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**An Bille um Rialáil Cannabais atá lena Úsáid chun críocha Íocshláinte, 2016**  
**Cannabis for Medicinal Use Regulation Bill 2016**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM RIALÁIL CANNABAIS ATÁ LENA ÚSÁID CHUN CRÍOCHA  
ÍOCSHLÁINTE, 2016  
CANNABIS FOR MEDICINAL USE REGULATION BILL 2016**

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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement
2. Interpretation
3. Regulations

PART 2

CANNABIS REGULATION AUTHORITY

4. Establishment day
5. Establishment of Cannabis Regulation Authority
6. Functions of Authority
7. Additional functions
8. Authorised persons
9. Regulations to be made by Authority
10. Membership of Board of Authority

PART 3

CANNABIS RESEARCH INSTITUTE

11. Establishment of Cannabis Research Institute
12. Functions of Institute
13. Director and members of Institute

PART 4

LICENCE FOR SUPPLY OF CANNABIS FOR MEDICINAL USE

14. Prohibition on unlicensed sale of cannabis for medicinal use
15. Types of licences
16. Cannabis for medicinal use Wholesale Licence

17. Cannabis for medicinal use Retail Licence
18. Cannabis for medicinal use Importation Licence
19. Cannabis for medicinal use Production Licence

## PART 5

### TRANSPORTATION OF CANNABIS

20. Prohibition on unlicensed transportation of cannabis
21. Requirements applicable to transportation
22. Regulations governing transportation of cannabis

## PART 6

### LICENSING AND REGULATIONS

23. Mandatory disqualification for holding licence on conviction of certain offences
24. Tax clearance certificate
25. Register of licenses
26. Licensing system for the retail of cannabis for medicinal use
27. Regulations governing retail licenses
28. Keeping of records
29. Revocation of licence
30. Notice of intent to apply for revocation

## PART 7

### RESTRICTIONS ON SUPPLY OF CANNABIS

31. Offence of sale to minors
32. Recommendation by registered medical practitioner
33. Per-transaction limit on quantity to be sold by retailers
34. Prohibition of retail sale by wholesale licensees
35. Prohibited ingredients and additives in product on sale

## PART 8

### LABELLING OF CANNABIS

36. Labelling requirements
37. Branding of products

## PART 9

### LABORATORY TESTING

38. Laboratory testing

PART 10

ADVERTISING CANNABIS OR CANNABIS-BASED PRODUCTS

39. Advertising

PART 11

MISCELLANEOUS

40. Disposal and destruction of unsaleable goods
41. Review of legislation and regulatory regime

PART 12

AMENDMENT OF EXISTING ENACTMENTS

42. Amendment of Misuse of Drugs Act 1977
43. Amendment of Statutory Instruments
44. Extension of workplace smoking ban

ACTS REFERRED TO

Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)

Criminal Justice Act 1994 (No. 15)

Electronic Commerce Act 2000 (No. 27)

Finance Act 2002 (No. 2)

Firearms and Offensive Weapons Acts 1925 to 1990

Illegal Immigrants (Trafficking) Act 2000 (No. 29)

Misuse of Drugs Act 1977 (No. 12)

Non-Fatal Offences Against the Person Act 1997 (No. 26)

Public Health (Tobacco) Act 2002 (No. 6)

Sex Offenders Act 2001 (No. 18)

Taxes Consolidation Act 1997 (No. 39)



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ÍOCSHLAÍNTE, 2016  
CANNABIS FOR MEDICINAL USE REGULATION BILL 2016

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# Bill

*entitled*

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An Act to provide for the regulation of cannabis for medicinal use and for that purpose to establish the Cannabis Regulation Authority; to provide for the licensing of the supply of cannabis for medicinal use; and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

## PART 1

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### PRELIMINARY AND GENERAL

#### Short title and commencement

1. (1) This Act may be cited as the Cannabis for Medicinal Use Regulation Act 2016.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions. 15

#### Interpretation

2. In this Act—
  - “Authority” means the Cannabis Regulation Authority established under *section 5*;
  - “Board” means Board of the Authority; 20
  - “cannabis” means a plant of the cannabis genus which is used to produce hemp fibre as well as products containing some chemical components of medicinal value;
  - “cannabis-based product” means a product which contains any quantity of cannabis;
  - “CBD” means cannabidiol;
  - “child” means a person under the age of 18 years; 25
  - “establishment day” means the day appointed by the Minister under *section 4* to be the establishment day for the purposes of this Act;
  - “Institute” means the Cannabis Research Institute established under *Part 3*;

“licensed premises” means a premises in respect of which a licence has been granted by the Authority under *Part 4*;

“licence holder” means the holder of a licence which has been granted under *Part 4*;

“Minister” means the Minister for Justice and Equality;

