operate a Medicinal Cannabis Consumption Lounge in accordance with these Regulations.

G e n e r a l
l i m i t a t i o n s o n
p h a r m a c i e s i n
r e l a t i o n t o t h e
s a l e o f
m e d i c i n a l
c a n n a b i s

(2) An authorised pharmacist shall not display or cause to be displayed medicinal cannabis in such manner so that the medicinal cannabis is visible from outside the premises of a pharmacy.

(3) An authorised pharmacist shall not sell expired medicinal cannabis products.

(4) All points of sale systems and scales used for weighing medicinal cannabis shall be verified and certified by the Metrology Unit of the Saint Vincent and the Grenadines Bureau of Standards.

(5) An authorised pharmacist shall ensure that the sale of each medicinal cannabis product is recorded into the Saint Vincent and the Grenadines Seed to Sale Tracking System established under any standards and compliance Regulations made pursuant to the Act and each entry shall include the following –

- (a) the individual product information, inclusive of the product's unique identifier code;
- (b) the name and identification number of each patient or caregiver, as the case may require;
- (c) the individual product cost and total transaction value; and
- (d) the tax on sale of the medicinal cannabis.

**M e d i c i n a l
C a n n a b i s
P h a r m a c y
F a c i l i t y
S p e c i f i c a t i o n s**

41.A Medicinal Cannabis Pharmacy shall comprise of the following –

- (a) a minimum of four hundred square feet in floor space, which shall include air conditioning, accessibility features for the disabled, comfortable reception and waiting area;
- (b) a secure but spacious retail and display area;
- (c) a comfortable and private consulting area;
- (d) a secure stock storage area;
- (e) a janitorial service area;
- (f) a well-ventilated staff lunch area;
- (g) a staff toilet;
- (h) locker room area;
- (i) a separate secure area for medicinal cannabis waste;
- (j) where it includes a Medicinal Cannabis Lounge, the additional floor space as specified in regulation 44 (2) (g); and

- (k) where it includes a Medicinal Cannabis Wellness Centre, the stipulations as specified in regulation 43.

42. (1) A "Medicinal Cannabis Pharmacy" means a pharmacy that is licenced under the Medicinal Cannabis Industry (Licensing) Regulations, to dispense only medicinal cannabis products.

**M e d i c i n a l
C a n n a b i s
P h a r m a c y –
l i c e n s e
p r i v i l e g e s**

(2) For the avoidance of doubt, a person who wishes to obtain a dispensing licence to operate a Medicinal Cannabis Pharmacy shall, prior to making an application for a dispensing licence, comply with the provisions of the Pharmacy Act.

(3) A Medicinal Cannabis Pharmacy shall only offer for sale, medicinal cannabis products that it has purchased from a person who is authorised so to do, pursuant to the provisions of the Medicinal Cannabis (Licensing) Regulations and such products shall be packaged for sale in compliance with any standards and compliance Regulations made pursuant to the Act.

(4) Only medicinal cannabis products that have been certified by a testing facility approved by the Authority and bears a certificate of analysis shall be sold at a Medicinal Cannabis Pharmacy.

(5) A person who has been issued a dispensing licence to operate a Medicinal Cannabis Pharmacy shall store all inventories relating to the pharmacy in the pharmacy in an area that has limited access and shall comply with the inventory tracking rules and traceability system specified by guidelines issued by the Authority.

(6) The Cabinet shall stipulate a specified number of Medicinal Cannabis Pharmacies to be licensed and existing at any given period in Saint Vincent and the Grenadines.

43. (1) The Authority may, upon application in such manner as may be specified in guidelines issued by the Authority, grant approval for the operation of a Medicinal Cannabis Wellness Centre only to a dispensing licensee, provided that the specifications provided under paragraph (2) are met.

**E s t a b l i s h m e n t
o f a M e d i c i n a l
C a n n a b i s
W e l l n e s s
C e n t r e**

(2) The specification referred to in paragraph (1) includes –

- (a) a medicinal cannabis pharmacy;
- (b) accessibility features for the disabled;
- (c) a medicinal cannabis consumption lounge;
- (d) private security-controlled access;
- (e) an administrative centre;

- (f) a minimum of five accommodation rooms;
- (g) a food and beverage preparation area;
- (h) a dining area;
- (i) a staff toilet and locker room area;
- (j) a patient reception and lounge area;
- (k) an easily accessible nurse's station;
- (l) a staff lunch area;
- (m) an equipped resuscitation area; and
- (n) other facilities as may be approved by the Authority or as may be requested by any relevant enactment.

