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BY HAND

9 August 2017

TO: Hon. Dwayne Seymour, Minister of Health, Culture and Housing, Cayman Islands Government

RE: Working Drafts of (1) Import Regulations for Cayman, (2) Export Regulations for Jamaica and (3) Memorandum of Understanding Respecting Lawful Trade in Medical Cannabis

Dear Honourable Minister Seymour,

Please find herewith the following attachments:

1. Working Draft of Cannabis Extracts and Tinctures of Cannabis (Lawful Imports from Jamaica) Regulations, 2017 (“**draft Import Regulations**”) 2
2. Working Draft of Dangerous Drugs (Lawful Exports from Jamaica to the Cayman Islands of Cannabis Extracts and Tinctures of Cannabis) Regulations, 2017 (“**draft Export Regulations**”) 9
3. Working Draft of Memorandum of Understanding (“**draft MOU**”) between the Chief Medical Officer (“**CMO**”) of Jamaica and the CMO of the Cayman Islands for consultation and co-ordination regarding lawful export from Jamaica for lawful import into the Cayman Islands of cannabis extracts and tinctures of cannabis (“**Medical Cannabis**”) for authorized medical and/or therapeutic uses (“**Authorized Uses**”)..... 16
4. Rationale for draft Import Regulations, draft Export Regulations and draft MOU (together “**draft Trilogy**”) 21
5. International Drug Control Conventions..... 22
6. 2016 Amendments to Misuse of Drugs Law 25
7. Lawful Supply of Medical Cannabis from Jamaica and Other Updates..... 26

My father and I have prepared this draft Trilogy for your consideration and also for consideration by your counterparts in Jamaica. We hope that these drafts will be of assistance to you and your colleagues in Cabinet. You may distribute this memo to any stakeholders as you see fit. I will also share this memo with others who may be interested.

If I can assist you further in this matter, please let me know.

Respectfully submitted,



Orrie Merren
Attorney-at-Law

Attachments as indicated.

Attachment 1: draft Import Regulations

Working Draft: 24 July 2017

MISUSE OF DRUGS LAW (2017 Revision)

THE CANNABIS EXTRACTS AND TINCTURES OF CANNABIS (LAWFUL IMPORTS FROM JAMAICA) REGULATIONS, 2017

The Cabinet, in exercise of the powers conferred by sections 2A, 4(2) and 13 of the Misuse of Drugs Law (2017 Revision), makes the following Regulations –

Preamble

The object of these Regulations is to facilitate lawful exports from Jamaica for lawful import into the Cayman Islands of cannabis extracts and tinctures of cannabis for medical and/or therapeutic uses. In light of the long-standing commercial and cultural ties between Jamaica and the Cayman Islands, the object of these Regulations is also to establish an orderly system for such exports and for such imports.

Citation

1. These Regulations may be cited as the Cannabis Extracts and Tinctures of Cannabis (Lawful Imports from Jamaica) Regulations, 2017.

Definitions and Interpretation

2. (1) In these Regulations

“1971 Convention” means the Convention on Psychotropic Substances of 1971;

“applicant” means the applicant for import authorization in accordance with these Regulations;

“application” means an application prepared and submitted to the C.M.O. of Cayman in accordance with regulation 3;

“authorized carrier” means an authorized importer, Cayman Airways or any international courier service specifically authorized by the C.M.O. of Cayman and named in the relevant import authorization to transport a specific consignment or related series of consignments from Jamaica into the Islands;

“authorized consignee” means any authorized person who is a duly licensed medical practitioner, dentist, veterinary practitioner, pharmacist or retail pharmacy, who is specifically authorized by the C.M.O. of Cayman and who is named in the relevant import authorization to receive a specific consignment or related series of consignments from Jamaica into the Islands;

“authorized exporter” means the exporter of the products from Jamaica for lawful import into the Cayman Islands pursuant to the relevant export authorization and the relevant import authorization;

“authorized import” means lawful import of a consignment from Jamaica into the Islands for use where a duly licensed medical doctor has prescribed the dosage of cannabis extracts and tinctures of cannabis as part of a course of treatment for a person under that medical doctor’s care;

“authorized importer” means a duly licensed importer of the products from Jamaica for lawful import into the Cayman Islands pursuant to the relevant export authorization and the relevant import authorization;

“C.M.O. of Cayman” means the C.M.O. for the time being of the Cayman Islands;

“C.M.O. of Jamaica” means the C.M.O. for the time being of Jamaica;

“competent authority” means the C.M.O. for the purposes of paragraph 4 and 5 of article 31 of the New York Convention, of paragraph 10(a) of article 12 of the Vienna Convention, and of various provisions of the 1971 Convention;

“consignment”, “goods” and “product” mean the relevant lawful export of cannabis extracts and tinctures of cannabis from Jamaica for lawful import into the Islands and shall also include all relevant forms of sublingual applicators and other things used in the preparation and/or consumption thereof for lawful medical and/or therapeutic uses;

“duly licensed” means currently licensed under the Trade and Business Licensing Law and also as relevant under the Health Practice Law (2017 Revision);

“export” means the dispatch of any consignment (by whatsoever means, whether by air or by sea) from Jamaica into the Islands;

“export authorization” means the relevant export authorization granted and issued by the C.M.O. of Jamaica for the purposes of the New York Convention, the 1971 Convention, the Vienna Convention and/or of the corresponding law;

“exporter” includes any person having responsibility for or taking part in authorized export;

“import” means bringing any consignment (by whatsoever means, whether by air or by sea) from Jamaica into the Islands;

“import authorization” means an import authorization respecting an authorized import granted and issued by the C.M.O. of Cayman in accordance with regulations 3 and 4;

“importer” includes any duly licensed agent-importer in accordance with the Trade and Business Licensing Law;

“Law” means the Misuse of Drugs Law (2017 Revision);

“MOU” means a memorandum of understanding between C.M.O. of Jamaica and C.M.O. of Cayman for consultation and co-ordination regarding lawful exports from Jamaica and lawful imports into the Cayman Islands of cannabis extracts and tinctures of cannabis for authorized medical and/or therapeutic uses;

“New York Convention” means the Single Convention on Narcotic Drugs signed in New York on 30th March 1961;

“regulation” means a regulation in these Regulations;

“retail pharmacy” includes any duly licensed retailer of pharmaceutical and related products in accordance with the Trade and Business Licensing Law;

“rules” means any rules made from time to time by the C.M.O. of Cayman pursuant to section 14 of the Law;

“Trade and Business Licensing Law” means the Trade and Business Licensing Law, 2014 as amended by the Trade and Business Licensing (Amendment) Law, 2017 and includes any further amendments thereto;

“Vienna Convention” means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20th December 1988.

- (2) Any terms defined in section 2 of the Law and in Part VI of the Schedule to the Law shall have the same meaning when used in these Regulations.
- (3) In accordance with these Regulations, an authorized carrier, an authorized consignee, an authorized exporter and an authorized importer shall be deemed to be in “authorised possession” (whether actual or constructive) with respect to any product duly described in the relevant import authorization and in the corresponding export authorization and also to be a person who is “authorised in that behalf” for the purposes of sub-section 3(1) of the Law.