“THC” means tetrahydrocannabinol. 5

### **Regulations**

3. (1) The Minister or, subject to the consent of the Minister, the Authority, may make regulations prescribing any matter which is referred to in this Act as prescribed or to be prescribed or in relation to any matter referred to in this Act as the subject of regulations or for the purposes of enabling any provision of this Act to have full effect. 10
- (2) Every regulation or order made by the Minister or the Authority shall be laid before each House of the Oireachtas as soon as practicable after they are made and, if a resolution annulling the regulation, order or rules is passed by either House within the next subsequent 21 days on which that House has sat after the regulation, order or rules are laid before it, the regulation, order or rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 15
- (3) Regulations made under this Act may—
- (a) include such consequential, incidental, transitional or supplementary provisions as may be considered by the Minister or the Authority, as the case may be, to be necessary or appropriate for the purposes of this Act, and 20
- (b) apply, either generally or by reference, to a specified class or classes of persons or category or categories of licensees or to any other matter as may be considered by the Minister or the Authority to be appropriate.

## **PART 2** 25

### **CANNABIS REGULATION AUTHORITY**

#### **Establishment day**

4. The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

#### **Establishment of Cannabis Regulation Authority** 30

5. (1) There stands established on the establishment day a body to be known, in the Irish language, as an tÚdarás Cannabais Rialála or, in the English language, as the Cannabis Regulation Authority, and in this Act referred to as the Authority.
- (2) The Authority shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and, with the consent of the Minister with the agreement of the Minister for Finance, to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property. 35



### **Functions of Authority**

6. (1) The principal function of the Authority is the development and maintenance of a regulatory framework for the sale (wholesale and retail), labelling, advertising and marketing of cannabis and cannabis-based products for medicinal use.
- (2) In exercising its function, the Authority shall seek to achieve the following objectives—
- (a) to regulate the supply and possession of cannabis and cannabis-based products for medicinal use,
  - (b) to pursue the development of a consumer-oriented licensing system and regulatory code for the users of cannabis and cannabis-based products for medicinal purposes, 10
  - (c) to oversee the development of a professional, safe, and well-regulated service for the supply of cannabis for medicinal use,
  - (d) to have due regard to the needs of users of cannabis and cannabis-based products for medicinal purposes, 15
  - (e) to promote measures to facilitate increased understanding and awareness of the use of cannabis and cannabis-based products for medicinal purposes, and
  - (f) to facilitate the use of cannabis and cannabis-based products for medicinal purposes.
- (3) The exercise of functions of the Authority under this Act may be carried out by or through any member of the staff of the Authority or a person authorised by the Authority, as the Authority deems appropriate. 20

### **Additional functions**

7. (1) The Minister may, after consultation with the Authority, the Minister for Health and any other Minister of the Government who in the opinion of the Minister is concerned, by order— 25
- (a) confer on the Authority, such additional functions connected with the functions for the time being of the Authority or the services or activities that the Authority is authorised to provide or carry on, and
  - (b) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Authority of functions under this section or the performance by the Authority of functions so conferred. 30
- (2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and shall not take effect until a resolution affirming the order is passed by either such House. 35

### **Authorised persons**

8. (1) The Authority may appoint in writing such and so many of his or her officers to be authorised persons for the purposes of all or any of the provisions of this Act and such appointment may be specified to be for a fixed period.

- (2) Every authorised person appointed under this section shall be furnished with a warrant of appointment and shall, when exercising any power conferred on him or her by this section, if requested by a person affected, produce the warrant of appointment or a copy of it to that person.
- (3) An appointment under this section as an authorised person shall cease if— 5
- (a) the Authority revokes the appointment,
  - (b) the appointment is for a fixed period, on the expiry of that period, or
  - (c) the person appointed ceases to be an officer of the Authority.
- (4) An authorised person may, for the purpose of obtaining any information which may be required in relation to a matter under investigation under this Act— 10
- (a) at all reasonable times enter any premises or place on, at or in which there are grounds to believe that any trade or business or any activity which is or may be subject to a licensing requirement under this Act is being, or has been, carried on, or that records relating to such trade, business or activity are kept, and search and inspect the premises, place or vehicle and any records that are on, at or in such premises, place or vehicle, 15
  - (b) secure for later inspection any, or any part of any, premises or place or any vehicle on, at or in which such records are kept or there are reasonable grounds for believing that such records are kept,
  - (c) require any person who carries on such trade, business or activity or any person employed in respect of such trade, business or activity to produce to him or her such records and where such records are kept in a non-legible form to reproduce them in a legible form or to give to him or her any information as the authorised officer may reasonably require in relation to any entries in such records, 20
  - (d) inspect and take copies of or extracts from any such records, files, papers or electronic information system on, at or in the premises, place or vehicle, including, in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form, 25
  - (e) remove and retain such records for such periods as may be reasonable for future examination, subject to a warrant being issued for that purpose by the District Court, 30
  - (f) require any such person to give to the authorised person any information which the authorised officer may reasonably require in respect of such trade, business or activity or in respect of the persons carrying on such trade, business or activity or employed in connection with such trade, business or activity, 35
  - (g) require any such person to give to the authorised person any other information which the authorised person may reasonably require in respect of such trade, business or activity,
  - (h) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of the data equipment or any associated apparatus or material, to afford the authorised person all reasonable assistance in relation to it and assist in the retrieval of 40

