

**BELIZE:**

**MISUSE OF DRUGS (AMENDMENT) BILL, 2021**

**ARRANGEMENT OF CLAUSES**

1. Short title.
2. Amendment of section 2.
3. Insertion of section 8A.
4. Insertion of Part VIA.
5. Insertion of section 53A.

**BELIZE:****BILL****for**

**AN ACT** to amend the Misuse of Drugs Act, Chapter 103 of the Substantive Laws of Belize, Revised Edition 2011; to establish licensing, registration and operational requirements for the cultivation, processing, distribution and delivery of cannabis products for adult use; to provide for the Minister to make regulations for the monitoring and enforcement of any Regulations to the Act; and to provide for matters connected therewith or incidental thereto.

*(Gazetted .....2021).*

*BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:*

1. This Act may be cited as the

Short title.

**MISUSE OF DRUGS (AMENDMENT) ACT, 2021,**

CAP. 103.  
47 of 2017.

and shall be read and construed as one with the Misuse of Drugs Act, which, as amended, is hereinafter referred to as the principal Act.

Amendment of  
section 2.

2. The principal Act is amended in section 2 by –

- (a) repealing the definition of cannabis and substituting the following–

““cannabis” includes any part of the plant of the *genus cannabis sativa*, any cannabis tissue culture, any resin obtained from that plant and any product of which such resin forms a base, but does not include–

- (a) medicinal preparation from that plant licensed or otherwise permitted under this Act; or

- (b) industrial hemp;” and

- (b) inserting the following new definitions in the appropriate alphabetical sequence–

“Cannabis Unity Project Licence” means a license issued under section 49E;

“Commission” means the Industrial Hemp and Cannabis Control Commission established under section 49A;

“consumption lounge” means an area designated in a restaurant issued a Restaurant Consumption Lounge Licence;

“Cultivation Licence” means a licence issued under section 49D;

“Delivery Licence” means a licence issued under section 49G;

“Dispensary Licence” means a licence issued under section 49F;

“Processing Licence” means a licence issued under section 49H;

“Restaurant Consumption Lounge Licence” means a licence issued under section 49I;

“Security Provider Licence” means a licence issued under section 49J;

**3.** The principal Act is amended by inserting the following new section immediately after section 8—

“Exception to the offence of possession or cultivation of cannabis.

**8A.** Notwithstanding sections 7 or 8, it shall not be an offence for a person to be in possession of cannabis or for a person to cultivate cannabis if that person is issued a Cannabis Program Identification Card or any licence under PART VIA.”.

**4.** The principal Act is amended by inserting after section 49, the following Part—

Insertion of Part VIA.

#### “PART VIA

##### *Authorization of Cannabis Use*

**49A.** There is established an Industrial Hemp and Cannabis Control Commission in the Ministry responsible for narcotics control to oversee the registration and licensing of activities under this Part.

(2) The Commission shall be comprised of not less than five but no more than seven experts, qualified in the narcotics industry, appointed by the Minister.

(3) The Minister may, as he deems necessary, remove any member of the Commission and appoint a replacement.

(4) The functions of the Commission shall be to—

- (a) review and approve licence applications;
- (b) develop a national cannabis marketing strategy;
- (c) issue licenses and identification cards;
- (d) inspect and oversee premises that have been issued a licence under this Part;
- (e) develop, design, manage, control and operate the Central Nursery.
- (f) staff and train qualified personnel for employment in the Central Nursery;
- (g) determine the quality of cannabis products to be cultivated, processed, sold and distributed in Belize;
- (h) develop a tracking system for all cannabis products;
- (i) ensure the safe distribution of cannabis products to consumers;
- (j) develop requirements for testing of cannabis; and
- (k) develop an annual budget for the Central Nursery.

Central Nursery.

**49B.**—(1) There is established a Central Nursery which shall be the national repository for cannabis.

- (2) The Central Nursery shall be located in Belmopan City.
- (3) The Central Nursery shall—
  - (a) be the only repository of cannabis seeds, seedlings and plants eligible for legalized use in Belize; and
  - (b) be opened for viewing and inspection by the public, as determined by the Commission.

Cannabis  
Program  
Identification  
Card.

**49C.**—(1) Every person who desires to possess cannabis for personal use shall apply to the Commission for a Cannabis Program Identification Card.