- (4) In recognition of section 21 of the Pharmacy Law, 1979 (hereinafter “that Law”) providing that nothing in that Law derogates from any provisions of the Misuse of Drugs Law, these Regulations shall have effect and be applied without reference to that Law.

Application for Import Authorization

3. (1) The C.M.O. of Cayman being the competent authority of the Cayman Islands, any person seeking to import cannabis extracts and tinctures of cannabis from Jamaica into the Islands shall first submit an application to the C.M.O. of Cayman in the form set out in Schedule 1.
- (2) Only an authorized person who is a duly licensed as a medical doctor, pharmacist, retail pharmacy or importer may apply for import authorization or be listed as the applicant on such application form.
- (3) All information and particulars on such application form shall be complete and accurate to the satisfaction of the C.M.O. of Cayman.
- (4) When satisfied that any such application so submitted complies with all relevant laws, regulations and rules applicable to authorized import, the C.M.O. of Cayman shall grant an import authorization to the applicant on such terms and conditions as are reasonable and necessary for the purposes of the Law and of these Regulations.

Form and Handling of Import Authorization

4. (1) An import authorization granted pursuant to an application made under regulation 3 shall be issued by the C.M.O of Cayman in triplicate in the form set out in Schedule 2.
- (2) A separate import authorization shall be issued in respect of each consignment or related series of consignments.
- (3) When an import authorization is issued by the C.M.O. of Cayman and delivered to the applicant, the C.M.O. of Cayman shall ensure that the Collector of Customs in the Islands and the C.M.O. of Jamaica both receive a copy thereof and the applicant shall ensure that the relevant authorized exporter in Jamaica also receives a copy thereof.
- (4) When cannabis extracts and tinctures of cannabis from Jamaica are to be lawfully imported into the Islands, each consignment shall be transported only by an authorized carrier and must be accompanied by the relevant import authorization and also by the relevant export authorization.
- (5) Only the authorized consignee specifically mentioned in the relevant import authorization shall be able lawfully to receive delivery from such authorized carrier and lawfully to take possession of any such consignment.
- (6) In addition to the above requirements and procedures, all rules made from time to time by the C.M.O of Cayman must be complied with at all relevant times.

Transport and Designated Ports of Entry

5. (1) Any relevant cannabis extracts and tinctures of cannabis from Jamaica into the Islands may only lawfully be transported by an authorized carrier with the requisite import authorization and export authorization; and no consignment shall be sent by mail or by means of any other transport and delivery system that is not duly authorized pursuant to these Regulations.
- (2) The authorized carrier shall be responsible to: (a) provide Customs with notification of the proposed exportation of the goods for the purposes of section 12 of the Customs Law (2017 Revision); (b) give Customs in a timely manner all the documents required for the purposes of section 12A of the Customs Law (2017 Revision); and (3) upon entry into the Islands, declare and clear (or arrange for clearance of) the goods through Customs in the Islands.
- (3) The ports of entry of any cannabis extracts and tinctures of cannabis pursuant to such import authorization shall be those designated in Schedule 3 and specifically mentioned as such on the relevant import authorization.

- (4) Upon entry of any cannabis extracts and tinctures of cannabis pursuant to such import authorization and such export authorization, the relevant Customs officer in charge shall be the person who has responsibility for the management and control at the designated port of entry.

Consultation with Stakeholders

6. From time to time, the C.M.O. of Cayman shall seek and receive feedback from relevant patients with a prescription, medical doctors, pharmacists, retail pharmacies, importers and other stakeholders who are affected by these Regulations and such stakeholders may also make representations to the C.M.O. of Cayman and/or to the Minister concerning these Regulations.

Memorandum of Understanding

7. Contemporaneously with making these Regulations, the MOU shall be entered into between the C.M.O. for Jamaica and the C.M.O. for Cayman.

Appeals

8. Any person who is aggrieved by any decision, action or inaction of the C.M.O. of Cayman in accordance with these Regulations may appeal in writing to the Minister at any time within thirty days of such decision, action or inaction that is complained of, and the decision of the Minister on such appeal shall be final.

SCHEDULE 1

Misuse of Drugs Law (2017 Revision)

**The Cannabis Extracts and Tinctures of Cannabis
(Lawful Imports from Jamaica) Regulations, 2017
(Regulation 3)**

**Application to Import
Cannabis Extracts and Tinctures of Cannabis
from Jamaica into the Cayman Islands**

TO: Chief Medical Officer, Cayman Islands Health Services Authority, 95 Hospital Road, George Town, P.O. Box 915, Grand Cayman KY1-1103, Cayman Islands, West Indies; phone: 1 (345) 949-8600; fax: 1 (345) 244-2712; email: ___@hsa.ky.

APPLICANT		CONSIGNEE
Name		
Authorized as: ¹		
Address:		
Tel:		
Fax:		
Email:		
Signature and Title:		
Date:		

¹ Duly licensed in the Cayman Islands as a medical doctor, a pharmacist, a retail pharmacy or an importer.

EXPORTER		CARRIER
Name:		
Address:		
Tel:		
Fax:		
Email:		

DETAILS OF CONSIGNMENT	
Description and quantity of products to be exported from Jamaica into the Cayman Islands:	
Description of packaging and labeling of the product:	
Expected date of dispatch from Jamaica to the Cayman Islands:	
Route to be taken by the authorized carrier when transporting the goods:	
Expected port of entry into the Cayman Islands:	
Documentation to accompany shipment of the product (tick all that apply):	<input type="checkbox"/> Export authorization from Chief Medical Officer of Jamaica <input type="checkbox"/> Certificates of origin, chain of custody, quality and content (including copies of relevant lab reports and test analyses) <input type="checkbox"/> Commercial invoice from authorized exporter in Jamaica <input type="checkbox"/> Cargo manifest and/or airway bill from authorized carrier <input type="checkbox"/> Any other relevant shipping documentation (specify):
Customs clearing agent in the Cayman Islands (if any):	

[signature of Applicant]

SCHEDULE 2

Misuse of Drugs Law (2017 Revision) (the "Law")

**The Cannabis Extracts and Tinctures of Cannabis
(Lawful Imports from Jamaica) Regulations, 2017 (the "Regulations")
(Regulation 4)**

**Single Convention on Narcotic Drugs
signed in New York on 30 March 1961 (the "New York Convention")**

Convention on Psychotropic Substances of 1971 (the "1971 Convention")

**United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
signed in Vienna on 20 December 1988 (the "Vienna Convention")**

**Official Authorization to Import
Cannabis Extracts and Tinctures of Cannabis
from Jamaica into the Cayman Islands**

Cayman Import Authorization No. _____

In pursuance of the Law and the Regulations, the Chief Medical Officer hereby authorizes _____ (the "**Importer**") of P.O. Box _____, Grand Cayman, KY_-_____, Cayman Islands, to import from Jamaica into the Cayman Islands for delivery to _____ (the "**Consignee**") of P.O. Box _____, Grand Cayman, KY_-_____, Cayman Islands, the following cannabis extracts and tinctures of cannabis (the "**Products**") as set out in the Importer's application (the "**Application**") dated _____ (a copy of which is attached):

(detailed description of the Products and of the quantity to be imported)