- information connected with the operation of such data equipment, apparatus or material,
- (i) summon, at any reasonable time, any other person employed in connection with such trade, business or activity to give to the authorised person any information which the authorised person may reasonably require in relation to such trade, business or activity and to produce to the authorised officer any records which are in the control of that other person, 5
  - (j) have photographs taken of anything on, at or in the premises, place or vehicle and remove the photographs from the place, and
  - (k) inspect any vehicle relating to such trade, business or activity. 10
- (5) An authorised person shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under *subsection (8)* authorising such entry.
- (6) Where an authorised person, in the exercise of his or her powers under this section, is prevented from entering any premises, place or vehicle, an application may be made for a warrant under *subsection (8)* authorising such entry. 15
- (7) An authorised person appointed under this section, when exercising any powers conferred on an authorised person by this Act, may be accompanied by such other authorised persons or members of the Garda Síochána or both as he or she considers necessary. 20
- (8) Without prejudice to the powers conferred on an authorised person by or under any provision of this section, if a judge of the District Court is satisfied on the sworn information of an authorised person that there are reasonable grounds for suspecting that there is information required by an authorised person under this section held on or at any, or any part of any, premises or place or in any vehicle, the judge may issue a warrant authorising an authorised person, accompanied by such other authorised persons and members of the Garda Síochána as provided for in *subsection (7)*, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises, place or vehicle, if need be by reasonable force, and exercise all or any of the powers conferred on an authorised person under this section. 25 30
- (9) A person shall comply with any request or requirement of an authorised person under this Act.
- (10) A person who—
- (a) obstructs or impedes an authorised person in the exercise of a power under this section, 35
  - (b) without reasonable excuse, does not comply with a requirement under this section, or
  - (c) in purported compliance with such a requirement knowingly or recklessly gives information that is false or misleading in a material respect, 40
- is guilty of an offence.

### **Regulations to be made by Authority**

9. (1) The Authority with the consent of the Minister shall make regulations providing for the procedure relating to the making of an application for a licence or renewal of a licence under *Part 4* and the grant or renewal of a licence on foot of such an application. 5
- (2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision for all or any of the following:
- (a) the form in which an application for a licence shall be made and the form of a licence;
  - (b) the form in which an application for the renewal of a licence shall be made and the form of a licence as renewed; 10
  - (c) the period within which any information or documents, including additional information or documents requested by the Authority relating to the grant or renewal of a licence, shall be furnished to the Authority; and
  - (d) the production to the Authority, within a specified period, of such evidence as he or she may reasonably require in order to verify any information or documents previously furnished to the Authority in respect of an application for the grant or renewal of a licence. 15
- (3) Regulations under this section may make provision for the making of an application under *Part 4* by electronic means (within the meaning of the Electronic Commerce Act 2000). 20

### **Membership of Board of Authority**

10. (1) There shall be a Board of the Authority.
- (2) Members of the Board shall be appointed by the Minister and its constitution shall reflect the need for the efficient and effective running of the Authority. 25
- (3) (a) The Board shall have an equitable balance between the number of members of the Board who are women and the number who are men.
- (b) The Board's membership shall contain a number of members with experience in a field of expertise relevant to the Authority's functions.

## PART 3 30

### CANNABIS RESEARCH INSTITUTE

### **Establishment of Cannabis Research Institute**

11. (1) The Authority shall within 12 months of the commencement of this Part, establish a body to be known as the Cannabis Research Institute to perform the functions conferred on it by *section 12*. 35
- (2) (a) The Institute shall stand as a distinct entity independent from the Authority.
- (b) Notwithstanding *paragraph (a)*, the Institute shall operate on a shared services

basis with the Authority.

### **Functions of Institute**

- 12.** (1) The Institute shall perform the following functions:
- (a) conduct or commission and publish cannabis-related research in the areas of—
    - (i) safety, risks and benefits of medicinal and/or recreational use, 5
    - (ii) compliance with legislation regulating cultivation, sale, possession, production, storage and transport of cannabis or cannabis-based products, including from a domestic or international perspective,
    - (iii) cultivation of cannabis, and
    - (iv) manufacture of products involving cannabis as a raw material; 10
  - (b) encourage employers to review current drug-free workplace policies, including elements of such policies concerning hiring, sanctioning, termination, and drug testing;
  - (c) devise and, at the request of the Authority, assess standards of knowledge, skill and competence applicable to licensees; 15
  - (d) advise the Authority in relation to the appropriate knowledge, education and training and qualifications required for registration under this Act;
  - (e) promote public awareness of cannabis use, including the advancement of education relating to the safe use of cannabis or cannabis-based products;
  - (f) co-operate and engage on matters pertaining to its functions with such bodies in other jurisdictions which perform similar functions to the Institute; and 20
  - (g) such other functions as may be prescribed by the Minister.
- (2) In order to assist the Institute in the performance of its functions under this section, Departments of State shall co-operate and where feasible shall collaborate and provide assistance to aid the work of the Institute. 25