**Establishment
of a Medicinal
C a n n a b i s
Consumption
Lounge**

44.(1) The Authority may, upon application in such manner as may be specified in guidelines issued by the Authority, grant approval only to a pharmacy that has been issued a dispensing licence to designate an enclosed area as a Medicinal Cannabis Consumption Lounge, provided that the specifications under paragraph (2) and any other conditions prescribed by any other relevant authority are met.

(2) Pursuant to paragraph (1) the specifications are as follows —

- (a) a Medicinal Cannabis Consumption Lounge shall permit a patient to use only medicinal cannabis;
- (b) access to the Medicinal Cannabis Consumption Lounge shall be restricted to a person eighteen years of age or older who is an authorised patient;
- (c) the use of medicinal cannabis within a Medicinal Cannabis Consumption Lounge shall not be visible from any public place;
- (d) sale or consumption of alcohol or tobacco is not allowed in the Medicinal Cannabis Consumption Lounge;
- (e) the sale of medicinal cannabis products is prohibited in the Medicinal Cannabis Consumption Lounge;
- (f) the Medicinal Cannabis Consumption Lounge shall meet all requirements including those regarding premises, storage and where applicable, security, health and safety as specified by the Act, these Regulations, and the Town and Country Planning Act;

- (g) a Medicinal Cannabis Consumption Lounge shall have a minimum of one hundred square feet of floor space;
- (h) the maximum occupancy rate allowed in any Medicinal Cannabis Consumption Lounge shall be limited to one person to twenty square feet;
- (i) a Medicinal Cannabis Consumption Lounge shall include a beverage preparation area, male and female toilets, a janitorial service area, and a secure medicinal cannabis waste storage area;
- (j) a Medicinal Cannabis Consumption Lounge shall contain a reception area accessible by a controlled access door where –
 - (i) the reception area shall not allow any view of the lounge area while the controlled access door is closed; and
 - (ii) the receptionist situated in the reception area shall record all information regarding a patient's or caregiver's visit to the lounge, including but not limited to, the patient's or caregiver's unique identifier information, visit date, entry time and exit time;
- (k) a Medicinal Cannabis Consumption Lounge shall clearly be labelled by use of adequate signage as a restricted access area, wherein only authorised staff and patients or caregivers are allowed;
- (l) acceptable forms of identification from visiting qualifying patients to gain entry to a Medicinal Cannabis Consumption Lounge shall be restricted to a valid government or state issued photo identification and a visiting qualifying patient identification card;
- (m) the minimum standards regarding a Medicinal Cannabis Consumption Lounge include but may not be limited to –
 - (i) sufficient fresh air, and ventilation in the consumption area;
 - (ii) sufficient air extraction ventilation that shall include ventilation clearance above the roof of the licenced premises;
 - (iii) sufficient air filtration for particulate, smoke, gases and any noxious scents;

- (iv) heat detectors;
- (v) a sufficient fire suppression system;
- (vi) the Medicinal Cannabis Consumption Lounge must ensure that annual checks of the air extraction and filtration system are conducted to allow for efficient air extraction and filtration of its premises; and
- (vii) the waste of the consumption lounge will be handled in a manner that is in compliance with any standards and compliance Regulations made pursuant to the Act, Waste Management Act and any other relevant enactment.

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PART VIII

MISCELLANEOUS

- Access to register** 45.(1) Upon payment of the relevant subscription fee, a pharmacy or an authorised medical doctor may be permitted to access the register required to be maintained by the Authority pursuant to section 50 of the Act.
- S e c o n d Schedule Fees** (2) The subscription fees under paragraph (1) are stipulated in the Second Schedule.
- S e c o n d Schedule** 46. The Authority may charge fees in respect of the services listed in the Second Schedule.

FIRST SCHEDULE

(regulation 10)

FORM 1**APPLICATION FOR AUTHORISATION OF MEDICAL DOCTORS****INSTRUCTIONS**

This is an application form to be used for the authorisation of a medical doctor including a dentist to prescribe medicinal cannabis pursuant to the Medicinal Cannabis Industry Act 2018 and its Regulations.

When applying for authorisation you must provide along with this form a copy of:

- (1) Certificate of Registration (*professional*); and
- (2) Medicinal Cannabis Authority's Patient Access Training Course- Certificate of Training or a certificate from an equivalent training course as authorised and approved by the Authority.