- (2) An application for a Cannabis Program Identification Card shall be made by a person eighteen years or older and be—
  - (a) in the prescribed form; and
  - (b) accompanied by—

- (i) a valid passport or Belize Social Security Card; and
- (ii) a non-refundable fee of—
  - (A) fifty dollars if the applicant is a citizen of Belize or a permanent resident of Belize; or
  - (B) of one hundred dollars if the applicant is not a citizen of Belize or a permanent resident of Belize.
- (3) A Cannabis Program Identification Card issued to—
  - (a) a citizen of Belize or permanent resident of Belize shall be valid for 24 months; and
  - (b) a person not a citizen of Belize or a permanent resident of Belize shall be valid for 12 months.
- (4) A person issued a Cannabis Program Identification Card shall—
  - (a) be allowed to purchase cannabis only from the Central Nursery or a dispensary licensed under section 49F;
  - (b) not be allowed to purchase more than two cannabis plants per household at any one given time;
  - (c) not be in possession of more than twenty eight grammes of cannabis product at any one given time;
  - (d) not sell, distribute or otherwise transfer any cannabis in that person's possession to any other person; and
  - (e) not group his cannabis plant with any other person in a single location to form a business or for any other purpose.
- (6) A person issued a Cannabis Program Identification Card who contravenes sub-section (5) commits an offence and is liable on summary conviction to a fine of one thousand dollars and a fine of five thousand dollars for any subsequent offence.

**49D.**—(1) Every person who desires to grow cannabis plants for commercial purposes in Belize shall apply in writing to the Commission for a Cultivation Licence.

Cultivation  
licence.

- (2) An application under sub-section (1) shall—
  - (a) be accompanied by the prescribed fee; and

- (b) provide a detailed business plan containing the following information—
  - (i) location of proposed operations;
  - (ii) listing of all necessary permits that will be sought to commence operations;
  - (iii) projected income statement and financial support and capabilities;
  - (iv) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;
  - (v) full disclosure of any individuals who have invested in or have any other financial interest in company;
  - (vi) full disclosure of any individuals who hold interests or rights arising under shared management companies, management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;
  - (vii) full background check and INTERPOL clearance of all identified interested parties for review and screening by the Commission; and
  - (viii) prior year tax return from all individuals and legal entities in ownership structure;
  - (ix) detailed security plan for all operations including live video surveillance with video feeds available to the Commission; and
  - (x) detailed energy efficiency plan for all operations.
- (3) The Commission shall grant a Cultivation Licence if—
  - (a) the applicant is eighteen years or older;
  - (b) at least one citizen of Belize is in the ownership structure and on the management team of the proposed business;
  - (c) all operating facilities are compliant with recognized Current Good Manufacturing Practices; and

(d) the applicant, to the satisfaction of the Commission, provides the information required under sub-section (2).

(4) A person issued a Cultivation Licence shall—

(a) be allowed to purchase cannabis only from the Central Nursery;

(b) be authorized to sell cannabis to a person holding a Dispensary License or Delivery Licence; and

(c) not be authorized to sell directly to consumers.

(5) A person issued a Cultivation Licence who contravenes sub-section (4) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and on conviction for a second offence, revocation of licence.

**49E.**—(1) Every person who desires to grow no more than four thousand square feet of cannabis plant shall apply in writing to the Commission for a Cannabis Unity Project licence.

Cannabis Unity  
Project licence.

(2) An application under sub-section (1) shall—

(a) be accompanied by the prescribed fee; and

(b) provide a detailed business plan containing the following information—

(i) location of proposed operations;

(ii) listing of all necessary permits that will be sought to commence operations;

(iii) projected income statement and financial support and capabilities;

(iv) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;

(v) full disclosure of any individuals who have invested in or have any other financial interest in company;

(vi) full disclosure of any individuals who hold interests or rights arising under shared management companies, management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;

- (vii) full background check and INTERPOL clearance of all identified interested parties for review and screening by the Commission; and
  - (viii) prior year tax return from all individuals and legal entities in ownership structure;
  - (ix) detailed security plan for all operations including live video surveillance with video feeds available to the Commission;
  - (x) detailed energy efficiency plan for all operations; and
- (c) proof of property not less than one-half acre to be used for the cultivation of cannabis;
- (3) The Commission shall grant a Cannabis Unity Project Licence if –
  - (a) the applicant is 18 years or older;
  - (b) at least one citizen of Belize is in the ownership structure and on the management team of the proposed business;
  - (c) all operating facilities are compliant with recognized Current Good Manufacturing Practices;
  - (d) the applicant lacks financing or is a member of an under-represented group; and
  - (e) the applicant, to the satisfaction of the Commission, provides the information required under sub-section (2).
- (4) A Cannabis Unity Project licence shall–
  - (a) only allow a person to cultivate up to four thousand square feet of cannabis; and
  - (b) not be issued for operation in the same geographic zone as a cultivation facility.
- (5) A person issued a Cannabis Unity Project Licence shall–
  - (a) be allowed to purchase cannabis only from the Central Nursery;
  - (b) be authorized to sell cannabis to a person holding a Dispensary License or Delivery Licence;
  - (c) not be authorized to sell directly to consumers; and



(d) not enter into any joint venture with another licence holder.