### **Director and members of Institute**

- 13.** (1) The Minister shall appoint a person with established expertise in education and research in the field of cannabis use as the Director of the Institute who shall also serve as a member of the Institute.
- (2) The Minister shall appoint four additional persons to be members of the Institute, each of whom shall have knowledge or experience in one or more of the fields relevant to the functions of the Institute. 30

## PART 4

### LICENCE FOR SUPPLY OF CANNABIS FOR MEDICINAL USE

#### **Prohibition on unlicensed sale of cannabis for medicinal use**

14. It shall be an offence for a person to be engaged in the sale of cannabis or cannabis-based products for medicinal use unless that person is the holder of a current valid wholesale or retail licence under this Part pursuant to which he or she is permitted to engage in the sale of cannabis or cannabis-based products. 5

#### **Types of licences**

15. The sale of cannabis or cannabis-based products shall only be permissible pursuant to one of the following categories of licenses, provided any conditions attached thereto and all legislative requirements are fully complied with: 10
- (a) cannabis for medicinal use Wholesale Licence;
  - (b) cannabis for medicinal use Retail Licence;
  - (c) cannabis for medicinal use Importation Licence;
  - (d) cannabis for medicinal use Production Licence. 15

#### **Cannabis for medicinal use Wholesale Licence**

16. (1) A licence permitting the acquisition and sale of cannabis or cannabis-based products on a wholesale basis (in this section a “cannabis for medicinal use Wholesale Licence”) may only be granted in respect of— 20
- (a) a wholesale distributor who is of good standing with the law, and
  - (b) a premises which is fit for the secure storage and wholesale of cannabis or cannabis-infused products.
- (2) Where a cannabis for medicinal use Wholesale Licence has been granted under this section, the licence holder may supply quantities of cannabis or cannabis-based products which are greater than one ounce in any one transaction provided the purchaser holds a licence under *section 17*. 25
- (3) Where a cannabis for medicinal use Wholesale Licence has been granted under this section, the license holder may engage in the transportation of cannabis or cannabis-based products to or from the licensed premises, provided that each consignment is documented in the manner prescribed by the Authority. 30
- (4) It shall be an offence for a person to contravene the terms of *subsection (2) or (3)*.

#### **Cannabis for medicinal use Retail Licence**

17. (1) A licence permitting the sale of cannabis or cannabis-based products for medicinal purposes (in this section a “cannabis for medicinal use Retail Licence”) may only be granted in respect of a registered pharmacy. 35
- (2) Where a cannabis for medicinal use Retail Licence has been granted under this

section, the primary trade of the business shall be in medicinal products.

- (3) Where a cannabis for medicinal use Retail Licence has been granted under this section, the licence holder may purchase quantities of cannabis which are greater than one ounce in any one transaction provided the seller holds a licence under *section 16*.
- (4) Where a cannabis for medicinal use Retail Licence has been granted under this section, the license holder may engage in the transportation of cannabis or cannabis-based products to or from the licensed premises, provided that each consignment is at all times accompanied by documentation in the form prescribed by the Authority. 5
- (5) It shall be an offence for a person to contravene the terms of *subsection (2), (3) or (4)*.

#### **Cannabis for medicinal use Importation Licence** 10

18. (1) A licence permitting the importation of cannabis and cannabis-based products for medicinal use into Ireland may be granted.
- (2) Licences may be granted under this section, where cannabis or cannabis-based products are imported from a country where it is legal to do so.
- (3) Any licence to import cannabis for medicinal use in another EU country is recognised. 15

#### **Cannabis for medicinal use Production Licence**

19. (1) A licence permitting the cultivation and production of cannabis and cannabis-based products for medicinal use may be granted.
- (2) Licences granted under this section permit licence-holders to cultivate cannabis in certified premises. The amount of cannabis lawfully permitted to cultivate shall be determined by orders from wholesalers and retail licence-holders. The allocated plant number is determined by the fulfilment of orders and patient-demand. 20
- (3) All cannabis or cannabis-based products must be tracked and accounted for on a common database for monitoring by the Authority.

### **PART 5** 25

#### **TRANSPORTATION OF CANNABIS**

#### **Prohibition on unlicensed transportation of cannabis**

20. It shall be an offence for a person to be engaged in the transportation of cannabis or cannabis-based products unless—
  - (a) that person is the holder of a current valid cannabis for medicinal use Wholesale or Retail Licence which has been granted under *Part 4*, 30
  - (b) the person holds a valid medical certificate and a receipt from a licensed pharmacy for the amount in possession, and
  - (c) pursuant to which the transportation of cannabis or cannabis-based products for medicinal use is expressly permitted. 35

### **Requirements applicable to transportation**

21. (1) A person who engages in the transportation of cannabis or cannabis-infused products pursuant to a licence granted under this Act, shall ensure that the documentary requirements which have been prescribed by the Minister in respect of that activity are complied with. 5
- (2) It shall be an offence for a person to contravene the terms of *subsection (1)*.