PROVIDED these Products shall be imported into the Cayman Islands no later than _____ (the "**Import Deadline Date**"). This import authorization is also subject to the following conditions:

1. The authorized export of such products from Jamaica shall be transported only by an authorized carrier (as defined in the Regulations) PROVIDED, if such importation is not effected before the Import Deadline Date, then this authorization shall immediately thereafter become null and void and this import authorization shall forthwith be surrendered to the Chief Medical Officer of the Cayman Islands.
2. All such products shall comply with all current and applicable standards, handling procedures and labeling requirements for dispensed medicines both in Jamaica and in the Cayman Islands, including (but not limited to) the National Standards [2007] Checklists (Revised Nov 2009) issued by the Cayman Islands Health Practice Commission. The Importer and the Consignee shall also at all relevant times comply with any and all relevant rules made from time to time by the Chief Medical Officer of the Cayman Islands.
3. This import authorization and the appropriate export authorization from the Chief Medical Officer of Jamaica as well as all other relevant documents (including relevant certificates of origin, chain of custody, quality and content) must accompany such products while they are being transported from Jamaica to the Cayman Islands.
4. This authorization does not relieve the Importer or other authorized carrier of the goods from compliance with any Customs regulations in force for the time being relating to the importation of goods into or transshipment of goods in the Cayman Islands or any Post Office regulations for the time being in force in the Cayman Islands.
5. Unless sooner revoked, this authorization shall be produced to the relevant Customs Officer at the time of importation of the goods into the Cayman Islands.

6. This authorization is valid only for the Importer and may be revoked at any time by the Chief Medical Officer of the Cayman Islands to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.
7. The cannabis extracts and tinctures of cannabis being imported are for authorized medical and therapeutic uses only, with the appropriate dosage prescribed by a duly licensed medical doctor as part of a course of treatment for a person under that medical doctor's care.
8. Except as specifically authorized by and pursuant to the Law and the Regulations, this authorization is not a licence to be in possession of or to prescribe, administer, manufacture, compound or supply such product in the Cayman Islands.

For the purposes of the New York Convention, the 1971 Convention and the Vienna Convention, I hereby certify that I have approved importation of the goods described above by the Importer for shipment from Jamaica and delivery to the Consignee in the Cayman Islands as follows:

1. The name and address of the authorized exporter from Jamaica to the Cayman Islands:
2. The name and address of the authorized carrier from Jamaica to the Cayman Islands:
3. Route to be taken during transport from Jamaica to the Cayman Islands:
4. The authorized port of entry into the Cayman Islands:
5. In addition to the foregoing general conditions applicable to this import authorization, the following special conditions (if any) shall also apply to this consignment:
[if no special condition, then expressly so state]

Dated this _____ day of _____.

(signature)

Chief Medical Officer of the Cayman Islands

SCHEDULE 3

Misuse of Drugs Law (2017 Revision)

**The Cannabis Extracts and Tinctures of Cannabis
(Lawful Imports From Jamaica) Regulations, 2017
(Regulation 5)**

Authorized Ports of Entry into the Cayman Islands

Method of Entry	Authorized Ports of Entry
Courier Services	Courier Building behind Customs, Owen Roberts International Airport Warehouse, Grand Cayman, Cayman Islands
Air Cargo	Customs Headquarters Building, 42 Owen Roberts Road, Grand Cayman, Cayman Islands
Airport (carried by Importer)	(1) Owen Roberts International Airport, Grand Cayman (2) Capt. Charles Kirkconnell International Airport, Cayman Brac

Attachment 2: draft Export Regulations

Working Draft: 24 July 2017

THE DANGEROUS DRUGS ACT

THE DANGEROUS DRUGS (LAWFUL EXPORTS FROM JAMAICA TO THE CAYMAN ISLANDS OF CANNABIS EXTRACTS AND TINCTURES OF CANNABIS) REGULATIONS, 2017

In exercise of the powers conferred by section 29(1) of the Dangerous Drugs Act as amended by the Dangerous Drugs (Amendment) Act, 2015, the following Regulations are hereby made by the Minister:–

PART I–*Preliminary*

- Citation. 1. These Regulations may be cited as the Dangerous Drugs (Lawful Exports from Jamaica to the Cayman Islands of Cannabis Extracts and Tinctures of Cannabis) Regulations, 2017.
- Object. 2. The object of these Regulations is to facilitate lawful exports from Jamaica to the Cayman Islands of cannabis extracts and tinctures of cannabis, especially following recent law reform in the Cayman Islands making lawful the importation, possession, prescription, dispensing and using of cannabis extracts and tinctures of cannabis for medical and/or therapeutic purposes. In light of the long-standing commercial and cultural ties between Jamaica and the Cayman Islands, the object of these Regulations is also to establish an orderly system for such exports and for such imports, especially to promote exports from Jamaica of high quality cannabis extracts and tinctures of cannabis for medical and/or therapeutic purposes by first establishing and maintaining such system for such exports specifically with reference to the Cayman Islands.
- Interpretation. 3. In these Regulations–
- “1971 Convention” means the Convention on Psychotropic Substances of 1971;
 - “Act” means the Dangerous Drugs Act as amended by the Dangerous Drugs (Amendment) Act, 2015;
 - “applicant” means the applicant for export authorization in accordance with these Regulations;
 - “application” means an application prepared and submitted to the C.M.O. of Jamaica in accordance with regulation 4;
 - “authorized carrier” means an authorized importer, Cayman Airways or any international courier service specifically authorized by the C.M.O. of Cayman and named in the relevant import authorization to transport a specific consignment or related series of consignments from Jamaica into the Cayman Islands;
 - “authorized consignee” means any person who is named in the relevant import authorization to receive a specific consignment or related series of consignments from Jamaica to the Cayman Islands;
 - “authorized export” means lawful export of a consignment from Jamaica to the Cayman Islands pursuant to the relevant export authorization;
 - “authorized exporter” means a duly licensed exporter of the products from Jamaica for lawful import into the Cayman Islands pursuant to the relevant export authorization and the relevant import authorization;