(6) A person issued a Cannabis Unity Project Licence who contravenes sub-section (5) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and on conviction for a second offence, revocation of licence.

**49F.**—(1) Every person who desires to store, market and otherwise sell cannabis shall apply in writing to the Commission for a Dispensary Operation Licence.

Dispensary  
Operation  
Licence.

(2) An application under sub-section (1) shall—

- (a) be accompanied by the prescribed fee; and
- (b) provide a detailed business plan containing the following information—
  - (i) product and services to be offered;
  - (ii) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;
  - (iii) full disclosure of any individuals who have invested in or have any other financial interest in company;
  - (iv) full disclosure of any individuals who hold interests or rights arising under shared management companies, management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;
  - (v) background check and INTERPOL clearance of all identified interested parties for review and screening by the Commission; and
  - (vi) prior year tax return from all individuals and legal entities in ownership structure;
  - (vii) detailed marketing and sales plan, including pricing strategy;
  - (viii) proposal for providing cannabis products to consumers with hardship, charity care or medical needs;
  - (ix) detailed security plan for all operations including live video surveillance with video feeds available to the Commission; and

(x) detailed energy efficiency plan for all operations.

(3) In considering the grant of a Dispensary Licence the Commission shall take into account the market demand, geography and any other relevant factors.

(4) The Commission shall grant a Dispensary Licence if –

- (a) the applicant is 18 years or older;
- (b) at least one citizen of Belize is in the ownership structure and on the management team of the proposed business;
- (c) all operating facilities are compliant with recognized Current Good Manufacturing Practices; and
- (d) the applicant, to the satisfaction of the Commission, provides the information required under sub-section (2).

(5) A person issued a Dispensary Licence shall be allowed to purchase cannabis only from the Central Nursery.

(6) A person issued a Cannabis Unity Project Licence who contravenes sub-section (5) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and on conviction for a second offence, revocation of licence.

Delivery  
Licence.

**49G.**–(1) Every person who desires to deliver cannabis for any licence holder under this Part shall apply in writing to the Commission for a Delivery Licence.

(2) An application under sub-section (1) shall–

- (a) be accompanied by the prescribed fee; and
- (b) provide a detailed business plan containing the following information–
  - (i) products and services to be offered;
  - (ii) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;
  - (iii) full disclosure of any individuals who have invested in or have any other financial interest in company;
  - (iv) full disclosure of any individuals who hold interests or rights arising under shared management companies,

management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;

- (v) full background check and INTERPOL clearance of all identified interested parties for review and screening by the Commission;
- (vi) prior year tax return from all individuals and legal entities in ownership structure;
- (vii) detailed marketing and sales plan, including pricing strategy;
- (viii) proposal for providing cannabis products to consumers with hardship, charity care or medical needs;
- (ix) detailed security plan for storage and transportation of cannabis products;
- (x) detailed delivery plan, including information regarding transportation fleet, employee hiring and screening procedure, tracking of all cannabis products and tracking of all sales and experience in local delivery of goods and services; and
- (xi) detailed energy efficiency for all operations.

(3) In considering the grant of a Delivery Licence the Commission shall take into account the market demand, geography and any other relevant factors.

(4) The Commission shall grant a Delivery Licence if—

- (a) the applicant is 18 years or older;
- (b) that at least one citizen of Belize is in the ownership structure and on the management team of the proposed business;
- (c) the applicant, to the satisfaction of the Commission, provides the information required under sub-section (2).

(5) A person issued a Delivery Licence shall—

- (a) be allowed to purchase cannabis only from the Central Nursery; and

- (b) not sell more than ten grammes of cannabis flower or one hundred milligrammes of consumable cannabis by-products per day to any one person.

(6) A person issued a Delivery Licence who contravenes sub-section (5) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and on conviction for a second offence, revocation of licence.

Processing  
Licence.

**49H.**—(1) Every person who desires to process cannabis for cannabis edibles, cannabis extracts, cannabis oils or any other prescribed purpose shall apply in writing to the Commission for a Processing Licence.