### **Regulations governing transportation of cannabis**

22. (1) The Authority with the consent of the Minister for Transport, Tourism and Sport shall make regulations relating to the transportation of cannabis.
- (2) It shall be an offence for a person to contravene regulations made under *subsection (1)*. 10

## **PART 6**

### **LICENSING AND REGULATIONS**

### **Mandatory disqualification for holding licence on conviction of certain offences**

23. (1) Where a person being the applicant for or the holder of a licence is convicted of any of the following offences, namely— 15
- (a) murder,
  - (b) manslaughter,
  - (c) an offence—
    - (i) under the Non-Fatal Offences against the Person Act 1997 (other than section 20 2 or 3), or
    - (ii) on—
      - (I) conviction on indictment, under section 2 or 3 of that Act, or
      - (II) summary conviction, under section 2 or 3 of that Act where the individual assaulted was at the time of the offence or at a material time 25 before it a fare paying passenger in a small public service vehicle being driven by the person, other than where the individual assaulted contributed, in the opinion of the Authority, in a material way to the assault or is convicted of an offence under either of those sections for assaulting the person, 30
  - (d) a sexual offence (within the meaning of section 3 of the Sex Offenders Act 2001),
  - (e) an offence relating to money laundering under Part IV of the Criminal Justice Act 1994,
  - (f) an offence under the Criminal Justice (Theft and Fraud Offences) Act 2001,
  - (g) an offence under section 2 of the Illegal Immigrants (Trafficking) Act 2000, or 35



- (h) an offence under the Firearms and Offensive Weapons Acts 1925 to 1990,  
the person—
- (i) in the case of being convicted summarily where a fine only is imposed by the Court, is disqualified for the period of 12 months,
  - (ii) in any other case, subject to *subsection (2)*, 5  
is disqualified, for holding a licence and, accordingly, where the person is the holder of a licence, the licence stands revoked.
- (2) Subject to *subsection (3)*, after the period of—
- (a) 2 years in the case of being convicted summarily, where a term of imprisonment is imposed by the Court, with or without a fine, 10
  - (b) 5 years in the case of being convicted on indictment, where a fine or a term of imprisonment of less than 10 years or both is imposed by the Court, or
  - (c) 10 years in the case of being convicted on indictment, where a term of imprisonment of 10 or more years is imposed by the Court with or without a fine, of an offence referred to in *subsection (1)*, 15
- the person may apply—
- (i) where the offence has been tried summarily, to the judge of the District Court in whose District Court District, or
  - (ii) where the offence has been tried on indictment, to the judge of the Circuit Court in whose Circuit, the person resides, to be allowed to apply for a licence under such terms or conditions as the Court may direct. 20
- (3) Where a person has been convicted of an offence referred to in *subsection (1)* before the commencement of that subsection, and the relevant period referred to in *subsection (2)* for making an application under *subsection (2)* has elapsed before the commencement of *subsections (1) and (2)*, he or she may make an application under *subsection (2)* before the commencement of that subsection. 25
- (4) A person shall not make an application under *subsection (2)* where he or she is serving a term of imprisonment.
- (5) Where a person being the applicant for or the holder of a licence under this Act is convicted, after the commencement of this subsection, of any offence which resulted in the imposition of a term of imprisonment, the person is disqualified for holding a licence under this Act for the period of— 30
- (a) in the case of a conviction on indictment, the period of 5 years, or
  - (b) in the case of a conviction in respect of a summary offence, the period of 2 years, following the end of the first-mentioned period, and, accordingly, where the person is the holder of a licence under this Act, the licence stands revoked. 35
- (6) A person who is disqualified under this section for holding a licence and who—
- (a) engages or purports to engage in an activity which is required to be licensed under this Act, or

(b) operates or controls any business or activity which is required to be licensed under this Act,

is guilty of an offence.

- (7) Nothing in this section shall disqualify a person from being granted a licence under this Act, or continuing to hold a licence granted under this Act, solely on the ground that he or she has been convicted of being in possession of cannabis. 5

#### **Tax clearance certificate**

24. (1) A licence shall not be granted by the Authority unless the applicant produces to the licensing authority, a tax clearance certificate issued under section 1095 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997. 10
- (2) The Authority may, with the consent of the Minister for Finance, make regulations for the purpose of specifying particular conditions or requirements for applicants for licences in relation to taxation obligations.

#### **Register of licenses**

25. (1) The Authority shall establish and maintain a register of licenses granted under this Act and such register shall contain the following divisions: 15
- (a) Division 1 — cannabis for medicinal use Wholesale Licence;
- (b) Division 2 — cannabis for medicinal use Retail Licence.
- (2) Each division of the register shall include the following details of the licensees: 20
- (a) name and address;
- (b) licence number;
- (c) date of grant of licence and date of expiry of licence;
- (d) details of the premises at which the activity is licensed to occur;
- (e) where relevant, details of qualifications;
- (f) the levels of sale (wholesale or retail) permissible under the licence; and 25
- (g) the date of first inclusion in the register.
- (3) The Authority may publish, including on the internet, extracts of the register.