- “authorized import” means lawful import of a consignment from Jamaica into the Cayman Islands pursuant to the relevant import authorization;
- “authorized importer” means a duly licensed importer of the products from Jamaica for lawful import into the Cayman Islands pursuant to the relevant export authorization and the relevant import authorization;
- “C.M.O.” means Chief Medical Officer;
- “C.M.O. of Cayman” means the C.M.O. for the time being of the Cayman Islands;
- “C.M.O. of Jamaica” means the C.M.O. for the time being of Jamaica;
- “cannabis extracts and tinctures of cannabis” means the separated resin, crude or purified, obtained from any plant of the genus Cannabis or any part of any such plant (by whatever name designated);
- “competent authority” means the C.M.O. for the purposes of paragraph 4 and 5 of article 31 of the New York Convention, of paragraph 10(a) of article 12 of the Vienna Convention, and of various provisions of the 1971 Convention;
- “consignment”, “goods” and “product” mean the relevant lawful export of cannabis extracts and tinctures of cannabis from Jamaica for lawful import into the Cayman Islands and shall also include all relevant forms of sublingual applicators and other things used in the preparation and/or consumption thereof for lawful medical, therapeutic and/or scientific purposes;
- “duly licensed” means a commercial enterprise in Jamaica that is lawfully conducting the business of exporting the products from Jamaica to the Cayman Islands, that is currently registered with the Office of the Companies Registrar and that also possesses a current Tax Registration Number;
- “export” means the dispatch of any consignment (by whatsoever means, whether by air or by sea) from Jamaica to the Cayman Islands;
- “export authorization” means the relevant export authorization for purposes of the Vienna Convention, the 1971 Convention and/or the New York Convention that is granted and issued by the C.M.O. of Jamaica in accordance with Part V of the Act and also in accordance with regulations 5 and 6; and such export authorization shall be deemed to include (without any further licensing) all necessary aspects of handling the consignment (including transit, possession and exportation) in and from Jamaica by an authorized carrier;
- “exporter” includes any person having responsibility for or taking part in authorized export;
- “Import Regulations” means the Cannabis Extracts and Tinctures of Cannabis (Lawful Imports from Jamaica) Regulations, 2017 made in accordance with the Cayman Islands Misuse of Drugs Law (2017 Revision);
- “import authorization” means the relevant import authorization respecting an authorized import into the Cayman Islands granted and issued by the C.M.O. of Cayman in accordance with the Import Regulations;
- “Minister” means the Minister of Health;
- “MOU” means a memorandum of understanding between C.M.O. of Jamaica and C.M.O. of Cayman for consultation and co-ordination regarding lawful

exports from Jamaica and lawful imports into the Cayman Islands of cannabis extracts and tinctures of cannabis for authorized medical and/or therapeutic uses;

“New York Convention” means the Single Convention on Narcotic Drugs signed in New York on 30 March 1961 as amended by the 1972 Protocol;

“regulation” means a regulation in these Regulations;

“Vienna Convention” means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20th December 1988.

PART II—Provisions for Application and Grant of Export Authorization

- Application. 4. The C.M.O. of Jamaica being the competent authority of Jamaica in accordance with Part V of the Act and these Regulations, an application for export authorization shall be made to the C.M.O. of Jamaica by an authorized exporter submitting a completed application in the form set out in Schedule 1. All information and particulars on such application form shall be complete and accurate to the satisfaction of the C.M.O. of Jamaica.
- Grant. 5. When satisfied that any such application so submitted complies with all relevant statutes, regulations and rules applicable to authorized export and does not contravene Jamaica’s international obligations, the C.M.O. of Jamaica shall grant the relevant export authorization to the applicant on such terms and conditions as are reasonable and necessary for the purposes of the Act and these Regulations.

PART III—Form of Grant and Handling of Export Authorization

- Form. 6. Any export authorization granted pursuant to an application made under regulation 4 and granted under regulation 5 shall be issued by the C.M.O. of Jamaica, in triplicate in the form set out in Schedule 2. A separate export authorization shall be issued in respect of each consignment or related series of consignments.
- Notifications. 7. When such export authorization is issued by the C.M.O. of Jamaica and delivered to the applicant (that is, the authorized exporter), the C.M.O. of Jamaica shall ensure that the C.M.O. of Cayman also receives a copy thereof and the authorized exporter shall ensure that the authorized importer and authorized consignee in the Cayman Islands also receive a copy thereof.
- Transport. 8. When cannabis extracts and tinctures of cannabis are to be lawfully exported from Jamaica for lawful import into the Cayman Islands, each consignment shall be transported only by an authorized carrier from the point at which the consignment is collected from the authorized exporter in Jamaica and must be accompanied by relevant export authorization and also by the relevant import authorization. No consignment shall be sent by post or by means of any other transport and delivery system that is not duly authorized pursuant to these Regulations.

PART IV—Memorandum of Understanding

- MOU. 9. Contemporaneously with making these Regulations, the MOU shall be entered into between the C.M.O. for Jamaica and the C.M.O. for Cayman.

PART V—Appeals

- Appeals. 10. Any person who is aggrieved by any decision, action or inaction of the C.M.O. of Jamaica in accordance with these Regulations may appeal in writing to the Minister at any time within thirty days of such decision, action or inaction that is complained of, and the decision of the Minister on such appeal shall be final.

SCHEDULE 1

The Dangerous Drugs Act

**The Dangerous Drugs (Lawful Exports from Jamaica to the Cayman Islands
of Cannabis Extracts and Tinctures of Cannabis) Regulations, 2017
(Regulation 4)**

**Application to Export Authorization
Cannabis Extracts and Tinctures of Cannabis
from Jamaica to the Cayman Islands**

TO: Chief Medical Officer, Ministry of Health, Pharmaceutical and Regulatory Affairs
Department, 2-4 King Street, Jamaica, West Indies; phone: 1 (876) 922-3851; fax: 1 (876)
967-1629; email: _____@moh.gov.jm.

APPLICANT		CONSIGNEE
Name:		
Address:		
Tel:		
Fax:		
Email:		
Signature and Title:		
Date:		

IMPORTER		CARRIER
Name:		
Address:		
Tel:		
Fax:		
Email:		

DETAILS OF CONSIGNMENT

Description and quantity of the drugs to be exported from Jamaica to the Cayman Islands:	
Description of packaging and labeling of the drugs:	
Expected date of dispatch from Jamaica to the Cayman Islands:	
Route to be taken by the authorized carrier when transporting the drugs:	
Expected port of entry in the Cayman Islands:	
Documentation accompanying this application (tick all that apply):	<input type="checkbox"/> Licence of authorized exporter in Jamaica <input type="checkbox"/> Import authorization from Chief Medical Officer of Cayman <input type="checkbox"/> Certificates of origin, chain of custody, quality and content (including copies of relevant lab reports and test analyses) <input type="checkbox"/> Any other relevant documentation (specify):

SCHEDULE 2

The Dangerous Drugs Act (the "Act")

The Dangerous Drugs (Lawful Exports from Jamaica to the Cayman Islands of Cannabis Extracts and Tinctures of Cannabis) Regulations, 2017 (the "Regulations") (Regulation 6)

**Single Convention on Narcotic Drugs
signed in New York on 30 March 1961 (the "New York Convention")**

Convention on Psychotropic Substances of 1971 (the "1971 Convention")

**United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
signed in Vienna on 20 December 1988 (the "Vienna Convention")**

**Official Authorization to Export
Cannabis Extracts and Tinctures of Cannabis
from Jamaica to the Cayman Islands**

Cayman Import Authorization No. _____

Jamaica Export Authorization No. _____

I, being the person charged as the competent authority of Jamaica with administration of the New York Convention, the 1971 Convention and/or the Vienna Convention, and in pursuance of the Act and the Regulations, hereby certify that I have approved the exportation by:

Name, address and business of authorized exporter:	
Exact description and amount of the products to be exported:	
Name and address of the consignee in the Cayman Islands requiring such products:	
Number and date of the import authorization issued by the Chief Medical Officer of the Cayman Islands:	
Customs Office through which such products will be exported:	
Route to be followed by such products:	
Period within which the export is to be effected:	
In addition to the general conditions stated below, state any special conditions that also apply:	[if no special conditions apply, then expressly so state]

Dated this _____ day of _____.

