



55 FACTS ABOUT GANJA IN JAMAICA

LEGALITY 1-13

1. Recreational Ganja is still illegal in Jamaica

Although ganja was decriminalized in 2015, the plant inclusive of all parts and extracts of the plant whether infused or not remains illegal"

2. The possession of 2oz or less of ganja has been decriminalized.

Only possession under 2oz is decriminalized. If an individual is found with 2oz or less of ganja, a ticket will be issued and they will be fined JD\$500, but will not be arrested or subject to a criminal record.

3. If you don't pay for your 2oz fine, you have committed a crime

If the fine for possessing up to 2oz is not paid, the individual may be charged and arrested for not paying their ticket.

4. Possession over 2oz

Possession of over 2 ounces of ganja remains a criminal offence and is cause for immediate arrest.

5. You are allowed up to 5 plants per household for horticultural purposes.

6. Public consumption is illegal

No smoking or other means of consumption of ganja is allowed in public spaces.

7. Smoking

Smoking is permitted in private residences, registered places of Rastafarian worship and places licensed for smoking of medical purposes.

8. Application for expungement of Criminal records

Criminal records which previously could not qualify for expungement for the possession of ganja became eligible for expungement through the regular application process at the Ministry of Justice, or automatic expungement through an application at the Criminal Records Board.

9. Automatic expungement of criminal records

Automatic expungement of criminal records may be done without a lengthy application and review process. Persons are only required to submit an application to the Criminal Records Office or a Divisional Headquarter of the Jamaica Constabulary Force to trigger the automatic expungement process.

10. Ganja convictions eligible for expungement

By section 3 of the Criminal Records (Rehabilitation of Offenders) (Amendment) Act, the following became eligible for expungement:
Convictions for which the sentence imposed:

- Do not include prison time; or
- Include prison time of up to 5 years
- Does not fall under the 3rd Schedule of the Act.

11. Rehabilitation periods for expungement for persons over 18

- Where no prison sentence was given – 3 yrs rehabilitation.
- Where the prison sentence was up to 6 mths – 5 yrs rehabilitation.
- Where the prison sentence was 6-36 mths – 7 yrs rehabilitation.
- Where the prison sentence was 36 mths – 5yrs – 10 yrs rehabilitation.

12. Rehabilitation periods for expungement for persons under 18

- Where no prison sentence was given – 1yr. 6 mths rehabilitation
- Where the prison sentence was up to 6 mths – 2 yrs. 6 mths rehabilitation.
- Where the prison sentence was 6 mths – 3 yrs. – 3 yrs. 6 mths rehabilitation.
- Where the prison sentence was 3yrs. – 5yrs. - 5 yrs rehabilitation.

13. Definition of Ganja & Hemp

As defined by the Dangerous Drug Act, Hemp is a variety of the Cannabis sativa plant having a Tetrahydrocannabinol (THC)

APPLICATIONS 14-19

14. Types of licenses

There are 5 types of licenses that may be applied for: 1. Cultivators, 2. Transport, 3.Processing, 4. Retail, 5. Research & Development.

15. Number of licenses that can be applied for

Each applicant may apply for more than one licence.

16. The application process

The application process spans two phases:

Phase 1: Involves the examination of application information and documents as well as due diligence. Once deemed fit and proper, conditional approval is granted.

Phase 2: Involves the inspection of premises or vehicles for compliance with the regulations. Once all requirements are met, a licence may be granted, then issued upon completion of requisite payments and the execution of tripartite agreements where needed.

17. Companies applying for licences must be registered

Companies applying to operate in Jamaica's ganja industry, must be registered with the Companies Office of Jamaica.

18. Substantial ownership

Companies that apply for a licence, must establish their company's 'substantial' ownership and control (over 50%) by a person 'ordinarily resident' in Jamaica.

19. Ordinarily resident applicant

An ordinarily resident individual for the purposes of the licence applications, is one who has lived in Jamaica for three consecutive years immediately preceding the date of the application and is at least 18 years old.

LICENCES 20-30

20. There are 3 tiers of Cultivator's Licence

Available in three tiers. Tier 1: up to one acre; Tier 2: 1-5 acres and Tier 3; over 5 acres.

21. There are 2 tiers of Processing Licence

Available in two tiers. Tier 1- space up to 200 square metres and Tier 2 over 200 square metres.

22. Cultivator's Licence

For the growing of ganja for medical, scientific research and therapeutic purposes.

23. Processing Licence

For medical scientific and therapeutic processing of ganja including manufacturing of ganja based products.

24. Transportation Licence

For legal transportation of ganja between two licensed premises in a vehicle approved and licensed by the CLA.

25. Retail Licence

For the sale of ganja and all parts of plants for medical, scientific and therapeutic purposes.

26. Research and Development Licence

A licence which allows a commercial entity to execute experimental and or analytical services and cultivation for scientific research.

27. Experimental Research & Development Services

Undertakes all activities involved in the assessment, study, research, development and testing of products derived from all or any part of the cannabis plant, including the analytical services for own use.

28. Analytical Research & Development Services

Provide commercial services exclusively for the determination of any or all of the constituents, characteristics, quality or safety parameters of cannabis or cannabis products by accepted and/or accredited methods.