#### **Licensing system for the retail of cannabis for medicinal use**

26. (1) A wholesale licence or a retail licence may be granted subject to conditions having regard to— 30
- (a) the licensing application report which has been prepared by the Cannabis Regulation Authority under *subsection (2)*,
- (b) evidence or submissions concerning the fitness of the applicant,
- (c) evidence or submissions concerning the suitability of the premises, and
- (d) any other matters which he or she considers to be of relevance to the application. 35

- (2) Where a completed application for a retail licence, along with all of the required supporting documents has been received by the Authority, it shall—
  - (a) review the adequacy of the information provided,
  - (b) interview the applicant,
  - (c) conduct an inspection of the premises, and 5
  - (d) grant an acceptance subject to conditions, or rejection of the licensing application on stated grounds.

**Regulations governing retail licenses**

- 27. (1) The Authority may make regulations in relation to the licensing of the sale (wholesale or retail) of cannabis or cannabis-based products for medicinal use, which may also provide for control and operation of such activities and the standards to be applied to such licensees and their premises. 10
- (2) Regulations under this section may, in particular in respect of the sale of cannabis or cannabis-based products for medicinal use, make provision in relation to—
  - (a) the scale of the retail operations permissible, 15
  - (b) the types or classes of products which may be presented for sale,
  - (c) the requirements concerning the verification of the age of a purchaser,
  - (d) the operation of a retail premises, including opening hours, and
  - (e) the maintenance of records in relation to the operation of the retail premises, including details of the stock on-hand and details of products sold. 20
- (3) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)*, make provision in relation to—
  - (a) licences in respect of the operators of premises for the sale of cannabis for medicinal use,
  - (b) the categories of premises in respect of which licences may be granted, 25
  - (c) the floor area of such premises in respect of which licences may be granted,
  - (d) applications for or matters relating to licences including the following:
    - (i) the terms or conditions relating to the grant of a licence;
    - (ii) the manner and form of an application for the grant of a licence;
    - (iii) the fees to be paid, to the Authority, in respect of the grant of a licence or signs relating to a licence; 30
    - (iv) the form and content of a licence;
    - (v) the inspection and certification of a premises that is the subject of an application for a licence;
    - (vi) the insurance of the premises; 35
    - (vii) the period of validity of a licence;

(viii) the revocation and suspension of a licence,	
and	
(e) powers of authorised persons in addition to those under <i>section 8</i> .	
(4) In making regulations under this section, the Authority may establish requirements and conditions for the purpose of the assessment of applicants for the grant of licences, including requirements and conditions in respect of—	5
(a) the fitness of a person to hold a licence having regard to an assessment carried out by the Garda Vetting Bureau on behalf of the Authority,	
(b) the fitness of the premises,	
(c) the knowledge of and ability of the person to establish and sustain the licensed activity, and	10
(d) knowledge of the regulations, standards and requirements contained in this Act and regulations made thereunder.	
(5) The Authority may, for the purpose of assessing applications for the grant of a licence, authorise or approve persons for the purpose of determining that a person who wishes to apply for the grant of a licence complies with each of the standards established under this section.	15
(6) In making regulations under this section, the Authority may set different and separate requirements and conditions in relation to the licensing of persons and different categories of premises and different scales of activities.	20
(7) An application for a licence shall be subject to such fee (payable to the Authority) as may be prescribed by the Authority.	
(8) A person who fails to comply with or contravenes a regulation under this section is guilty of an offence.	
<b>Keeping of records</b>	25
<b>28.</b> (1) The holder of a cannabis for medicinal use Wholesale or Retail Licence under this Act shall maintain clear and accurate records, on a per-month basis, of—	
(a) the quantity of cannabis or cannabis-based products sold,	
(b) the quantity of cannabis or cannabis-based products held in stock,	
(c) any other details or records as may be prescribed by the Authority, and	30
(d) in respect of a wholesaler, details of the transferee or purchaser.	
(2) It shall be an offence for a person to contravene the terms of <i>subsection (1)</i> .	
<b>Revocation of licence</b>	
<b>29.</b> (1) A judge of the District Court may, upon the application of the Authority, revoke a licence granted under this Act where—	35
(a) in the opinion of the Court as evidenced by the Authority, the licensee has not complied with the principles and policies of this Act,	

