

# **REPUBLIC OF VANUATU**

## **BILL FOR THE INDUSTRIAL HEMP AND MEDICAL CANNABIS (AMENDMENT) ACT NO.      OF 2024**

### **Explanatory Note**

This Bill amends the Industrial Hemp and Medical Cannabis Act No. 31 of 2021 (“the Act”).

The Bill provides for a new permit system which is necessary for the Government to properly monitor the importation, cultivation, harvesting, use in manufacturing and exportation of industrial hemp and medical cannabis.

Under this new permit system, each time a licensee intends to import, cultivate, harvest, use in manufacturing or export industrial hemp or medical cannabis, that licensee must apply for a permit.

The Bill will assist the Government to better implement the provisions of this Act and will further allow Government to regulate each stage that the licensee uses industrial hemp or medical cannabis in Vanuatu.

The Bill will generate further revenue for the Government.

**Minister of Agriculture, Livestock, Forestry, Fisheries and Biosecurity**



**REPUBLIC OF VANUATU**

**BILL FOR THE  
INDUSTRIAL HEMP AND MEDICAL CANNABIS  
(AMENDMENT)  
ACT NO.        OF 2024**

**Arrangement of Sections**

<b>1</b>	<b>Amendment .....</b>	<b>2</b>
<b>2</b>	<b>Commencement.....</b>	<b>2</b>

# REPUBLIC OF VANUATU

## **BILL FOR THE INDUSTRIAL HEMP AND MEDICAL CANNABIS (AMENDMENT) ACT NO. OF 2024**

An Act to amend the Industrial Hemp and Medical Cannabis Act No. 31 of 2021.

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Industrial Hemp and Medical Cannabis Act No. 31 of 2021 is amended as set out in the Schedule.

### **2 Commencement**

This Act commences on the day on which it is published in the Gazette.

## SCHEDULE

### AMENDMENTS OF INDUSTRIAL HEMP AND MEDICAL CANNABIS ACT NO. 31 OF 2021

#### 1 After Part 3

Insert

#### “PART 3A PERMITS

##### Division 1 Preliminary

###### 19A Definition

For the purpose of this Part, **Director General** means the Director General of the Ministry of Agriculture;

##### Division 2 Import of Planting Materials Permit

###### 19B Application

- (1) A licensee must apply to the Director General for an Import of Planting Materials Permit before importing Industrial Hemp or Medical Cannabis planting material.
- (2) The application must be:
  - (a) in the prescribed form; and
  - (b) accompanied with the prescribed fee.

###### 19C Consideration of applications

- (1) The Director General must, within 7 working days of receiving an application, consider the application.
- (2) In considering an application, the Director General must be satisfied that the licensee has satisfied the prescribed requirements in relation to an Import of Planting Materials Permit.

**19D Granting of Import of Planting Material Permit**

- (1) If the Director General is satisfied that the licensee has satisfied the prescribed requirements, the Director General must grant an Import of Planting Materials Permit to the licensee.
- (2) The Director General may impose conditions on an Import of Planting Materials Permit.
- (3) The permit is valid for a period determined by the Director General.
- (4) In determining the period under subsection (3), the Director General must consider the process for importing the planting materials referred to in the licensee's application.

**Division 3 Cultivation Permit**

**19E Application**

- (1) A licensee must apply to the Director General for a Cultivation Permit before cultivating Industrial Hemp and Medical Cannabis.
- (2) The application must be:
  - (a) in the prescribed form; and
  - (b) accompanied with the prescribed fee.

**19F Consideration of applications by the Director General**

- (1) The Director General must, within 7 working days of receiving an application, consider the application.
- (2) In considering an application, the Director General must be satisfied that the licensee has satisfied the prescribed requirements in relation to a Cultivation Permit.

**19G Granting of Cultivation Permit**

- (1) If the Director General is satisfied that the licensee has satisfied the prescribed requirements, the Director General must grant a Cultivation Permit to the licensee.

- (2) The Director General may impose conditions on a Cultivation Permit.
- (3) The permit is valid for a period determined by the Director General as is necessary for the cultivation of Industrial Hemp or Medical Cannabis referred to in the licensee's application.