29. Illegal sale of ganja

Ganja or any part of the plant sold is illegal from persons without a CLA licence.

30. Approved ganja products

Ganja preparations that have been produced by licensed processors, must be approved by the Ministry of Health. Raw products to be sold are governed by the Cannabis Licensing Authority.

MEDICAL USE 31-33

31. Consuming Medical Ganja

Persons who require the use of ganja for medicinal purposes, can only do so if they have obtained a recommendation from a medical doctor certified to recommend ganja preparations and a medical card from the Ministry of Health.

32. Purchase of Medical Ganja

Medical ganja can only be purchased from a retailer licensed by the CLA.

33. Visitors Medical consumption of Ganja

Visitors to Jamaica may apply to the Ministry of Health for a permit to legally purchase and possess up to 2oz of medical ganja or ganja products for medical or therapeutic purposes. A fee is payable.

SACRAMENTAL USE 34-40

34. Decriminalization for sacramental use

Possession of ganja (by persons over 18) and cultivation on approved lands as a sacrament in adherence to the Rastafarian faith has been decriminalized.

35. Cultivating for Sacramental purposes

The appropriate permit for the cultivation, transport and use for sacramental purposes is managed by the Ministry of Justice.

36. Religious use of Ganja

The CLA does not have jurisdiction over religious use of ganja, or permits issued for events this remit falls to the Ministry of Justice.

37. Use of ganja at events

Events that are permitted to include the presence and consumption of ganja for sacramental will be issued a permit which outlines where at the event ganja may be consumed.

38. When can an event be declared exempt

For the observance and celebration of the Rastafarian faith.

39. Transporting Ganja for events with permits

If an event is issued a permit for the use of ganja for sacramental purposes, only the persons stated in the permit can transport ganja for the event, for specified amounts and specified dates.

40. Restrictions of sacramental event permits.

Permits granted for the use of ganja at events clearly outline restrictions related to the location, quantity, transport and authorized handlers. Any actions inconsistent with these restrictions are a breach of the permit and considered illegal.

THE CLA 41-45

41. The granting and issuing of licences

The Dangerous Drug (Amendment) Act gives the CLA the power to issue such licences, permits and authorizations, as may be appropriate, for the handling of hemp and marijuana (ganja) for medical, therapeutic or scientific purposes only.

42. What is the Cannabis Licensing Authority (CLA)

The CLA was created by the Dangerous Drugs Amendment Act (DDA 2015) for the purpose of enabling a lawful, regulated industry in ganja for medical, therapeutic and scientific purposes.

43. The Cannabis Licensing Authority (CLA) Board

CLA Board comprises of representatives from several MDAs including the Min. of Health, Justice, Finance, National Security and Attorney General's Chambers as well as Academia, Civil Society Groups and other non-government community.

based and faith based organizations. The Chairman of the National Council on Drug Abuse also sits as an ex-officio member of the Board.

44. Import & Export Regulations

Import and export regulations are currently being drafted by the CLA. Currently import and export of cannabis and its products are governed by the Ministry of Health.

45. Access to information

The CLA will maintain on its website, a list of all current licences issued, and updates pertaining to the development of the industry.

DRUG ABUSE 46-47

46. Underage intervention

Persons under 18 years of age who are found in possession of 2 ounces or less, are referred to the National Council on Drug Abuse for counselling.

47. Intervention for adults

Persons 18 years or older and found in possession of 2oz or less and appears to be dependent on ganja, will be referred to the National Council on Drug Abuse for counselling, in addition to having to pay the ticket.

SECURITY/INTEGRITY OF SYSTEM 48-51

48. Need for a CLA licence

Companies or individuals desirous of operating in Jamaica's medical ganja space must obtain a CLA licence regardless of any other product or premises approvals.

49. Movement of plants is tracked for integrity

A requirement for each licensed individual or entity, involves the use of a "track and trace" system, which tracks the movement of ganja plants from "seed to sale" to ensure no leakage to the illicit trade.

50. Closed loop system

A closed loop system means that persons/companies who are licensed to legally handle ganja, must only sell, purchase or transport goods to other licensed persons/ companies licensed by the CLA.

51. Proximity to schools

Cultivation sites may not be situated within 182 metres of any school

ALTERNATIVE DEVELOPMENT PROGRAMME 52-55

52. What is an Alternative Development Programme (AD programme)?

AD programmes have been adopted in several countries in which support is given for farmers of illegal crops to cultivate alternative crops which are legal.

53. Alternative Development Programme (AD programme) in Jamaica

In Jamaica the AD programme provides the opportunity for more inclusion of the traditional farmers and will entail community-based organizations/associations guiding and monitoring the establishment of ganja farms to cultivate for medical, scientific research and therapeutic purposes only.

54. Who manages Jamaica's AD programme?

The AD programme is managed by the Ministry of Industry, Commerce, Agriculture and Fisheries.

55. AD Pilot project

Cabinet has approved the inception of two pilot projects as a precursor of the AD programme. This will be monitored by a special AD Committee which includes representatives of island-wide Ganja Grower Associations.