- (b) the licensee has been convicted of an offence under this Act,
  - (c) in the opinion of the Court as evidenced by the Authority, the licence was obtained by fraud or misrepresentation,
  - (d) in the opinion of the Court as evidenced by the Authority, the licence was granted by virtue of an administrative error, or 5
  - (e) in the opinion of the Court as evidenced by the Authority, it is in the public interest to do so.
- (2) An appeal against a decision of the District Court to revoke a licence granted under this Act may be made to the Circuit Court within 21 days of the date of the decision of the District Court. 10
- (3) Where an appeal is made pursuant to *subsection (2)*, the revocation of the licence concerned shall, subject to *subsection (4)*, not take effect until the review is determined (and the decision is confirmed on that review) or the submission of the decision for review is withdrawn.
- (4) Where, in the opinion of the District Court, the circumstances concerning the revocation of a licence are such that, having regard to the public interest, it is appropriate that the decision to revoke the licence should take effect immediately and he or she states that opinion in the notification of the decision under *subsection (1)*, then the revocation shall take effect immediately on that notification. 15
- Notice of intent to apply for revocation** 20
30. Where the Authority decides to apply to the Court under *section 29* seeking the revocation of a licence granted under this Act, the Authority shall notify in writing the holder of the licence of—
- (a) the intent to apply to Court seeking the revocation of a licence, and
  - (b) the reasons for the making of the application. 25

## PART 7

### RESTRICTIONS ON SUPPLY OF CANNABIS

#### **Offence of sale to minors**

31. It shall be an offence for the holder of a cannabis for medicinal use Retail Licence to sell cannabis or a cannabis-based product directly to a child under 16 years of age but, where the child has a medical certificate for cannabis for medicinal use, it may be purchased by a parent on their behalf. 30

#### **Recommendation by registered medical practitioner**

32. Cannabis for medicinal use may only be sold on the certification of a registered medical practitioner, on a form approved by the Authority, that the patient has a condition for which a trial of cannabis or cannabis-based product is a reasonable course of treatment to improve the symptoms or course of the condition. 35

**Per-transaction limit on quantity to be sold by retailers**

33. (1) The maximum quantity of cannabis which may be sold by the holder of a cannabis for medicinal use Retail Licence held under *section 17* in any one transaction shall be—
- (a) not greater than one ounce of cannabis, or
  - (b) in respect of a cannabis-based product, a quantity which is not greater than one ounce. 5
- (2) It shall be an offence for a person to contravene the terms of *subsection (1)*.

**Prohibition of retail sale by wholesale licensees**

34. It shall be an offence for the holder of a cannabis for medicinal use Wholesale Licence held under *section 16* to sell cannabis or a cannabis-based product to a member of the public. 10

**Prohibited ingredients and additives in product on sale**

35. (1) It shall be an offence to sell cannabis or cannabis-based products which contain nicotine or caffeine or any other prescribed ingredient or additive.
- (2) It shall be an offence to sell cannabis or cannabis-based products which contain ingredients or additives which have been prescribed by the Minister under this section as being prohibited ingredients. 15
- (3) It shall be an offence to sell cannabis-based products which fail to comply with the quality and safety standards which have been prescribed by the Minister under this section. 20
- (4) The Minister may make regulations prescribing an additive or ingredient as being prohibited for the purposes of *subsection (1)*.

PART 8

LABELLING OF CANNABIS

**Labelling requirements** 25

36. (1) The Authority shall make regulations prescribing the information which must be clearly legible on the packaging of cannabis or cannabis-based products which are presented for sale.
- (2) Without prejudice to the generality of *subsection (1)*, regulations made under *subsection (1)* which impose labelling requirements, may prescribe requirements in respect of— 30
- (a) the net weight of the product,
  - (b) name and address of the manufacturer of the product,
  - (c) licence number of the retailer of the product,
  - (d) the strain of cannabis plant by reference to it as being a percentage of the 35

- product,
- (e) CBD and THC content (and other cannabinoids as directed by the Minister) in milligrammes per unit,
  - (f) a listing of all pesticides, herbicides, fungicides, and solvents that were used in its cultivation, processing or production, 5
  - (g) warnings regarding the use of the product—
    - (i) during pregnancy,
    - (ii) prior to driving,
    - (iii) prior to operating machinery,
    - (iv) other government health warnings as may be prescribed by the Minister, 10
  - (h) the fact that it is illegal for a person under 18 to possess the product,
  - (i) date of production,
  - (j) a use-by date, and
  - (k) in respect of cannabis, the place of cultivation or in respect of cannabis-based products the place of production. 15
- (3) Without prejudice to the generality of *subsection (1)*, regulations made under *subsection (1)* which impose labelling requirements in respect of edible cannabis-based products, may prescribe requirements in respect of—
- (a) the listing of ingredients,
  - (b) level of cannabinoid content, 20
  - (c) the nutrition content of the product, and
  - (d) compatibility of the product with dietary practises (gluten-free, vegan, and other similar matters).
- (4) It shall be an offence for a person to contravene regulations made under this section.

### **Branding of products**

25

- 37.** (1) The packaging in which cannabis or a cannabis-based product is placed in for sale or displayed for sale shall be plain packaging.
- (2) The packaging in which cannabis or a cannabis-based product is placed in for sale or displayed for sale—
- (a) shall not be branded with the producer’s logo, colour scheme or other signifiers of the origin of the product, and 30
  - (b) shall display in a conspicuous manner the product name, the producer’s name, place of production, and ingredients.
- (3) It shall be an offence for a producer, wholesaler or retailer to contravene the terms of *subsection (1)* or *(2)*. 35
- (4) In this section “packaging” includes a packet, label or wrapping.

