



## MISUSE OF DRUGS (CANNABIS) REGULATIONS 2020

### Index

Regulation	Page
<b>PART 1 – INTRODUCTION</b>	<b>3</b>
1 Title .....	3
2 Commencement .....	3
3 Interpretation.....	3
<b>PART 2 – LICENCES</b>	<b>5</b>
4 Licences to produce etc. drugs in Schedule 1 .....	5
5 Cultivation under licence of cannabis plant .....	5
<b>PART 3 – PRESCRIBED FEES</b>	<b>5</b>
6 Prescribed Fees.....	5
<b>PART 4 – CONSEQUENTIAL AMENDMENTS</b>	<b>6</b>
7 Amendment of the Misuse of Drugs (Miscellaneous Enactments (Application) Order 2013.....	6
<b>SCHEDULE 1</b>	<b>9</b>
CONTROLLED DRUGS REFERRED TO IN REGULATION 4	9
<b>SCHEDULE 2</b>	<b>10</b>
FIRST YEAR FEES	10
<b>SCHEDULE 3</b>	<b>12</b>
ANNUAL FEES (OTHER THAN FIRST YEAR)	12



Statutory Document No. 2020/0581



*Misuse of Drugs Act 1976*

## MISUSE OF DRUGS (CANNABIS) REGULATIONS 2020

*Approved by Tynwald:*

*Coming into operation in accordance with regulation 2*

The Isle of Man Gambling Supervision Commission, after consultation with the Advisory Council on the Misuse of Drugs<sup>1</sup>, makes the following Regulations under sections 7, 10, 22, 30, 31, 33 and 38 of the Misuse of Drugs Act 1976<sup>2</sup>.

### PART 1 – INTRODUCTION

#### 1 Title

These Regulations are the Misuse of Drugs (Cannabis) Regulations 2020.

#### 2 Commencement

If approved by Tynwald, these Regulations come into operation on the day after they have been approved by Tynwald<sup>3</sup>.

#### 3 Interpretation

(1) In these Regulations—

“**the Act**” means the Misuse of Drugs Act 1976;

“**cannabis biomass**” means harvested cannabis plant material;

“**cannabis-derived product**” means a substance or compound which is separated, created, distilled, isolated, drawn, or in any other way derived, from a preparation or a combination of a preparation and another substance;

<sup>1</sup> Under section 31(2) of the Misuse of Drugs Act 1976 the Isle of Man Gambling Supervision Commission shall not make any regulations under that Act except after consultation with the Advisory Council.

<sup>2</sup> Sections 7, 10, 22, 30, 31, 33 and 38 of the Misuse of Drugs Act 1976 were amended by SD 2020/0547.

<sup>3</sup> Under section 31(3) of the Misuse of Drugs Act 1976 these Regulations shall not have effect until they have been approved by Tynwald.

“**controlled cannabinoids** means cannabinol, tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

“**cultivation**” means the act of raising cannabis plants and includes the pruning of cannabis plants, but excludes the harvesting of them;

“**extraction**” means any process that removes, separates or isolates cannabinoids from cannabis biomass, excluding the removal of plant parts for sale;

“**harvesting**”, in relation to cannabis, means all of the steps taken after cultivation, but before extraction, including (but not limited to) —

- (a) the cutting, trimming or removal of any cannabis plant material;
- (b) the grafting, division or transplant of a cannabis plant; and
- (c) the placing of a cannabis plant in a container for any purpose other than disposal;

“**high-THC cannabis**” means a cannabis plant in cultivation which contains greater than 0.2% THC content by reference to the mature plant;

“**indoors**”, in relation to the cultivation of cannabis, means the cultivation of cannabis inside a structure which —

- (a) has an impermeable floor;
- (b) is completely roofed and walled; and
- (c) has no more than 20% of its surface area constructed from glass, or which has another specification as agreed in writing by the Commission;

“**low-THC cannabis**” means a cannabis plant in cultivation which contains 0.2% or less THC content by reference to the mature plant;

“**manufacture**” of a cannabis-derived product, means any step taken after extraction that —

- (a) uses a preparation; or
- (b) creates a substance or compound,

by means of any process, including the refinement, distillation, purification or blending of one or more substances, at least one of which contains cannabinoids, but manufacture of a cannabis-derived product does not occur if cannabis biomass is a significant component of the process;

“**preparation**” means one or more substances or compounds which are created, distilled, isolated, drawn, or in any other way derived, from cannabis biomass excluding fibres, hemp hurds or any material that contains only traces of controlled cannabinoids;

“**pruning**” means an activity conducted during the period of cultivation and includes (but is not limited to) the cutting away of dead or overgrown branches or stems in order to—

- (a) encourage growth;
- (b) remove superfluous or unwanted parts; or
- (c) improve or maintain plant health; and

“THC” means tetrahydrocannabinol.

- (2) These Regulations are to be read with the Misuse of Drugs Regulations 2001<sup>4</sup> as they are applied to the Island<sup>5</sup> and in operation from time to time.

