



**BARBADOS MEDICINAL
CANNABIS LICENSING
AUTHORITY**

RETAIL DISTRIBUTOR (THERAPEUTIC FACILITY) LICENSE GUIDE

Let's Grow Together



The Barbados Medicinal Cannabis Industry Act, 2019 (the Act) establishes that an application for a license must be filed with the regulatory body, the Barbados Medicinal Cannabis Licensing Authority (BMCLA), in the form and manner specified by the Act and the Medicinal Cannabis Industry Regulations, 2020, (the Regulations) and must include all the information required.

This Retail Distributor Guide provides general terms and conditions for the operation of a Retail Distributor (Therapeutic Facility) License within the Barbados Medicinal Cannabis Industry.

This Guide should be read in conjunction with the Act and the Regulations and is intended to supplement the provisions of the Regulations.

It is the responsibility of the applicant to ensure that there are familiar with these guidelines and the Regulations. Your application may be denied, or your operations delayed, suspended or your license revoked if you fail to meet the requirements outlined.

The BMCLA is committed to protecting personal information as well as confidential business information that is under its possession. Ensuring the confidentiality, integrity, and availability of information is essential to the regulator's decision making and the delivery of services. The BMCLA recognizes that the protection of this information is an essential element in maintaining public trust.

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Disclaimer: This document is a living document, which may be updated and changed by the BMCLA as we see fit. Users are advised to ensure they are using the most recent version. In the case of any discrepancies between this document and the Act and its Regulations, please seek direction from the BMCLA.

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FOREWORD

The Barbados Medicinal Cannabis Industry Act, 2019 (the Act) was proclaimed on September 30, 2020. It establishes the conditions under which the Medicinal Cannabis Industry in Barbados will operate. Provisions for the licensing regime, patient access to medicinal cannabis and the establishment of the regulating Authority, the Barbados Medicinal Cannabis Licensing Authority (herein referred to as the BMCLA) and its Board are all found within the Act. Further, the Act is supported by the Barbados Medicinal Cannabis Industry Regulations, 2020 (the Regulations).

This guidance document should be read with reference to both the Act and the Regulations. The intent is to provide further direction to the applicant based on the provisions established in the aforementioned documents. It also sets out the rules and regulations for a retail distributor license.

Section 4 (1) of the Act provides for the BMCLA to develop policies, procedures and guidelines for the industry. Additionally, section 4 (2) of the Regulations also provides the BMCLA with the right to request any additional information that pertains to the licensee, its agents or directors and that is necessary to consider the application. It is the responsibility of all applicants to make sure that they are aware of all rules, regulations and policies which pertain to their application and operations.

The BMCLA is not responsible for any circumstance in which an applicant or licensee might find themselves non-compliant due to lack of awareness of the necessary requirements.

This document, while aimed at being comprehensive, may not contain every answer an individual may need. In those cases, it is suggested that the applicants contact the Barbados Medicinal Cannabis Licensing Authority at clo@bmcla.bb or visit the Authority's website www.bmcla.bb.

The overall intent of the regulatory framework, including all guidelines governing the Barbados Medicinal Cannabis Industry, is to ensure patient safety and the administration of an orderly and efficient industry.



GLOSSARY

Edibles (medicinal product) - Edibles means a substance or combination of substances, plant-based or otherwise, used for food or drink, or which is ordinarily used in the composition or preparation of such food or drink which is infused, mixed, combined, blended or made with cannabis.

BACKGROUND

The Barbados Medicinal Cannabis Industry Act, 2019, (the Act) and Barbados Medicinal Cannabis Industry Regulations, 2020, (the Regulations) provide, among other things, the framework for legal access to medicinal cannabis, control and regulation of medicinal cannabis use and commercial engagement in Barbados. It in no way makes legal the use in the production, manufacturing and handling of cultivation or production of cannabis for any purpose other than that as stated under the Act. The Act lays out the allowance under which persons can engage in medicinal cannabis within the jurisdiction of the Barbados Government.

The Act speaks to the establishment of the Authority, the allowance for the use of cannabis for medicinal purposes which must be prescribed by a doctor and dispensed by a licensed pharmacist (as defined under the Pharmacy Act, Cap. 372D). The Act also makes provision for the establishment, licensing, regulation, monitoring, control and enforcement of the medicinal cannabis industry by the Barbados Medicinal Cannabis Licensing Authority (BMCLA). It established eight (8) different types of licenses and tiers and gives the Authority the right and responsibility for the importation, cultivation, processing, exportation, transportation, analyzing as well as research and development of cannabis for medicinal purposes.