(signature)

Chief Medical Officer of Jamaica

GENERAL CONDITIONS GOVERNING THE USE OF THIS EXPORT AUTHORIZATION

1. This export authorization is not a licence to obtain or be in possession of the drugs named herein.
2. This export authorization is available only for the drugs of the exact quantity, kind and form specified above. (See note (1) below)
3. The products covered by this export authorization are not to be sent through the post. In any event, this export authorization does not relieve the exporter from compliance with any Customs regulations in force for the time being in relation to the exportation of such products from Jamaica, nor from any provision of the Post Office Act or of any Post Office regulations for the time being in force, nor from rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within Jamaica or elsewhere. (See note (2) below)
4. If the drugs are authorized to be exported by ship, the duplicate copy which is attached shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is dispatched. (See note (3) below)
5. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper. and on each parcel, there shall be legibly stated the number of the parcel in which the duplicate copy is to be found.
6. The exporter, if so required by the Commissioner of Customs and Excise shall produce to him, within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in this export authorization; and, in the event of non-compliance with this condition, this export authorization shall be deemed void and of no effect.
7. The exporter shall furnish to the Chief Medical Officer of Jamaica such returns of the products exported by him in pursuance of this export authorization as may from time to time be required.
8. This export authorization is valid only for the exporter named above and may be revoked at any time by the Chief Medical Officer of Jamaica. It shall be produced for inspection when required by any duly authorized person.
9. Unless sooner revoked, this export authorization shall continue in force for three calendar months from the date hereof. It must be produced. at the time of export to an officer of the Customs, who will retain it.

If this export authorization is not used to accompany an authorized export, it shall be surrendered to the Chief Medical Officer of Jamaica within seven days of the date of its expiry.

NOTES

- (1) If any alteration is desired in this export authorization, it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.
- (2) In the case of drugs sent by post, failure to comply with this condition may lead to confiscation of the parcels in the country of destination.
- (3) In the case of drugs exported by ship, this document is required (in pursuance of the New York Convention, the 1971 Convention and/or the Vienna Convention) to be produced to the competent authorities of any country through which the consignment passes, whether it is transshipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

Attachment 3: draft MOU

Working Draft: 24 July 2017

Memorandum of Understanding

between

Chief Medical Officer of Jamaica

and

Chief Medical Officer of the Cayman Islands

for consultation and co-ordination regarding

lawful export from Jamaica for

lawful import into the Cayman Islands

of cannabis extracts and tinctures of cannabis

for authorized medical and/or therapeutic uses

As of _____ 2017

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WHEREAS:

- A. Jamaica and the Cayman Islands have both updated their legislation recently to accommodate lawful development of cannabis extracts and tinctures of cannabis for authorized medical and/or therapeutic uses. In such legislation, the Chief Medical Officer of Jamaica and the Chief Medical Officer of the Cayman Islands both have necessary roles and perform important duties and functions.
- B. The arrangements outlined below are intended to facilitate and enhance the existing working relationship between their respective offices, in particular for consultation and co-ordination regarding lawful import from Jamaica for lawful import into the Cayman Islands of cannabis extracts and tinctures of cannabis for authorized medical and/or therapeutic uses.

1 DEFINITIONS

“1971 Convention” means Convention on Psychotropic Substances of 1971.

“Act” means the Jamaica Dangerous Drugs Act of 1948 as amended, including amendment by the Dangerous Drugs (Amendment) Act, 2015.

“CMOs” means both the Chief Medical Officer of Jamaica and the Chief Medical Officer of the Cayman Islands.

“Conventions” means the New York Convention, the 1971 Convention and the Vienna Convention.¹

“Export Regulations” means the Jamaica Dangerous Drugs (Lawful Exports from Jamaica to the Cayman Islands of Cannabis Extracts and Tinctures of Cannabis) Regulations, 2017.

“Import Regulations” means the Cayman Islands Cannabis Extracts and Tinctures of Cannabis (Lawful Imports from Jamaica) Regulations, 2017.

¹ See International Drug Control Conventions from the United Nations Office on Drugs and Crime: https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf.

² See https://www.unodc.org/pdf/convention_1961_en.pdf/ and for the parties to this Convention see http://www.dnc.gov.bd/Convention/treaty_adherence_convention_1961.pdf.

“Law” means the Cayman Islands Misuse of Drugs Law (2017 Revision).

“New York Convention” means the Single Convention on Narcotic Drugs signed in New York on 30 March 1961 as amended by the 1972 Protocol.²

“Vienna Convention” means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20 December 1988.³

As the contest admits or requires, terms defined in the Act, in the Law, in the Conventions, in the Export Regulations and in the Import Regulations shall have the same meaning when used in this Memorandum of Understanding.

2. INTENTION

The CMOs intend to provide one another with assistance and information under this Memorandum of Understanding to the full extent permitted by the laws, regulations and rules of their respective jurisdictions. The CMOs also intend to pursue all means reasonably necessary to achieve the objectives of the Memorandum of Understanding and to keep each other informed of developments in connection therewith. In particular, the CMOs intend to promote the integrity, efficiency and efficacy of their respective duties and functions in accordance with the Act, the Law, the Conventions, the Export Regulations and the Import Regulations. However, this Memorandum of Understanding does not create any binding legal obligations upon either of the CMOs.

3. SCOPE

Through this Memorandum of Understanding, the CMOs agree to promote exchange of information to enable them to perform their respective duties and functions under the Conventions and in issuing their respective export authorizations and import authorizations. In particular, the CMOs aim to harmonize and to improve their respective rules, procedures, forms, standards and requirements related to such export authorizations and import authorizations.

4. CONSULTATIONS

The CMOs shall from time to time consult with each other to improve the operation of this Memorandum of Understanding and to resolve any matters that may arise. The purpose of such consultations is to assist in the development of mutually agreed approaches to continued lawful development of cannabis extracts and tinctures of cannabis for authorized medical and/or therapeutic uses in and between their respective jurisdictions. To facilitate communication and ensure continuity in co-operation between the CMOs, each CMO hereby designates the following respective contact persons with the following contact details:

² See https://www.unodc.org/pdf/convention_1961_en.pdf/ and for the parties to this Convention see http://www.dnc.gov.bd/Convention/treaty_adherence_convention_1961.pdf.

³ See https://www.unodc.org/pdf/convention_1988_en.pdf and for the parties to this Convention see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-19&chapter=6&clang=en.