## PART 9

### LABORATORY TESTING

#### Laboratory testing

38. (1) All cannabis or cannabis-based products must be tested by an independent testing laboratory and publically display all contents, purities, cannabinoids and ingredients. 5
- (2) Testing must include for pesticides and fungi/mould.

## PART 10

### ADVERTISING CANNABIS OR CANNABIS-BASED PRODUCTS

#### Advertising

39. (1) It shall be an offence to advertise or market cannabis or cannabis-based products (“advertise or market” includes sponsorship). 10
- (2) It shall be an offence for a person to contravene regulations made under this section.

## PART 11

### MISCELLANEOUS

#### Disposal and destruction of unsaleable goods 15

40. The Authority shall in conjunction with the Minister for the Environment, Community and Local Government and also the Minister for Health develop a mechanism to track, measure and properly destroy—
- (a) cannabis and cannabis-based products that cannot be legally sold, and
- (b) cannabis waste material. 20

#### Review of legislation and regulatory regime

41. (1) The Minister shall within 12 months of the commencement of this section and annually thereafter publish a review of the operation of this Act and any instruments made thereunder.
- (2) A report which has been prepared under *subsection (1)* shall give consideration to— 25
- (a) the efficacy of the overall approach to the regulation of the use of cannabis and cannabis-based products, and
- (b) the operation of all key aspects of the Act,
- and shall indicate whether amendments of the Act are desired or are necessary.
- (3) In preparing a report under *subsection (1)*, the Minister shall— 30



- (a) consult with the Authority,
  - (b) consult with organisations concerned with the use of cannabis,
  - (c) have regard to statistics concerning the use of cannabis,
  - (d) have regard to social developments concerning the use of cannabis, and
  - (e) have regard to legislative regimes in other jurisdictions concerning the regulation of the recreational and medicinal use of cannabis. 5
- (4) A report which has been prepared under *subsection (1)* shall be laid before each House of the Oireachtas.

## PART 12

### AMENDMENT OF EXISTING ENACTMENTS

10

#### **Amendment of Misuse of Drugs Act 1977**

**42.** The Misuse of Drugs Act 1977 is amended—

- (a) in section 1 by deleting the definition of “cannabis”,
- (b) in section 17 by deleting both occurrences of “or a plant of the genus Cannabis”,
- (c) in section 26(a) by deleting “a plant of the genus Cannabis”, and 15
- (d) in the Schedule by deleting the following:
  - “Cannabinol, except where contained in cannabis or cannabis resin.
  - Cannabinol derivatives.
  - Cannabis and cannabis resin.”.

#### **Amendment of Statutory Instruments**

20

**43.** (1) The Extradition Act, 1965 (Application of Part II) Order 2000 (S.I. No. 474 of 2000) is amended in—

- (a) Article 1 by deleting the definition of “cannabis plant”,
- (b) Article 3 by deleting “or cannabis plant”, and
- (c) Article 14 by deleting “and cannabis plants”. 25

(2) The Misuse of Drugs (Designation) Order 1998 (S.I. No. 69 of 1998) is amended in the Schedule by deleting the following:

- “Cannabinol, except where contained in cannabis or cannabis resin.
- Cannabinol derivatives.
- Cannabis and cannabis resin.”. 30

**Extension of workplace smoking ban**

**44.** The Public Health (Tobacco) Act 2002 is amended—

(a) in subsection (1) of section 47 by substituting “tobacco products and cannabis products” for “tobacco products”, and

(b) in subsection (6) of section 47 by inserting the following definition before the definition of “college”—

“ ‘cannabis products’ means a cigarette or other item which is intended to be combustible and which contains any element of cannabis;”.



An Bille um Rialáil Cannabais atá lena  
Úsáid chun críocha Íocshláinte, 2016

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir le rialáil a dhéanamh ar channabas atá lena úsáid chun críocha íocshláinte agus chun na críche sin do bhunú an Údaráis um Rialáil Cannabais; do dhéanamh socrú maidir le soláthar cannabais atá lena úsáid chun críocha íocshláinte a cheadúnú; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*Na Teachtaí Gino Kenny agus Bríd Smith a thug  
isteach,*

*21 Iúil, 2016*

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Cannabis for Medicinal Use Regulation Bill  
2016

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# BILL

*(as initiated)*

*entitled*

An Act to provide for the regulation of cannabis for medicinal use and for that purpose to establish the Cannabis Regulation Authority; to provide for the licensing of the supply of cannabis for medicinal use; and to provide for related matters.

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*Introduced by Deputies Gino Kenny and Bríd Smith,*

*21st July, 2016*

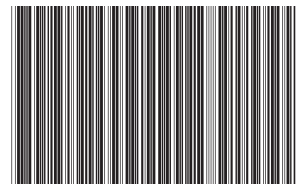
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