

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE MISUSE OF DRUGS LAW (2014
REVISION) TO INCLUDE CANNABIS EXTRACTS AND TINCTURES
OF CANNABIS AS CONTROLLED DRUGS; TO RESTRICT THE
POWER TO PRESCRIBE CANNABIS EXTRACTS AND TINCTURES
OF CANNABIS TO A MEDICAL DOCTOR; AND FOR INCIDENTAL
AND CONNECTED PURPOSES**

THE MISUSE OF DRUGS (AMENDMENT) BILL, 2016

MEMORANDUM OF OBJECTS AND REASONS

The Bill provides for amendments to the Misuse of Drugs Law (2014 Revision) to allow for the importation of cannabis oil and for the dispensing of it for medicinal purposes.

Clause 1 provides for the short title.

Clause 2 provides for the amendment of the interpretation section. The definition of “authorised” is amended to provide that for the purposes of prescribing, administering or supplying cannabis extracts and tinctures of cannabis, an authorised person is restricted to a medical doctor, a pharmacist, a person conducting the business of a retail pharmacy or of an importer or a person in possession under a prescription.

Clause 3 provides for the insertion of a new section 2A which provides that, among other things, the use of cannabis extracts and tinctures of cannabis for medical or therapeutic purposes, where it is prescribed by a medical doctor for a person under the medical doctor’s care, is lawful. The clause also provides that the medical doctor shall establish the dosage for the patient.

Clause 4 provides for the amendment of Schedule 1 by the insertion of “cannabis extracts and tinctures of cannabis” in the list of controlled drugs. The clause also defines the expression “cannabis extracts and tinctures of cannabis”.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 of the Misuse of Drugs Law (2014 Revision) - definitions and interpretation
3. Insertion of section 2A - authorised use of cannabis extracts, etc.
4. Amendment of Schedule 1 - controlled drugs

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A BILL FOR A LAW TO AMEND THE MISUSE OF DRUGS LAW (2014 REVISION) TO INCLUDE CANNABIS EXTRACTS AND TINCTURES OF CANNABIS AS CONTROLLED DRUGS; TO RESTRICT THE POWER TO PRESCRIBE CANNABIS EXTRACTS AND TINCTURES OF CANNABIS TO A MEDICAL DOCTOR; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Misuse of Drugs (Amendment) Law, 2016.
2. The Misuse of Drugs Law (2014 Revision), in this Law referred to as the “principal Law”, is amended in section 2(1) by deleting the definition of the word “authorised” and substituting the following definition -

Short title

Amendment of section 2 of the Misuse of Drugs Law (2014 Revision) - definitions and interpretation

““authorised” means authorised by this or any other Law, and includes -

- (a) a person acting in the course of lawful duties as a medical practitioner, dentist, veterinary practitioner or pharmacist, any of whom prescribes, administers, manufactures, compounds or supplies a controlled drug;
- (b) a person lawfully conducting the business of a retail pharmacy or of an importer, acting in either case in the capacity as such; and
- (c) a person in possession of a controlled drug under a prescription,

however, in relation to cannabis extracts and tinctures of cannabis an authorised person is -

- (i) a person acting in the course of lawful duties as a medical doctor licensed in accordance with the Health Practice Law (2013 Revision);
- (ii) a person acting in the course of lawful duties as a pharmacist licensed in accordance with the Health Practice Law (2013 Revision);
- (iii) a person lawfully conducting the business of a retail pharmacy or of an importer, acting in either case in the capacity as such; or
- (iv) a person in possession of cannabis extracts or tinctures of cannabis under a prescription issued by a medical doctor as part of a course of treatment for a person under that medical doctor's care and in accordance with this Law;”.

Insertion of section 2A -
authorised use of
cannabis extracts, etc.

3. The principal Law is amended by inserting after section 2 the following section -

“Authorised use
of cannabis
extracts, etc.

(2013 Revision)

2A. (1) The use of cannabis extracts and tinctures of cannabis for medical or therapeutic purposes, where prescribed by a medical doctor licensed in accordance with the Health Practice Law (2013 Revision) as part of a course of treatment for a person under that medical doctor's care, is lawful.

(2) The medical doctor shall establish the dosage of the cannabis extract or tincture of cannabis required for any person for whom the medical doctor prescribes it.

(3) The Cabinet may make Regulations providing for the importation, transport, storage and dispensing of cannabis extracts and tinctures of cannabis and for anything required to be prescribed under this Law relating to the medical or therapeutic uses of cannabis extracts and tinctures of cannabis.”.

Amendment of Schedule
1 - controlled drugs

4. The principal Law is amended in Schedule 1 as follows -

- (a) in paragraph 1(a) of Part I by inserting in the appropriate alphabetical sequence the following substance -
“Cannabis extracts and tinctures of cannabis”; and