Under this framework, a person is required to obtain a license issued by the BMCLA in order to conduct various activities with cannabis for medicinal purposes. Applicants and license holders are responsible for compliance with the Act and the Regulations as well as compliance with other applicable laws both current and future, as made by the Government of Barbados.

The Act establishes that an application for a license must be submitted to the Authority in the form and manner specified by the industry regulations and must include all requested information and supplemental documentation as requested. This guide sets out the application process including the form and manner for submitting an application and the information that is required.

The BMCLA will publish other guidance documents and information as needed on its website (www.bmcla.bb) that may be used in conjunction with this document to assist applicants in preparing their applications. In order to maintain consistency and transparency, this guide, as well as other guidance documents and information, will be updated, as required, to reflect changes to policies and/or operations.

GENERAL REQUIREMENTS

1. General Conditions

1.1. Section 311 (e) of the Act provides for a Retail Distributor License, which shall be issued to allow for the operation of a therapeutic facility. The definition of a therapeutic facility based on the Interpretation section of the Act indicates that a therapeutic facility operates under two (2) circumstances:

- a place which sells dispenses or provides medicinal cannabis, prescribed by a registered medical practitioner; and
- provides facilities and other medicinal or therapeutic requirements to allow a patient who has purchased prescribed medicinal cannabis to use or consume that medicinal cannabis on the premises of the therapeutic facility.

For a therapeutic facility to be licensed as such, **both circumstances must be in operation**. In other words, the business must sell and dispense as well as provide a space for patients to consume.

2. Access

2.1. A Therapeutic Facility shall only allow a patient seeking treatment and their designated caregiver into the treatment rooms.

2.2. A Therapeutic Facility shall only allow for the usage of medicinal cannabis product prescribed by a registered medical practitioner and dispensed by a pharmacist.

2.3. A Therapeutic Facility shall allow for the usage of medicinal cannabis products as defined within the regulations, on its premises.

2.4. Each patient must present a prescription prior to receiving treatment.

2.5. All patients must be logged in and must present their Identification Card or Passport to the receptionist along with their prescription.



3. General Limitations

3.1. A Therapeutic Facility may allow for the sale of any medicinal product as allowed by law.

3.2. A Therapeutic Facility may also allow the sale of non-cannabis infused food and drink on-premises.

However, the sale of alcoholic beverages is prohibited.

Additionally, as per the Regulations, edible medicinal products are prohibited.

4. Facility Requirements

4.1. All therapeutic facilities must comply with the general terms and conditions for the storage of all cannabis products.

4.2. A Therapeutic Facility must feature the following:

- opaque windows and doors;
- a separate room designated for treatments (treatment rooms can be communal or private); and
- any facility offering medical consultations must offer separate examination rooms.

5. Medical Professionals

5.1. Each Therapeutic Facility offering the fulfilment of prescriptions must have a licensed pharmacist.

In accordance with the Pharmacy Act, a licensed pharmacist can only operate within a registered pharmacy. The pharmacist and registered pharmacy must comply with all of the relevant laws and regulations governing their conduct under Barbadian Law.

5.2. A Therapeutic Facility must have a registered medical practitioner contracted.

As the Therapeutic Facility offers medical consultations, it must comply with all laws and regulations covering the conduct under Barbadian Law.

5.3. A Therapeutic Facility may offer other types of therapeutic services other than medicinal cannabis within its facilities.

6. Refusal to supply

6.1. A Retail Distribution licensee may refuse to supply a patient or caregiver with medicinal cannabis or medicinal cannabis products, in cases where:

- The licensee has reasonable grounds to believe that false or misleading information has, or false or falsified documents have been provided in, or in support of, the request for medicinal cannabis; and/or
- The licensee has already dispensed a 30-day supply of a repeat prescription.

7. Visitors to Barbados

7.1. A visitor must see a local doctor and receive a prescription, which may then be fulfilled at any pharmacy or Therapeutic Facility.





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WE ARE HERE TO HELP!

For further information on the Barbados Medicinal Cannabis Licensing Authority (BMCLA) or the Barbados Medicinal Cannabis Industry, please contact us:

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