



**Cannabis  
Licensing  
Authority**

Jamaica

Building an Industry;  
Cultivating Responsibly

---

# Jamaica's Cannabis Industry: Regulations, Applications and Moving the Industry Forward

Cindy Lightbourne – Chairman

# Presentation Outline

Overview

Regulations

Application Process

Global Challenges

Next Steps

# Overview

- The Cannabis Licensing Authority (CLA) was established under the Dangerous Drugs (Amendment) Act 2015
- As per the DDA, 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 licences, 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 (of the Act);*
  - *The duty to ensure that regulations made under (the Act) do not contravene Jamaica's international obligations; and*
  - *Such other powers, functions and duties as may be assigned to the Authority under (the) Act or any other law.*



# Approach to Regulations

- **Initial decisions:**
  - Focus on applications for licences and licensing processes first – hemp and other matters to follow
  - Issue Interim Regulations and amend based on stakeholder consultations
- **[3 months] Consultancy was undertaken to:**
  - Garner information on global good practices
  - Requirements of Jamaica’s international obligations
  - Understand key concerns of key public sector stakeholders
  - Ascertain the idiosyncrasies of the local ‘industry’

➔ ***Recommendations for Regulations***
- **[4 months] Board review of recommendations and decisions on:**
  - Types of licences
  - Application form, processes and requirements
  - Terms and conditions of licensing
  - Other related matters

➔ ***Cabinet approval on approach and initial drafting instructions***
- **[4 months] Issuing of drafting instructions and finalisation on Regulations**

# Types of Licenses

Type of Licence		In keeping with the Regulations, this licence allows you to . . .
Cultivator's Licence	Tier 1	Cultivate up to 1 acre (4,047 square metres) of land with ganja for medical and therapeutic purposes
	Tier 2	Cultivate between 1 and 5 acres (4,047 – 20, 235 square metres) of land with ganja for medical and therapeutic purposes.
	Tier 3	Cultivate over 5 acres (20,235 square metres) of land with ganja for medical and therapeutic purposes.
Processing Licence	Tier 1	Process ganja for medical, scientific and therapeutic purposes, including the manufacturing of ganja based products, in a space of up to 200 square metres
	Tier 2	Process ganja for medical, scientific and therapeutic purposes, including the manufacturing of ganja based products, in a space of over 200 square metres.
Transport Licence	-	Transport ganja between two licensed premises in an approved motor vehicle.
Retail Licence	Available to Pharmacy or Dispensary*	Sell ganja for medical and therapeutic purposes
	Herb House	Sell ganja for medical and therapeutic purposes, with a space for immediate consumption by consumers.
	Therapeutic	Provide therapeutic or spa services utilising ganja
Research and Development Licence	Experimental	Undertakes all activities involved in the assessment, study, research, development and testing of ganja including the analytical services for own use.
	Analytical Services	Provide commercial services exclusively for the determination of any or all of the constituents, characteristics, quality or safety parameters of ganja by accepted and/or accredited methods.

# Who Can and Cannot Apply . . .

## ✓ CAN APPLY . . . . .

- ✓ Individual (for cultivation) must be 'ordinarily resident', i.e. living in Jamaica 3 or more years
- ✓ Company must be registered with the Companies Office of Jamaica with 'substantial' ownership and control by persons 'ordinarily resident'
- ✓ Cooperatives must have proof of registration or application for registration

## ✗ CANNOT APPLY . . . . .

- ✗ Persons convicted of offences specified in:
  - Schedule 3 of the Criminal Records (Rehabilitation of Offenders) Act, 2014
  - Sections 92 and 93 of the Proceeds of Crime Act
- ✗ Persons convicted of offences, not included above, under the Dangerous Drugs Act for which 10 years has not passed since the completion on the sentence, and during that time the person has not committed an offence involving violence or dishonesty
- ✗ Persons convicted of other offences, not included above, for which 5 years has not passed since the completion on the sentence and during that time the person has not committed an offence involving violence or dishonesty
- ✗ Any person convicted of a similar offence overseas

# Consent to Use Property (Land)

- If the applicant is the owner of the land – certified copy of the title
- If the applicant is not the owner of the land, but:
  - Is a lease holder:
    - ❖ Lease agreement
    - ❖ Consent of Property Owner Form (Form 3)
  - Claims the right to use the land:
    - ❖ Deed of conveyance
    - ❖ Will devising the property
    - ❖ Certificate of necessary formalities, duly issued under the Facilities of Titles Act
    - ❖ Other Documentary Proof (such as receipts, sales agreements, deed of gift, etc.)