(2) An application under sub-section (1) shall—

- (a) be accompanied by the prescribed fee; and
- (b) provide a detailed business plan containing the following information—
  - (i) products and services to be offered;
  - (ii) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;
  - (iii) full disclosure of any individuals who have invested in or have any other financial interest in company;
  - (iv) full disclosure of any individuals who hold interests or rights arising under shared management companies, management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;
  - (v) full background check and INTERPOL clearance of all identified interested parties for review and screening by the Commission;
  - (vi) prior year tax return from all individuals and legal entities in ownership structure;
  - (vii) detailed processing operations plan that guarantees no use of compressed or flammable gas as a solvent in any solvent extraction process, manufacturing or for any other purpose;

- (viii) detailed safety and compliance plan for all processing operations;
  - (ix) detailed marketing and sales plan, including pricing strategy;
  - (x) proposal for providing cannabis products to consumers with hardship, charity care or medical needs;
  - (xi) detailed security plan for all operations including live video surveillance with video feeds available to the Commission; and
  - (xii) detailed energy efficiency plan for all operations.
- (3) The Commission shall grant a Processing Licence if—
- (a) the applicant is 18 years or older;
  - (b) at least one citizen of Belize is in the ownership structure and on the management team of the proposed business;
  - (c) all operating facilities are compliant with recognized Current Good Manufacturing Practices; and
  - (d) the applicant, to the satisfaction of the Commission, provides the information required under sub-section (2).

(4) A person issued a Processing Licence shall be allowed to purchased cannabis only from the Central Nursery.

(5) A person issued a Processing Licence who contravenes sub-section (4) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and on conviction for a second offence, revocation of licence.

**49L.**—(1) Every holder of a restaurant licence who desires to sell cannabis and infused cannabis food and drinks for consumption in a consumption lounge shall apply in writing to the Commission for a Restaurant Consumption Lounge Licence.

Restaurant  
Consumption  
Lounge Licence.

- (2) An application under sub-section (1) shall—
- (a) be accompanied by the prescribed fee;
  - (b) provide a detailed business plan containing the following information—
    - (i) products and services to be offered;

- (ii) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;
- (iii) full disclosure of any individuals who have invested in or have any other financial interest in company;
- (iv) full disclosure of any individuals who hold interests or rights arising under shared management companies, management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;
- (v) full background check of all interested parties for review and screening by the Commission;
- (vi) prior year tax return from all individuals and legal entities in ownership structure;
- (vii) detailed plan for the use of cannabis products in the restaurant operations; and
- (viii) detailed energy efficiency plan for all operations;
- (c) provide a description of the area of the restaurant to be designated as the consumption lounge, including the facilities for proper ventilation of the designated area;
- (d) provide an operating plan which specifies the operating time of the consumption lounge;
- (e) provide a compliance plan which sets out the procedures to ensure that the restaurant complies with applicable laws;
- (f) provide a social host responsibility plan which sets out the procedures to ensure that the restaurant monitors consumption of patrons in a consumption lounge and maintains the safety of patrons in a consumption lounge; and
- (g) provide a detailed security plan for the consumption lounge including employment of qualified security personnel.

(3) In considering the grant of a Restaurant Consumption Licence the Commission shall take into account the market demand, geography and any other relevant factors.

(4) The Commission shall grant a Restaurant Consumption Lounge Licence if–

- (a) the holder of the restaurant licence is 18 years or older; and
  - (b) at least one citizen of Belize is in the ownership structure and on the management team of the applicable restaurant; and
  - (c) the holder of the restaurant licence, to the satisfaction of the Commission, provides the information required under sub-section (2).
- (5) A person issued a Restaurant Consumption Lounge Licence shall—
  - (a) only sell cannabis to persons in possession of a Cannabis Program Identification Card;
  - (b) ensure that persons use the consumption lounge for no more than two hours;
  - (c) only purchase cannabis from a person with a valid Dispensary Licence;
  - (d) not sell cannabis products during the hours of 2:00 a.m. and 6:00 a.m. of the following morning; and
  - (e) not, within a twenty four period, sell to any one patron any food or beverage containing more than 20 milligrams of cannabis.
- (6) A person issued a Restaurant Consumption Lounge Licence who contravenes sub-section (5) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and on conviction for a second offence, revocation of licence.

**49J.**—(1) Every person who desires to provide security services to any holder of a licence under this Part shall apply in writing to the Commission for a Security Provider Licence.

Security  
Provider  
Licence.