MEDICAL DOCTOR INFORMATION

Are you currently registered to practice in Saint Vincent and the Grenadines? Yes ☐ No ☐

Medical Registration Number: _____

Type of Practice: Private ☐ Public ☐ Both ☐

Name of Practice: _____

How many years have you been at your current practice? _____ Year(s)

Medical Field of Specialty: _____

Clinic Address(es): _____

Full Name (**Print**): _____

Residential Address: _____

Phone Number: Office: _____ Cell: _____

Email (**Print**): _____

Mailing Address (if different from the aforementioned addresses):

Same as Clinic Address ☐

Same as Residential Address ☐

Signature

Date

FORM 2
APPLICATION FOR AUTHORISATION OF PHARMACISTS
INSTRUCTIONS

This is an application form to be used for the authorisation of a pharmacist to dispense medicinal cannabis pursuant to the Medicinal Cannabis Industry Act 2018 and its Regulations.

When applying for authorisation you must provide along with this form a copy of:

- (1) Certificate of Registration (*professional*); and
- (2) Medicinal Cannabis Authority's Patient Access Training Course- Certificate of Training or a certificate from an equivalent training course as authorised and approved by the Authority.

PHARMACIST INFORMATION

Are you currently registered to practice in Saint Vincent and the Grenadines? Yes ☐ No ☐

Registration number: _____

Type of Practice: Private ☐ Public ☐ Both ☐

How many years have you been at your current practice? _____ Year(s)

Name of Pharmacy:

Pharmacy Address(es):

Full Name (**Print**):

Residential Address:

Phone Number: Office: _____ Cell: _____

Email (**Print**):

Mailing Address (if different from the aforementioned addresses):

Same as Clinic Address ☐

Same as Residential Address ☐

Signature

Date

FORM 3

Certificate of Authorisation Granted to a Medical Doctor
authorising the prescribing of Medicinal Cannabis

[granted in accordance with section 36 of the Act]

This is to verify that Dr. _____ of
_____ is
authorised to prescribe medicinal cannabis in accordance with the provisions of the
Medicinal Cannabis Industry Act.

- Medical Registration Number of medical doctor
- Authorisation number
- Date of Birth
- Address of medical practice
- Date of issuance of certificate of authorisation
- Date of expiry of certificate of authorisation

Signature of Chief Executive Officer
of the Authority

Official Seal of the Authority

Signature of Chairman of the Board
of the Authority

FORM 4

Certificate of Authorisation Granted to Pharmacists
authorising the dispensing of Medicinal Cannabis

[granted in accordance with section 48 of the Act]

This is to verify that _____ of
_____ who
is authorised to dispense medicinal cannabis in accordance with the provisions of the
Medicinal Cannabis Industry Act.

- Registration Number of pharmacist
- Authorisation number
- Date of Birth
- Date of issuance of certificate of authorisation
- Date of expiry of certificate of authorisation

Signature of Chief Executive Officer
of the Authority

Official Seal of the Authority

Signature of Chairman of the Board
of the Authority

SECOND SCHEDULE

(regulations 14 (8), 45, 46)

Category	Services <i>Fees</i>	Fee (\$)	Validity
Authorised Patients	Identification Card	20	1 year
Caregivers/Facility Caregivers	Identification Card	10	1 year
Visiting Qualifying Patients	Identification Card	55	30 days
Authorised Patients	Renewal/Replacement of Identification Card	20	1 year
Caregivers/Facility Caregivers	Renewal/Replacement of Identification Card	10	1 year
Visiting Qualifying Patients	Renewal/Replacement of Identification Card	55	30 days
Pharmacies	Section 50 Register/Subscription to Patient Management Platform	500	1 year
Medical Doctors	Section 50 Register/Subscription to Patient Management Platform	500	1 year
Medicinal Cannabis Pharmacy including Medicinal Cannabis Consumption Lounge and Medicinal Cannabis Wellness Center	Section 50 Register/Subscription to Patient Management Platform	2,400	1 year
Medical Doctors/ Pharmacists	Application for authorisation (non-refundable)	50	-
Medical Doctors/ Pharmacists	Authorisation	100	2 years

Made this 30th day of April, 2020.

HON. SABOTO CAESARMinister of Agriculture, Forestry, Fisheries,
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