

Guiding Principles for Cannabis Industry

Since the formal establishment of the Cannabis Licensing Authority (CLA) some four months ago, there has been much speculation among the public regarding the development of a legal marijuana and hemp industry in Jamaica.

The CLA, which is the authority responsible for crafting the regulations for the sector, has committed to providing continuous updates on the progress being made; demonstrating the highest level of probity in addressing all issues. In a recent statement issued by the Authority, a list of guiding principles have now been put in place to provide assurance, transparency and structure for individuals and/or companies seeking to operate in the space. "To reinforce our commitment to the growth of the sector, the CLA has now developed eight guiding principles to inform how the regulations will be developed and how we will operate," said the Chairman of the Authority, Dr. Andre Gordon. He noted that, "The Authority was in the process of reviewing recommendations received from the consultants contracted to guide the process, along with other recommendations that have arisen through internal deliberations and initial discussions with key stakeholders in the public and private sector." "No licenses or applications for licenses will be considered until the required regulations are in place," he added. The CLA in their statement outlined the following as the eight (8) guiding principles for the sector:

1. The main focus of the CLA is to foster the growth, development and orderly regulation of a legal marijuana (ganja) and hemp industry in Jamaica, including the use of the plant and/or derivatives thereof for medical, therapeutic and scientific purposes. This must be done consistent with Jamaica's international treaty obligations regarding the cultivation, production, use and export of narcotic substances.

2. The Dangerous Drug (Amendment) Act (DDA Act) 2015 gives the CLA the power to issue such licences, permits and authorizations, as may be appropriate, for the handling of hemp and marijuana (ganja) for medical, therapeutic or scientific purposes. The CLA does not have jurisdiction over religious use of ganja, but rather this remit falls to the Ministry of Justice.

3. Marijuana (defined as Cannabis sativa with THC levels in excess of 1%) remains an illegal drug in Jamaica, a status which has not been changed under the DDA Act.

4. The CLA recognizes, respects, will actively seek the counsel of and will seek to protect the rights of, persons who have been long standing advocates for and the pioneers in the development of legal marijuana and hemp industries in Jamaica, including small farmers. This is recognized by the representation of these interests on the Board.

5. The CLA recognizes the unique contribution and cultural and historical legacy of Rastafarians to the development of the industry and will work closely with their representatives and the Jamaica Intellectual Property Office (JIPO) in supporting the protection of their cultural identity as the industry develops and grows. This is reinforced by the presence of their representatives on the Board as members of civil society.

6. In guiding the development of the marijuana industry, the CLA will place primary focus on strains and cultivars that are indigenous to Jamaica, for which the country can claim intellectual property rights and can leverage the advantages of its global brand recognition.

7. The CLA is strongly against the use or handling of marijuana by children, teenagers, adolescents and at-risk adults given the well-known and scientifically established potentially negative effects of the drug on physical and mental health. In this regard, the CLA fully subscribes to, endorses and will actively support initiatives of the National Council on Drug Abuse (NCDA) to educate at risk groups about the potential negative effects of the drug. This support is also consistent with Government's obligations to fund activities of the NCDA and is recognized by a position on its Board being reserved for the NCDA.

8. The CLA is cognizant of parallel frameworks that may need to be developed and implemented to form comprehensive guidelines for the industry. These, however, may fall outside of the remit of the Authority, as stated in the DDA Act, and will be considered if they impact those areas of the industry under the CLA's regulatory control.