- (2) An application under sub-section (1) shall—
  - (a) be accompanied by the prescribed fee;
  - (b) provide a detailed business plan containing the following information—
    - (i) products and services to be offered;
    - (ii) full disclosure of any individuals who have or will have managing or operational control with respect to the applicant's operations and facilities;

- (iii) full disclosure of any individuals who have invested in or have any other financial interest in company;
  - (iv) full disclosure of any individuals who hold interests or rights arising under shared management companies, management agreements, or other agreements that afford a third-party management or operational control with respect to the applicant's company, its operations or the related facilities;
  - (v) full background check and INTERPOL clearance of all interested parties for review and screening by the Commission;
  - (vi) prior year tax return from all individuals and legal entities in ownership structure;
  - (vii) proof of previous presence in the security industry.
- (3) The Commission shall grant a Security Provider Licence if—
- (a) the applicant is 18 years or older;
  - (b) that at least one citizen of Belize is in the ownership structure and on the management team of the proposed business; and
  - (c) the applicant, to the satisfaction of the Commission, provides the information required under sub-section (2).

Requirement of  
licence holders.

**49K.** Every person issued a licence under this Part shall—

- (a) other than a person issued a Security Provider Licence, employ a security officer from a security service provider licensed under section 49I;
- (b) keep a record of sale activities;
- (c) every three months, provide the Commission with a report of sale activities.

Conditions on  
licence.

**49L.—(1)** The Commission shall impose as a condition of every licence that the licensed activity shall not take within a mile of an educational institution or a residential area.

(2) The Commission may impose such other conditions on any licence issued under this Part as the Commission considers appropriate.

Renewal of  
licence. |

**49M.** The Commission shall renew licences annually on satisfaction of established requirements under this Part.



- 49N.** The Commission reserves the right to request information from a license holder and review any aspects of the operations for compliance with the requirements under this Part. Request for information.
- 49O.** The Commission may suspend or revoke any license for non-compliance with the requirements under this Part. Suspension or revocation.
- 49P.**—(1) A person may apply to the Commission for permission to transfer a licence to another person. Transfer of licence.
- (2) A licence shall not be sold, assigned, leased, acquired or otherwise transferred except with the approval of the Commission.
- (3) A person who proposes to transfer a licence to another person without approval from the Commission may have their licence revoked.
- 49Q.** Officers authorized by the Commissioner of Police shall burn or otherwise destroy any cannabis that not in compliance with prescribed testing requirements or that is cultivated, processed or distributed in contravention of this Act. Destruction of cannabis.
- 49R.**—(1) Subject to any other law, a foreign investor's capital contributions, profit, capital gains, income from asset disposals, royalties from intellectual property rights, lawfully obtained compensation or indemnity, and proceeds from liquidation, obtained under this Part may be freely remitted in or out of Belize under any preferred currency. Foreign investment.
- (2) A foreign investors under this Part will enjoy preferential benefits in the sectors covered under this Act, including—
- (a) customs duty exemptions on equipment imported for use;
  - (b) a preferential enterprise income tax rate of 15% for foreign invested enterprises in the cannabis industry; and
  - (c) other rights as determined by the Commission.
- 49S.** The Commission may make regulations prescribing any of the following—
- (a) the criteria for the review and approval of licence applications;
  - (b) the fees for applications and licences;
  - (c) the issuance and conditions of licences for testing of cannabis activities licensed under this Part;
  - (d) the process for national inspection and oversight of licensed activities;

- (e) delineating geographic zones for the location of all cultivation operations;
- (f) delineating geographic zones that will be used to determine location of dispensaries;
- (g) establishing the specifications of a cultivation facility;
- (h) establishing the criteria for product testing and compliance;
- (i) access to cannabis for medical purposes;
- (j) establishing a system for tracking sales activities;
- (k) the development, design, management, control and operation of the Central Nursery; or
- (l) any other matter prescribed or required to give effect to this Part.

Insertion of  
section 53A.

**5.** The principal Act is amended by inserting after section 53, the following section—

“Power to make  
regulations for  
regulating the  
use of industrial  
hemp.

**53A.** The Minister may make regulations for prescribing—

- (a) the functions and powers of any unit identified within Belize to monitor, enforce and ensure compliance with regulations made under this section;
- (b) approved uses of industrial hemp;
- (c) the regulation of matters relating to the research, cultivation, processing, importation, exportation or transportation of industrial hemp;
- (d) the issue and conditions of licences;
- (e) the functions of officers acting in the administration of this Act; or
- (f) any matter that by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.”.