REPUBLIC OF VANUATU

INDUSTRIAL HEMP AND MEDICAL CANNABIS ACT NO. 31 OF 2021

Medical Cannabis Regulation Order No. 17 of 2023

Arrangement of clauses

PART 1 PRELIMINARY MATTERS

1 Definitions....3

PART 2 ZONING OF CULTIVATION SITES

2 Zoning of cultivation sites....4

PART 3 CULTIVATION PROCESS

3 Cultivation process....5

PART 4 HARVESTING PROCESS

4 Harvesting process....6

5 Record keeping....6

6 Packaging and labelling....6

7 Domestic transportation....7

PART 5 PROCESS FOR IMPORTING CANNABIS SEEDS AND OTHER GENETIC MATERIALS

8 Cultivation and production plan....8

9 Importation of Cannabis seeds and other genetic materials....8

PART 6 PROCESSING AND MANUFACTURING OF SUBSTANCES AND MATERIALS FROM MEDICAL CANNABIS

10 Processing and manufacturing of substances and materials from medical cannabis 9
11 Packaging and labelling of substances and materials from Medical Cannabis 9

PART 7 USE OF SUBSTANCES AND MATERIALS FROM MEDICAL CANNABIS

12 Use of substances and materials from Medical Cannabis 10
13 Waste Management 10

PART 8 TESTING AND VERIFYING EXPORT PRODUCTS

14 Testing for THC and CBD concentrations 11

PART 9 MISCELLANEOUS PROVISIONS

15 Disclosure of confidential information 12
16 Obligation to inform enforcement officer 12
17 Commencement 12

REPUBLIC OF VANUATU

INDUSTRIAL HEMP AND MEDICAL CANNABIS ACT NO. 31 OF 2021

Medical Cannabis Regulation Order No. 17 of 2023

In exercise of the powers conferred on me by section 26 of the Industrial Hemp and Medical Cannabis Act No. 31 of 2021, I, the Honourable NAKO IANATOM NATUMAN, Minister of Agriculture, Livestock, Fisheries, Forestry and Biosecurity, on the advice of the Committee, make the following Regulation.

PART 1 PRELIMINARY MATTERS

1 Definitions

In this Regulation, unless the context otherwise requires:

Act means the Industrial Hemp and Medical Cannabis Act No. 31 of 2021;

Bureau of Standards means the Bureau of Standards established under section 10 of the Bureau of Standards Act No. 14 of 2016;

Committee means the Industrial Hemp and Medical Cannabis Advisory Committee established under section 3 of the Act;

licensee means a person who is issued with a licence under section 14 of the Act;

product means any medical or therapeutic product produced for export with Medical Cannabis that is either:

(a) dried; or

(b) contains 1 or more cannabis-based products including products in a pharmaceutical dosage form;

PART 2 ZONING OF CULTIVATION SITES

2 Zoning of cultivation sites

(1) The zoning of a cultivation site for Medical Cannabis is on the islands of Santo, Malekula and Efate.

(2) The cultivation site must:

(a) have an agricultural lease title; and

(b) be 500 metres from other Medical Cannabis or Industrial Hemp farming activities and any public roads; and

(c) be 1 kilo metre away from any residential areas.

(3) The cultivation site must not be developed on the following areas:

(a) a conservation area; and

(b) a water catchment area; and

(c) a taboo area.

PART 3 CULTIVATION PROCESS

3 Cultivation process

(1) The cultivation of Medical Cannabis must be carried out indoors and within a secured environment that is protected from unauthorized person or animals.

(2) A licensee must:

(a) take all reasonable measures to ensure that any Medical Cannabis plant material is restricted to the licensed area; and

(b) inform enforcement officers of when a seed is sown; and

(c) install security camera surveillance on the property, both externally and internally in any buildings; and

(d) ensure that there is a security fencing of at least 3 metres high, with the following specifications:

(i) chain-link fencing which include razor-wire along the top and bottom of the fencing; or

(ii) electrical wiring surrounding the property with an appropriate warning notice; and

(e) ensure that the type of cropping system used is monocropping; and

(f) ensure that the use of chemical pesticides and fertilizer in the cultivation site are prohibited; and

(g) ensure that a warning notice is placed on a sign post to indicate that the area is a restricted zone.

PART 4 HARVESTING PROCESS

4 Harvesting process

(1) The harvesting of Medical Cannabis must be carried out prior to seeding of crop by a licensee with the supervision of enforcement officers.

(2) The licensee must notify the enforcement officer in writing prior to harvesting on the following:

(a) particular plant type; and

(b) purpose of the product; and

(c) harvesting method; and

(d) timeline of harvesting; and

(e) the volume of plants or plant materials to be harvested.

(3) The licensee must notify the enforcement officer of any change on the expected harvest timeline.