For Chief Medical Officer of Jamaica:

Contact Person:

Mailing Address: Ministry of Health, Pharmaceutical and Regulatory Affairs
Department, 2-4 King Street, Jamaica, West Indies

Physical Address: 2-4 King Street, Jamaica

Email Address: _____@moh.gov.jm

Phone Number: 1 (876) 922-3851

For Chief Medical Officer of the Cayman Islands:

Contact Person:

Mailing Address: Cayman Islands Health Services Authority, P.O. Box 915, Grand
Cayman KY1-1103, Cayman Islands, West Indies

Physical Address: 95 Hospital Road, George Town, Grand Cayman, Cayman Islands

Email Address: 1 (345) 949-8600

Phone Number: _____@hsa.ky

5. REQUESTS FOR ASSISTANCE OR INFORMATION

This Memorandum of Understanding does not affect the ability of the CMOs to obtain information from persons on a voluntary basis, provided they observe procedures in the jurisdiction of each CMO for obtaining such information. Such request is to include: (a) a description of the subject matter of the request and the purpose for which the CMO seeks assistance or information; (b) a description of the assistance, documents or information sought by the requesting CMO; (c) any information in the possession of the requesting CMO that might assist the requested CMO in identifying the persons, bodies or entities believed by the requesting CMO to possess the information sought, or the places where the requested CMO may obtain such information; (d) the legal provisions concerning the matter that is the subject matter of the request and the relevance of the requested information to specified laws or regulatory requirements; (e) whether any other persons and/or authorities (whether governmental or non-governmental) are co-operating with the requesting CMO or seeking information from the confidential files of the requesting CMO and to whom onward disclosure of information may be necessary; and (f) the desired period of time for reply.

In case of urgent circumstances, the requested CMO may accept a request for assistance to be expedited (to the extent possible), with a reply thereto being made by summary procedures or by means of communication other than the exchange of letters; and such urgent communications are to be promptly confirmed in writing by or on behalf of the relevant contact person.

6. UNSOLICITED INFORMATION

Where one CMO has information that may assist the other CMO in the performance of his or her duties and functions, the former may provide such information spontaneously, to the extent permitted by the laws of their respective jurisdiction even though the other CMO has made no request. The terms and conditions of this Memorandum of Understanding will apply if the providing Authority specifies that it is passing on the information in accordance with this Memorandum of Understanding.

7. PERMISSIBLE USES OF INFORMATION

Any assistance or information provided under the terms of this Memorandum of Understanding shall be used by the recipient only for the purpose of enabling the CMO receiving such assistance or information to exercise his or her duties and functions. Without the consent of the CMO providing such assistance or information, the information so provided may not be used for any purpose other than that contemplated in accordance with this Memorandum of Understanding.

8. CONFIDENTIALITY

To the full extent permitted by the laws, regulations and rules of their respective jurisdictions, the CMOs shall keep confidential any information received or provided pursuant to this Memorandum of Understanding and any matter arising during the operation of this Memorandum of Understanding, including consultations and unsolicited assistance. Without prior consent of the CMO providing such information, the CMO receiving such information shall not disclose to third parties the assistance or information obtained pursuant to this Memorandum of Understanding.

However, these confidentiality provisions shall not prevent either of the CMOs from informing the law enforcement or regulatory bodies in their jurisdiction and/or from passing on such information, provided that: (a) such agencies, bodies or persons have responsibility for prosecuting, regulating or enforcing rules or laws falling within the scope of this Memorandum of Understanding; or (b) the purpose of passing on such information to such an agency or body falls within the scope of this Memorandum of Understanding; and (c) an undertaking has been obtained by the relevant CMO from the intended recipient of such information that it will maintain the confidentiality of such information. Such confidential treatment of assistance and information shall continue when either CMO gives notice of his or her intent to cease co-operation under this Memorandum of Understanding; and the CMOs hereby acknowledge that the laws, regulations and rules of their respective jurisdictions place limitations on use and disclosure of non-public information obtained pursuant to this Memorandum of Understanding.

9. TERMINATION OF THIS MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding will continue in effect until the expiration of thirty (30) days after either CMO gives written notice to the other CMO of his or her intention to terminate this Memorandum of Understanding. If either CMO gives such notice, this Memorandum of Understanding shall continue to have effect with respect to all requests for assistance that they made before the effective date of notification until the CMO terminates the matter for which it requested assistance.

10. EFFECTIVE DATE

This Memorandum of Understanding shall be effective as from the date of its signing by both CMOs.

SIGNED this day of 2017

Chief Medical Officer of Jamaica

Chief Medical Officer of the Cayman Islands

Attachment 4: Rationale for draft Trilogy

1. This draft Trilogy is proposed to the relevant officials both in Jamaica and in the Cayman Islands. Hopefully, the relevant officials in both jurisdictions can consult with each other and consider how best to facilitate lawful trade between them respecting Medical Cannabis for Authorized Uses.
2. Of paramount importance to both jurisdictions is their respective obligations under the International Drug Control Conventions to provide the sort of legal and administrative measures and procedures that are needed for lawful trade to occur in line with these Conventions and, at the same time, to coordinate and cooperate in their efforts to ensure that controlled drugs are available for medical and scientific purposes while preventing them from being diverted into illegal channels.
3. Jamaica and the Cayman Islands have both recently updated their legislation to accommodate lawful development of Medical Cannabis for Authorized Uses. In such legislation, the CMOs of Jamaica and Cayman both have necessary roles and perform important duties and functions. The draft MOU is intended to facilitate and enhance the existing working relationship between their respective offices, in particular to facilitate consultation and co-ordination regarding lawful export of Medical Cannabis from Jamaica for lawful import into the Cayman Islands.
4. The structure of the draft MOU follows the structure of the MOU dated 15 April 2003 between the Cayman Islands Monetary Authority and the Bank of Jamaica: see file:///C:/Users/Orren%20Merren/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/MOUBOJ.pdf.
5. The draft MOU reflects the long-standing commercial and cultural ties between Jamaica and the Cayman Islands and also the need to establish and maintain an orderly system for such exports and for such imports, especially to promote exports from Jamaica of high quality Medical Cannabis for Authorized Uses. In particular, the draft MOU aims to develop and maintain an established system for such exports specifically with reference to lawful trade between Jamaica and the Cayman Islands. It also addresses the need for a lawful and reliable source of high quality cannabis oil for prescriptions by medical doctors and for dispensing by retail pharmacies in the Cayman Islands.
6. One key aspect of the draft MOU is for the CMOs to provide each other with assistance and information to the full extent permitted by the laws, regulations and rules of their respective jurisdictions. The CMOs would also aim to pursue all means reasonably necessary to achieve the objectives of the MOU and to keep each other informed of developments in connection therewith. In particular, the CMOs would aim to promote the integrity, efficiency and efficacy of their respective duties and functions in accordance with the International Drug Control Conventions and in accordance with their own governing legislation and regulations. In particular, the CMOs would aim to harmonize and improve their respective rules, procedures, forms, standards and requirements related to their import and export authorizations.
7. In addition to specific draft regulations to facilitate lawful trade between Jamaica and in the Cayman Islands, similar companion regulations and MOUs may also be needed with other jurisdictions, such as Canada, Israel and the USA (after its federal law is amended to facilitate lawful exports). Hopefully, these drafts can serve as a model to work with those jurisdictions as well. Also, more general regulations may be needed to address other aspects of trade that is not covered in these draft regulations.