**NB Use of any of the latter four instruments require two statutory declaration of neighbours confirming ownership**

# Submitting your Application . . .



## Application Checklist and Procedures

### 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 Licence (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 is 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 documents granting authority to access/use property
- 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, receipt/loading areas and storage areas. Diagram does not have to be drawn to scale and should be on a single 8 1/2 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)

#### For Cultivator Applicants:

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

#### Please also note that:

- A. Please also note any additional documents requested on any of the relevant Application Forms
- B. Only originals of the Police Record(s) will be accepted
- C. All copied documents submitted must be certified by a Justice of the Peace.

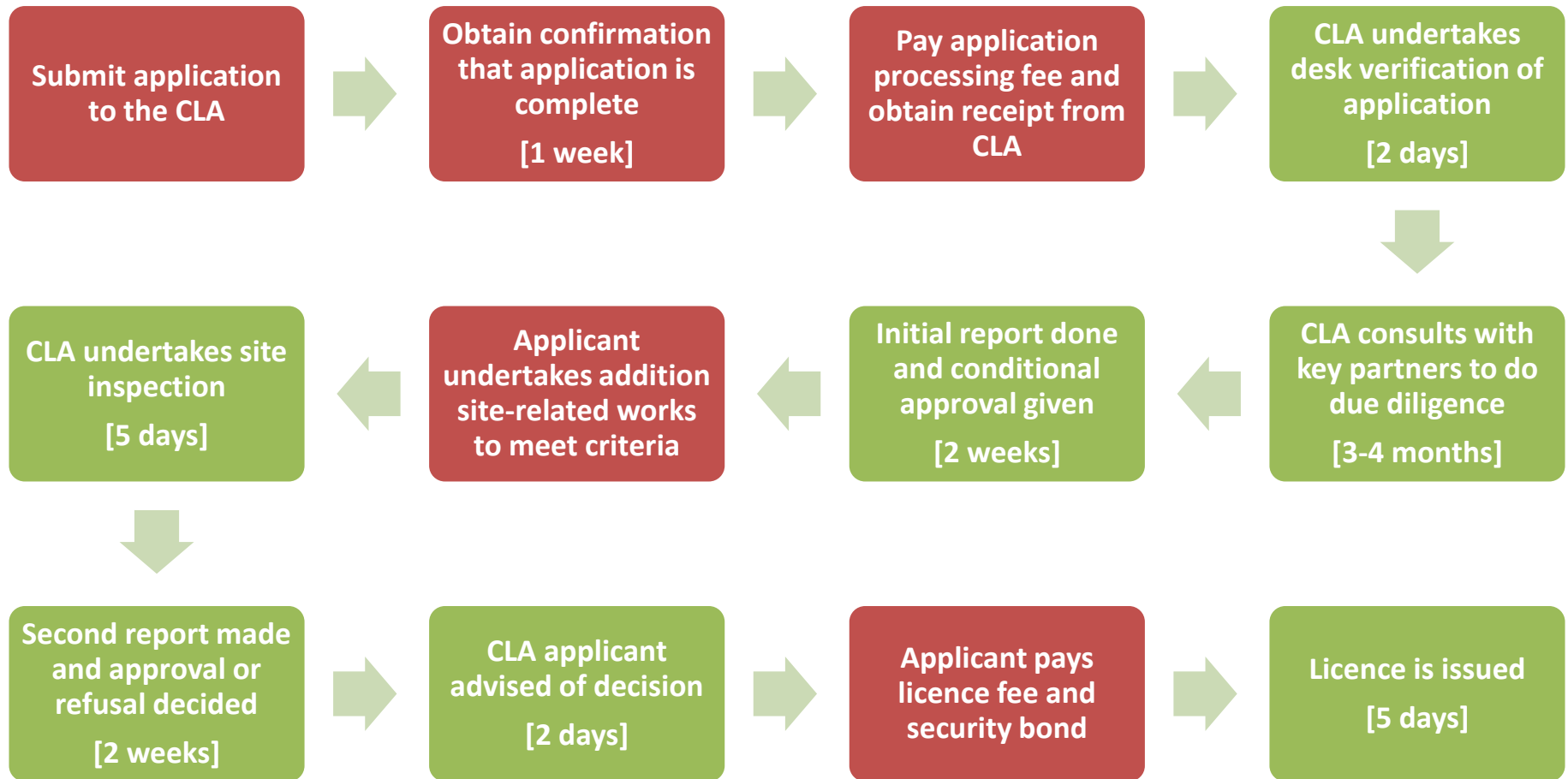
### 3. Submit your Application. All completed application forms and all supporting documents must be placed in a single sealed envelope and delivered to:

Licensing and Applications 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 licence 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.**



# Processing Your Application . . .



# Other Key Considerations

Pre-Licence  
Inspection Criteria

Terms and  
Conditions for  
Licences

# Schedule of Fees

Type of Fee	Type of Licence	Annual Licence Fee	
License Fees (Non-Refundable; Payable when Licence is Approved)	Cultivator's Licence	Tier 1	US\$2,000
		Tier 2	US\$2,500 per acre
		Tier 3	US\$3,000 per acre
	Processing Licence	Tier 1	US\$3,500
		Tier 2	US\$10,000
	Transport Licence	-	US\$10,000 for the first vehicle and US\$1,000 for each additional vehicle
	Retail Licence	Herb House	US\$2,500
		Therapeutic	US\$2,500
	Research and Development Licence	Experimental	US\$5,000
		Analytical Services	US\$5,000
Security Bond (Refundable) (Payable when Licence is Approved)	Cultivator's Licence	Tier 1	US\$2,000
		Tier 2 and 3	US\$3,000 per acre
	Processing Licence	-	US\$3,000
	Research and Development Licence	-	US\$3,000

# Offences, Appeals & Breach of License

## Offences

- Offences are committed where any person wilfully:
  - Obstructs, hinders assaults or resists any other person exercising power/duty
  - Provides false/materially misleading information to the Authority
  - Fails to produce a document/information they are required to produce

## Breach of Licence

- May come in the following forms:
  - Suspension of license
  - Revocation of license
  - Forfeit of security bond
  - Prevention from re-applying for license for a specified period

## Appeals

- Appeal for revocation, license refusal or other types of penalties may be made to an appeals tribunal established under regulations promulgated by the Minister of Justice

# Other Points to Note

- Import/Export is not provided for under these Regulations and additional work will need to be undertaken to address these matters. Hemp is also not covered under these Regulations and will be worked on next.
- The CLA will consider applications for multiple licences – but the application must be made separately and will attract separate applicable fees.
- Expungement of records will be done automatically for offences fined \$1000 or less. Otherwise, application must be made to the Ministry of Justice
- The CLA is awaiting feedback from the Ministry of Finance on whether fees for Tier 1 licensees may be deferred to the end of the first year of the licence.

# Global Challenges

- International Drug Conventions limit Jamaica's policy space – GOJ is in the forefront of the push for change
  - CLA must 'control and purchase' all ganja:
    - ❖ Need buyer/seller agreement
    - ❖ Track and trace / seed to sale
    - ❖ Security needs
    - ❖ Reporting requirements
- Banking concerns: Jamaica's risk profile as a 'transit & source' country for illicit narcotic drugs will be of concern to local and correspondent banks
- Import/export: strict controls on Schedule 1 & 4 drugs, trade based only on estimates provided to INCB

# Next Steps



- Application forms are available and are currently being accepted at CLA
- Public education will continue via the townhall meetings and parish meetings
- Formal comments are being requested on the Regulations towards finalisation
- Lobbying will continue on key issues affecting the industry, such as MSMEs financing, access to banking, etc.

Thank You!!