5 Record keeping

A licensee must keep a record of harvesting data that includes:

(a) the date of the harvest; and

(b) the volume and the type of plant harvested; and

(c) the details of wastage or spoilage of the plant material; and

(d) the volume and type of plant material and disposal method used.

6 Packaging and labelling

(1) The licensee must ensure that the harvested product is packaged and labelled before transporting for processing or manufacturing.

(2) The packaging and labelling under subclause (1), must include the following:

(a) cultivation site of the product; and

(b) name of the licensee.

(3) All used packaging material must be destroyed once domestic transportation is complete.

7 Domestic transportation

(1) For the purposes of subclauses (7) and (8), **domestic transportation** means the transportation of harvested products of Medical Cannabis by land and air but does not include transportation by sea.

(2) The domestic transportation of harvested products must be accompanied by an enforcement officer.

PART 5 PROCESS FOR IMPORTING CANNABIS SEEDS AND OTHER GENETIC MATERIALS

8 Cultivation and production plan

(1) A licensee must provide a cultivation and production plan to the Committee.

(2) The plan under subclause (1) must include the volume of production expected from the cultivation.

(3) The Committee may approve the licensee to import Cannabis seeds and other genetic material if the Committee is satisfied with the plan.

9 Importation of Cannabis seeds and other genetic materials

(1) A licensee must provide evidence of the source and authenticity of imported Cannabis seeds or other genetic material.

(2) The importation of Cannabis seeds and other genetic materials must be imported from an approved supplier as required under the Plant Protection Act [CAP 239].

PART 6 PROCESSING AND MANUFACTURING OF SUBSTANCES AND MATERIALS FROM MEDICAL CANNABIS

10 Processing and manufacturing of substances and materials from Medical Cannabis

(1) The processing and manufacturing of substances and materials from Medical Cannabis must be carried out in a secured environment.

(2) A licensee must provide the following to the Committee:

(a) a risk assessment plan; and

(b) a physical site security plan; and

(c) a list of all employees; and

(d) a staff management plan; and

(e) a third party arrangement plan; and

(f) a waste management plan.

11 Packaging and labelling of substances and materials from Medical Cannabis

(1) An enforcement officer must supervise all packaging processes to ensure that the packaged product is secured and reflects the transportation manifest list.

(2) The packaging and labelling must comply with the labelling based on the codex standard.

(3) The licensee must provide a packaging plan to the Committee, detailing all forms of packaging material and packaging procedures to be used for product to be exported.

PART 7 USE OF SUBSTANCES AND MATERIALS FROM MEDICAL CANNABIS

12 Use of substances and materials from Medical Cannabis

The use of substances and materials from Medical Cannabis must only be used for the following purposes:

(a) export; and

(b) medical; and

(c) therapeutic.

13 Waste Management

(1) A licensee must develop a waste management plan that includes a waste disposal.

(2) The licensees must ensure that any plants or plant materials that are required to be destroyed does not pose any health or safety risk.

(3) The licensee is responsible for any costs incurred during the waste management process, and includes any waste generated during production, processing and manufacturing.

(4) All unused plant material must be disposed and destroyed under the supervision of an enforcement officer in accordance with the waste management plan under subclause (1).

PART 8 TESTING AND VERIFYING EXPORT PRODUCTS

14 Testing for THC and CBD concentrations

(1) For the purposes of this clause:

CDB means cannabinoid;

THC means Delta-9 tetrahydrocannabinol.

(2) A licensee must provide test results from the testing of Medical Cannabis products for THC and CBD concentration by an accredited lab to the Committee.

(3) The Committee must provide the test result to the Bureau of Standards for verification.

(4) The Bureau of Standards is to inform the Committee of the verification that is being carried out.

(5) The Committee must instruct an enforcement officer to destroy the Medical Cannabis product if the verification does not meet the required standards.

PART 9 MISCELLANEOUS PROVISIONS

15 Disclosure of confidential information

(1) A member of the Committee, an enforcement officer and an employee under this Regulation must not disclose any information obtain during the course of his or her appointment or employment.

(2) A licensee must not disclose any information obtain during the period of the license.

(3) Despite subclauses (1) and (2), a member of the Committee, an enforcement officer, an employee, or a licensee may disclose any information if that information:

(a) is to be disclosed under any provision of this Regulation, the Act or any other Act; or

(b) is a matter of public interest; or

(c) is required or authorised by a Court.

16 Obligation to inform enforcement officer

A licensee must inform an enforcement officer immediately of any breach under the Act or this Regulation.

17 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 08 **day of** 02 **, 2023.**

REPUBLIC OF VANUATU
MINISTER OF AGRICULTURE, LIVESTOCK, FORESTRY, FISHERIES & BIO-SECURITY
REPUBLIQUE DE VANUATU

Honourable NAKO IANATOM NATUMAN
Minister of Agriculture, Livestock, Fisheries, Forestry and Biosecurity