Attachment 4: International Drug Control Conventions

1. The three main International Drug Control Conventions are: (1) the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, (the “**1961 Convention**” aka the “**New York Convention**”), (2) the Convention on Psychotropic Substances of 1971 (the “**1971 Convention**”) and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (the “**1988 Convention**” aka the “**Vienna Convention**”): The texts of these treaties are available here: https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf.
2. The UK’s application of these treaties to the Cayman Islands is as follows: (1) 1961 Convention (as of 26 January 1965, with 1972 protocol as of 20 June 1978): https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-15&chapter=6&clang=en#4 and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-17&chapter=6&clang=en; (2) 1971 Convention (as of 3 June 1993): https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-16&chapter=6&clang=en#18; and (3) 1988 Convention (as of 8 February 1995): https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-19&chapter=6&clang=en#10.
3. These treaties are mutually supportive and complementary, including specific provisions for mutual legal assistance, co-operation and training. Their purpose is to establish internationally applicable control measures with the aim of ensuring that psychoactive substances are available for medical and scientific purposes, while preventing them from being diverted into illegal channels. These treaties assign roles to the Commission on Narcotic Drugs (“**CND**”), the International Narcotics Control Board (“**INCB**”), and the World Health Organization (“**WHO**”). See <https://www.tni.org/en/publication/the-un-drug-control-conventions>.
4. Recognizing the competence of the United Nations with respect to the international control of drugs, the Parties also agree to entrust to the CND and to the INCB the functions respectively assigned to them under these treaties. In particular, the Parties must file annual reports, provide various other information and furnish copies of laws, regulations and other documents related to these treaties.
5. The 1961 and 1971 Conventions classify controlled substances in four lists or Schedules, according to their perceived therapeutic value and potential risk of abuse. Updated schedules under these treaties are posted on the relevant web page of the United Nations Office on Drugs and Crime.
6. These treaties establish various international obligations for the Cayman Islands and for the other judications that are Parties. These obligations include taking the necessary legislative and administrative measures: (a) to give effect to and carry out the treaty provisions within their own territories; (b) to co-operate with other Parties in the execution of the treaty provisions; and (c) subject to the treaty provisions, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of the scheduled drugs.
7. Specifically with reference to control of cannabis, Article 28 of the New York Convention provides that (if a Party permits cultivation of the cannabis plant for production of cannabis or cannabis resin) it shall apply thereto the system of controls as provided in article 23 respecting the control of the opium poppy; provided: (a) this Convention shall not apply to cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes and (b) the Parties shall adopt such measures as may be necessary to prevent the misuse of (and illicit traffic in) the leaves of the cannabis plant.

8. Specifically with reference to trade and distribution, Article 30 of the New York Convention provides that (except where such trade or distribution is carried out by a State enterprise or State enterprises) the Parties must require that the trade in and distribution of scheduled drugs be under licence.⁴ However, the specific treaty requirements for licensing need not apply to preparations or to persons duly authorized to perform (and while performing) therapeutic or scientific functions. Proper labeling is also required to show the exact drug content by weight or percentage,⁵ but this requirement of label information need not apply to drugs dispensed to an individual on medical prescription nor to a retail pharmacy.
9. Specifically with reference to international trade, Article 31 of the New York Convention provides that the Parties shall not knowingly permit the export of drugs to any country or territory except: (a) in accordance with the laws and regulations of that country or territory and (b) within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 19, with the addition of the amounts intended to be re-exported. The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories. The Parties shall also: (a) control under licence the import and export of scheduled drugs, except where such import or export is carried out by a State enterprise or enterprises and (b) control all persons and enterprises carrying on or engaged in such import or export.
10. Every Party permitting the import or export of scheduled drugs shall require a separate import or export authorization to be obtained for each such import or export whether it consists of one or more drugs.⁶ In the Cayman Islands and in Jamaica, the competent authorities respecting such authorizations are their respective Chief Medical Officers.⁷ Such authorization shall state the name of the drug, the international non-proprietary name if any, the quantity to be imported or exported, and the name and address of the importer and exporter, and shall specify the period within which the importation or exportation must be effected. The export authorization shall also state the number and date of the import certificate and the authority by whom it has been issued. The import authorization may allow an importation in more than one consignment.

⁴ Paragraph 1 of Article 8 of the 1971 Convention similarly provides: "The Parties shall require that the manufacture of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure."

⁵ Article 16 of the Vienna Convention also deals with requirements for commercial documents and labelling of exports. It obligates each Party to require that lawful exports of narcotic drugs and psychotropic substances be properly documented. In addition to the requirements for documentation under article 31 of the 1961 Convention and article 12 of the 1971 Convention, commercial documents such as invoices, cargo manifests, customs, transport and other shipping documents shall include the names of the narcotic drugs and psychotropic substances being exported as set out in the respective Schedules of the 1961 Convention as amended and the 1971 Convention, the quantity being exported, and the name and address of the exporter, the importer and, when available, the consignee. Each Party shall also require that consignments of narcotic drugs and psychotropic substances being exported not be mislabelled.

And, Article 10 of the 1971 Convention obligates each Party to require (taking into account any relevant regulations or recommendations of the WHO) such directions for use, including cautions and warnings, to be indicated on the labels where practicable and in any case on the accompanying leaflet of retail packages of psychotropic substances, as in its opinion are necessary for the safety of the user. With due regard to its constitutional provisions, each State shall also prohibit advertisement of such substances to the general public.

⁶ Similarly, paragraph 1(a) of Article 12 of the 1971 Convention provides: "Every Party permitting the export or import of substances in Schedule I or II shall require a separate import or export authorization, on a form to be established by the [CND], to be obtained for each such export or import whether it consists of one or more substances."

⁷ See the online publication *Competent National Authorities under the International Drug Control Treaties*: https://www.unodc.org/documents/commissions/Secretariat/Secretariat_Publications/Competent-National-Authorities-Drug-Control-Treaties-2013_E.pdf. See further below under Role of Chief Medical Officer.

11. Before issuing an export authorization, the Parties shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation of the drug or drugs referred to therein, is approved and such certificate shall be produced by the person or establishment applying for the export authorization. The Parties shall follow as closely as may be practicable the form of import certificate approved by the CND. A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.
12. The Government of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government of the exporting country or territory. The endorsement shall specify the amount actually imported. If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.
13. Exports of consignments to a post office box, or to a bank to the account of a Party other than the Party named in the export authorization, shall be prohibited. Exports of consignments to a bonded warehouse are also prohibited, unless the Government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Convention.
14. Consignments of drugs entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.⁸ A Party shall also not permit any drugs consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such consignment is produced to the competent authorities of such Party.
15. Sub-section 2(1) of the Misuse of Drugs Law (2107 Revision) (“MDL”) defines “Convention state” to mean a state that is a party to the Vienna Convention. Sub-section 2(2) of the MDL defines “corresponding law” to mean a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the Cayman Islands to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances (a) in accordance with the New York Convention or (b) in pursuance of a treaty, convention or other agreement or arrangement to which the Government of that country and Her Majesty’s Government in the United Kingdom are for the time being Parties.
16. Section 11 of the MDL provides: “A person shall not, in the Islands, assist in or induce the commission in a place outside the Islands of an offence punishable under a corresponding law in force in that place.” Also, producing, supplying, storing, importing or exporting a controlled drug (such as cannabis) in contravention of a corresponding law is also a “drug trafficking offence” under the MDL. In Jamaica, for example, such a law would be their Dangerous Drugs Act as amended (“DDA”). Thus, it is necessary in the Cayman Islands not to contravene either the MDL or the DDA.

