

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

CANNABINOID PHARMACEUTICAL PRODUCTS ACT 2014

WHEREAS it is necessary to amend the Misuse of Drugs Act 1972, the Pharmacy and Poisons Act 1979, the Misuse of Drugs Regulations 1973 and to revoke the Misuse of Drugs (Designation) Order 1973 to provide a mechanism for designating controlled drugs which can be used for medical purposes; to provide that drugs can be added to or removed from the Schedules to both Acts and the Regulations by order; and to include certain cannabinoid pharmaceutical products in the Schedules to both Acts and the Regulations;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Cannabinoid Pharmaceutical Products Act 2014.

Amends the Pharmacy and Poisons Act 1979

2 The Pharmacy and Poisons Act 1979 is amended—

(a) by deleting section 48(1)(g);

(b) by inserting the following after section 48—

“Minister may by order amend the Third or Fourth Schedule

48A (1) The Minister may, on the recommendation of the Chief Medical Officer or the Council, by order amend the Third or Fourth Schedule.

(2) The negative resolution procedure shall apply to an order made under subsection (1).

Minister may provisionally add or remove drugs in the Third or Fourth Schedule

48B The Minister may, on the recommendation of the Chief Medical Officer or the Council, by Notice in the Gazette, provisionally list, or remove, the drugs in the Third or Fourth Schedule and such drugs shall be considered listed in, or removed from, the Third or Fourth Schedule for a period not exceeding 30 days or until the

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Minister issues an order either adding to, or deleting from, the Third or Fourth Schedule such drugs, whichever occurs earlier.”;

- (c) in the First Schedule by deleting paragraph 10;
- (d) in the Third Schedule by inserting the following their proper alphabetical places—

“ Dronabinol (Marinol)
Nabiximols (Sativex) ”.

Amends the Misuse of Drugs Act 1972

3 The Misuse of Drugs Act 1972 is amended—

- (a) in section 12—
 - (i) in subsection (4)—
 - (A) by deleting paragraph (a) and substituting—
 - “(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for medical purposes, for purposes of research or other special purposes; or”;
 - (B) by inserting “, on the recommendation of the Chief Medical Officer,” after “may”;
 - (ii) by inserting the following after subsection (8)—

“(9) In this section, “medical purposes” means any one or more of the following purposes—

- (a) treating or preventing disease;
 - (b) diagnosing disease or ascertaining the existence, degree or extent of a physiological condition;
 - (c) contraception;
 - (d) inducing anaesthesia;
 - (e) otherwise preventing or interfering with the normal operation of a physiological function, whether permanently or temporarily, and whether by way of terminating, reducing or postponing, or increasing or accelerating, the operation of that function or in any other way.”;
- (b) by inserting the following after section 24—

“Minister may by order amend Schedule 2

24A (1) The Minister may, on the recommendation of the Chief Medical Officer, by order amend Schedule 2.

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(2) The negative resolution procedure shall apply to an order made under subsection (1).

Minister may provisionally add or remove drugs in Schedule 2

24B The Minister may, on the recommendation of the Chief Medical Officer, by Notice in the Gazette, provisionally list, or remove, the drugs in Schedule 2 and such drugs shall be considered listed in, or removed from, Schedule 2 for a period not exceeding 30 days or until the Minister issues an order either adding to, or deleting from, Schedule 2 such drugs, whichever occurs earlier.”;

(c) in Schedule 2 Part I paragraph 1.(a)—

(i) by deleting—

“ CANNABINOL DERIVATIVES

CANNABINOL except where contained in Cannabis or Cannabis resin;

”;

(ii) by inserting the following in its proper alphabetical place—

“ CANNABINOIDS ”;

(d) in Schedule 2 Part II by deleting the definition of “cannabinol derivatives” and substituting—

“ “cannabinoids” means a class of chemical compounds found in the cannabis plant (phytocannabinoids) or manufactured chemically (synthetic cannabinoids) which act on the cannabinoid receptors in the brain and body.”.

Amends the Misuse of Drugs Regulations 1973

4 The Misuse of Drugs Regulations 1973 are amended in Schedule 2 paragraph 1 by inserting the following in their proper alphabetical places—

“ Dronabinol (Marinol)
Nabilone (Cesamet)
Nabiximols (Sativex) ”.

Revocation

5 The Misuse of Drugs (Designation) Order 1973 is hereby revoked.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Misuse of Drugs Act 1972, the Pharmacy and Poisons Act 1979, the Misuse of Drugs Regulations 1973 and to revoke the Misuse of Drugs (Designation) Order 1973 to provide a mechanism for designating controlled drugs which can be used for medical purposes, to provide that drugs can be added to or removed from the Schedules to both Acts and the Regulations by order and to include certain cannabinoid pharmaceutical products in the Schedules to both Acts and the Regulations.

Clause 1 provides the title of the Bill.

Clause 2 amends the Pharmacy and Poisons Act 1979 to—

- a) allow the Minister to make an order to amend the Third or Fourth Schedule on the recommendation of the Chief Medical Officer or the Pharmacy Council;
- b) allow the Minister to temporarily add or remove a drug from the Third or Fourth Schedule by Notice in the Gazette on the recommendation of the Chief Medical Officer or the Pharmacy Council;
- c) add 2 cannabinoid pharmaceutical products to the Third Schedule.

Clause 3 amends the Misuse of Drugs Act 1972 to—

- a) provide a definition of “medical purposes” and include it as a purpose for which the Minister can designate certain drugs under a designation order, on the recommendation of the Chief Medical Officer;
- b) allow the Minister to make an order to amend Schedule 2 on the recommendation of the Chief Medical Officer;
- c) allow the Minister to temporarily add or remove a drug to or from Schedule 2 by Notice in the Gazette on the recommendation of the Chief Medical Officer;
- d) add “cannabinoids” and a definition of “cannabinoids” to Schedule 2.

Clause 4 amends the Misuse of Drugs Regulations 1973 to add 3 cannabinoid pharmaceutical products to Schedule 2.

Clause 5 revokes the Misuse of Drugs (Designation) Order 1973 which will be replaced by the Misuse of Drugs (Designation) Order 2014.