#### **Division 4 Harvesting permit**

##### **19H Application**

- (1) A licensee must apply to the Director General for a Harvesting Permit before harvesting Industrial Hemp and Medical Cannabis.
- (2) The application must be:
  - (a) in the prescribed form; and
  - (b) accompanied with the prescribed fee.

##### **19I Consideration of applications by the Director General**

- (1) The Director General must, within 7 working days of receiving an application, consider the application.
- (2) In considering an application, the Director General must be satisfied that the licensee has satisfied the prescribed requirements in relation to a Harvesting Permit.

##### **19J Granting of Harvesting Permit**

- (1) If the Director General is satisfied that the licensee has satisfied the prescribed requirements, the Director General must grant a Harvesting Permit to the licensee.
- (2) The Director General may impose conditions on a Harvesting Permit.
- (3) The permit is valid for the period determined by the Director General as is necessary for the harvesting of Industrial Hemp or Medical Cannabis referred to in the licensee's application.

## **Division 5 Manufacturing Permit**

### **19K Application**

- (1) A licensee must apply to the Director General for a Manufacturing Permit before using Industrial Hemp or Medical Cannabis for manufacture.
- (2) The application must be:
  - (a) in the prescribed form; and
  - (b) accompanied with the prescribed fee.

### **19L Consideration of applications by the Director General**

- (1) The Director General must, within 7 working days of receiving an application, consider the application.
- (2) In considering an application, the Director General must be satisfied that the licensee has satisfied the prescribed requirements in relation to a Manufacturing Permit.

### **19M Granting of Manufacturing Permit**

- (1) If the Director General is satisfied that the licensee has satisfied the prescribed requirements, the Director General must grant a Manufacturing Permit to the licensee.
- (2) The Director General may impose conditions on a Manufacturing Permit.
- (3) The permit is valid for a period determined by the Director General as is necessary for the manufacturing of Industrial Hemp or Medical Cannabis referred to in the licensee's application.

## **Division 6 Export Permit**

### **19N Application**

- (1) A licensee must apply to the Director General for a permit before exporting:
  - (a) Industrial Hemp or Industrial Hemp products; or

- (b) Medical Cannabis or Medical Cannabis products.
- (2) The application must be:
- (a) in the prescribed form; and
  - (b) accompanied with the prescribed fee.

**19O Consideration of applications by the Director General**

- (1) The Director General must, within 7 working days of receiving an application, consider the application.
- (2) In considering an application, the Director General must be satisfied that the licensee has satisfied the prescribed requirements in relation to the Export Permit.

**19P Granting of Export Permit**

- (1) If the Director General is satisfied that the licensee has satisfied the prescribed requirements, the Director General must grant an Export Permit to the licensee.
- (2) The Director General may impose conditions on an Export Permit.
- (3) The permit is valid for a period determined by the Director General as is necessary for the export referred to in the licensee's application.

**19Q Annual Reporting to the Minister**

The Director General must, within 3 months after the end of each financial year, provide a report to the Minister detailing the number of applications processed, approved, and rejected within that financial year.”

**2 After subsection 23(1)**

Insert

“(1A) A person must not:



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AMENDMENTS OF INDUSTRIAL HEMP AND MEDICAL CANNABIS ACT NO. 31 OF 2021

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- (a) import Industrial Hemp or Medical Cannabis planting materials without a valid Import of Planting Materials Permit granted under subsection 19D (1); and
- (b) cultivate Industrial Hemp and Medical Cannabis without a valid Cultivation Permit granted under subsection 19G (1); and
- (c) harvest Industrial Hemp or Medical Cannabis without a valid Harvesting Permit granted under subsection 19J (1); and
- (d) use Industrial Hemp or Medical Cannabis in manufacturing without a valid Manufacturing Permit granted under subsection 19M (1); and
- (e) export Industrial Hemp, Industrial Hemp products, Medical Cannabis or Medical Cannabis products without a valid Export Permit granted under subsection 19P (1).”

**3 Subsection 24(1)**

After “23(1)”, insert “or (1A)”

**4 Paragraph 26(2)(h)**

Delete “.”, substitute “;

- (i) to prescribe fees for inspection services.”