⁸ Similarly, paragraph 3 of Article 15 of the Vienna Convention provides: “Each Party shall seek to ensure that commercial carriers and the appropriate authorities at points of entry and exit and other customs control areas cooperate, with a view to preventing unauthorized access to means of transport and cargo and to implementing appropriate security measures.” And, paragraph 3(d) of Article 12 of the 1971 Convention also provides: “Consignments entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.”

Attachment 6: 2016 Amendments to Misuse of Drugs Law

1. On 24 October 2016, the Misuse of Drugs Law was amended to allow for lawful importation of cannabis oil and for dispensing of it for medicinal purposes. This amendment is now incorporated into the Misuse of Drugs Law (2017 Revision) (“MDL”).
2. In accordance with sub-section 2(1) of the MDL, “authorised” means authorised by this or any other Law, and includes ... “(b) a person lawfully conducting the business of a retail pharmacy or of an importer, acting in either case in the capacity as such”. However, sub-section 2(1) goes on to provide that “in relation to cannabis extracts and tinctures of cannabis an authorised person is ... (iii) a person lawfully conducting the business of a retail pharmacy or of an importer, acting in either case in the capacity as such”.
3. A person who is so “authorised in that behalf” may now import, store, supply, distribute, sell, buy or otherwise deal in lawful Cannabis Products without committing an offence pursuant to section 3 of the MDL. Since neither sub-section 3(1) nor section 4 of the Law is being contravened by any such person who is so “authorised in that behalf,” he/she would also not come within the meaning of “drug trafficking” as defined in sub-section 2(1) of the MDL.
4. When referencing a “medical doctor” or a “pharmacist” acting in the course of their lawful duties as such, sub-section 2(1)(b) expressly states that they must be “licensed in accordance with the Health Practice Law (2017 Revision)”. In the same context, a “retail pharmacy” or “an importer” must be “lawfully conducting [their] business ... acting in either case in the capacity as such”.
5. The lawful business of a “retail pharmacy” or of “an importer” acting as such is not licensed in accordance with the Health Practice Law (2017 Revision). Thus, to be lawfully conducting their business, they must be duly licensed in accordance with the Trade and Business Licensing Law, 2014 as amended (the “TBLL”). Being licensed under the TBLL is implied, although not expressly so stated in sub-section 2(1) of the MDL. If not duly licensed in accordance with the TBLL, such “retail pharmacy” or such “importer” would be unlawfully carrying on an unlicensed business within the Islands contrary to section 17(1) of the TBLL.
6. Section 2A(1) of the MDL now provides: “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 (2017 Revision) as part of a course of treatment for a person under that medical doctor’s care, is lawful.” And Section 2A(2) of the MDL provides: “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.”
7. Section 2A(3) of the MDL provides: “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 medical or therapeutic uses of cannabis extracts and tinctures of cannabis.” The Cabinet may also make Regulations controlling import of controlled drugs in accordance with sections 4(2) and 13. To date, no such Regulations have yet been made.
8. However, the draft Import Regulations are offered as a working draft for Cayman and the draft Import Regulations are offered as a working draft for Jamaica. These are specific to Jamaica and the Cayman Islands and they are structured to comply with their obligations under the International Drug Control Conventions and also with the MDL in Cayman and the Dangerous Drugs Act in Jamaica.

Attachment 7: Lawful Supply of Medical Cannabis from Jamaica and Other Updates

Concerns have been noted respecting a lawful and reliable supply of medical cannabis from Jamaica, Canada and elsewhere. Concerns have also been noted respecting the efficacy of medical cannabis to treat cancer patients and also the continuance of U.S. federal government prohibitions and restrictions on medical cannabis, notwithstanding that many U.S. States now allow cannabis for medical uses.

However, scientific research into all aspects of medical marijuana continues and is accelerating, especially in Israel. Attitudes toward medical marijuana in the USA are also changing and the U.S. federal government prohibitions and restrictions are moving toward reform and relaxation. Moreover, the Cannabis Licensing Authority in Jamaica is now licensing cultivators and processors for lawful supply of cannabis oil to their local market and also for export.

Here are some relevant press reports:

1. "Colon Cancer – Medical Cannabis Research": <https://unitedpatientsgroup.com/Patients-Room-colon-cancer>.
2. "Study Shows Cannabis Extracts Rich In Cannabidiol (CBD) May Effectively Treat Colon Cancer": <https://www.medicaljane.com/2014/01/09/study-cannabis-extracts-rich-in-cannabidiol-cbd-may-effectively-treat-colon-cancer/>.
3. "Cannabis vs. Cancer: Studies Suggest Cannabinoids May Kill Human Cancer Cells": <https://www.medicaljane.com/2013/12/18/studies-suggest-cannabinoids-may-kill-human-cancer-cells/>.
4. "Cannabis Oil & Cancer; The Theory": <http://www.rectalcancer.me/cannabis-oil-cancer-theory/>.
5. "Spain study confirms cannabis oil cures cancer without side effects": <https://www.principesactifs.org/spain-study-confirms-cannabis-oil-cures-cancer-without-side-effects/>.
6. "Israeli Study Finds Anti-Cancer Potential in Cannabis": <https://www.leafly.com/news/science-tech/the-medical-minute-israeli-study-finds-anti-cancer-potential-in-c>.
7. "Complementary and Alternative Medicine" (including link to "Marijuana and Cancer"), American Cancer Society: <https://www.cancer.org/treatment/treatments-and-side-effects/complementary-and-alternative-medicine.html>.
8. **26 June 2013**: "Cannabis Can Cure Many Forms of Cancer": <http://www.cureyourowncancer.org/cannabis-can-cure-many-forms-of-cancer.html> (with links to 34 related studies).
9. **20 April 2015**: "Rare tour of the only federal weed farm in America": <http://edition.cnn.com/2015/04/17/health/weed-farm-tour/index.html>.
10. **30 August 2015**: "Stage IV Colon Cancer-THC Cannabis Oil Therapy": <https://cancercompass.com/message-board/message/all.86141.1.htm>.
11. **11 November 2015**: "25 Cancer Stem Cell Killing Foods Smarter Than Chemo & Radiation": <https://foodrevolution.org/blog/cancer-stem-cell-killing-foods/>.
12. **12 August 2016**: "DEA's missed opportunity on medical marijuana": <http://edition.cnn.com/2016/08/11/health/gupta-dea-marijuana/index.html>.
13. **31 August 2016**: "The DEA is looking for candidates to grow marijuana for research — but will it find any takers?": <https://www.statnews.com/2016/08/31/marijuana-research-dea-growers-permits/>.
14. **2 October 2016**: "Patent No. 6,630,507: Why the U.S. government holds a patent on cannabis plant compounds": <http://www.denverpost.com/2016/08/28/what-is-marijuana-patent-6630507/>.
15. **2017**: "Cannabis and Cancer": <https://www.worldwidecancerresearch.org/who-we-are/cannabis/>.
16. **2017**: "Can Cannabis Cure Cancer?": <https://www.leafly.com/news/health/can-cannabis-cure-cancer>.
17. **2017**: "Do Rectal Cannabis Suppositories Work?": <https://cannabistraininguniversity.com/rectal-cannabis-suppositories-work/>.
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