## PART 2 – LICENCES

### 4 Licences to produce etc. drugs in Schedule 1

Where any person is authorised by a licence of the Commission issued under this regulation and for the time being in force to produce, supply, offer to supply or have in his possession any drug specified in Schedule 1, it shall not by virtue of section 4(1) or 5(1) of the Act be unlawful for that person to produce, supply, offer to supply or have in his possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

### 5 Cultivation under licence of cannabis plant

Where any person is authorised by a licence of the Commission issued under this regulation and for the time being in force to cultivate plants of the genus *Cannabis*, it shall not by virtue of section 6 of the Act be unlawful for that person to cultivate any such plant in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

## PART 3 – PRESCRIBED FEES

### 6 Prescribed Fees

- (1) Where a licence of the Commission of any class is, under regulation 4 or 5 or section 3(2)(b) of the Act (restriction of importation and exportation of controlled drugs), issued to a person for the first time, the fee payable shall be the one specified for that class in the table in Schedule 2.

But this paragraph is subject to paragraphs (3) to (6).

- (2) Where a licence of the Commission of any class is, under regulation 4 or 5 or section 3(2)(b) of the Act, issued to a person who has already been issued with a licence of the same class, the fee payable shall be the one specified for that class in the table in Schedule 3.

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<sup>4</sup> SI 2001/3998.

<sup>5</sup> See SD 0310/13 as amended by SD 2016/0254 and SD 2020/0547.

- (3) Paragraph (4) applies where a licence of the Commission of any class is, under regulation 4 or 5 or section 3(2)(b) of the Act, issued to a person.
- (4) The fee payable is the lesser of F1 and F2.
- (5) In paragraph (4) —  
“F1” means the fee payable specified for that class of licence in the table in Schedule 2 or 3; and  
“F2” means £62,500 less F3.
- (6) In paragraph (5) “F3” means the licence fee, or the sum of the licence fees, payable by the person under this regulation in the immediately preceding period of 364 days.

## PART 4 – CONSEQUENTIAL AMENDMENTS

### 7 Amendment of the Misuse of Drugs (Miscellaneous Enactments (Application) Order 2013

- (1) The Misuse of Drugs (Miscellaneous Enactments (Application) Order 2013<sup>6</sup> is amended as follows.
- (2) In Article 8 (other modifications of the 2001 Regulations) —
  - (a) for paragraph (4A)<sup>7</sup> substitute —

<p>4A In regulation 6 —</p>	<p>(a) after paragraph (7)(d), insert—</p> <p>4A(da) an officer or employee of the Commission when acting in the course of his duty as such; 4A; and</p>
<p>(b) in paragraph (8), for “A to E of regulation 224 or 225 of the Human Medicines Regulations 2012”, substitute 4A subparagraphs (2)(a) to (e) or subparagraphs (4)(a) to (e) of article 8 of the Prescription Only Medicines (Human Use) Order 1997<sup>8</sup> 4A; 4A;</p>	
  - (b) omit paragraph (5A)<sup>9</sup>;
  - (c) after paragraph (9), insert —

<p>4A(9A) In regulation 19(3)(b), after “regulation 5” insert 4A or regulation 4 of the Misuse of Drugs (Cannabis) Regulations 2020<sup>10</sup>. 4A; 4A; and</p>	
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  - (d) for paragraph (14)<sup>11</sup> substitute —

<sup>6</sup> SD 0310/13.

<sup>7</sup> Paragraph (4A) was inserted by SD 2016/0254.

<sup>8</sup> SI 1997/1830 as applied to the Island by SD 11/05.

<sup>9</sup> Paragraph (5A) was inserted by SD 2020/0547.

<sup>10</sup> SD 2020/0581.

<sup>11</sup> Paragraph (14) was amended by SD 2020/0547.

(14) In regulation 27 –

(a) in paragraph (1) –

- (i) after “these Regulations” insert “or the Misuse of Drugs (Cannabis) Regulations 2020”;
- (ii) after “Department” insert “or the Commission”;  
and
- (iii) omit “or, subject to paragraph (1A), an accountable officer”;

(b) omit paragraph (1A); and

(c) in paragraph (2) after “these Regulations” insert “or the Misuse of Drugs (Cannabis) Regulations 2020”.

MADE



JON ALLEN

*Chairperson*



HOWARD CALLOW

*Member*

30/12/20



**SCHEDULE 1**

[Regulation 4]

**CONTROLLED DRUGS REFERRED TO IN REGULATION 4**

The drugs specified in this Schedule are the following substances and products—

- (a) Cannabinol;
- (b) Cannabis;
- (c) Cannabis resin;
- (d) Cannabis-based product for medicinal use in humans;
- (e) Tetrahydro derivatives of cannabinol; and
- (f) 3-alkyl homologues of cannabinol or of its tetrahydro derivatives.

## SCHEDULE 2

[Regulation 6(1)]

## FIRST YEAR FEES

Table

	<b>Cannabinoid licence class</b>	<b>Annual fee (£)</b>
All classes	Supply of any substance containing cannabinoids to the extent the supply occurs to put cannabinoids beyond use for consumption by humans or other animals.	nil
1	<b>Licence for low-THC cultivation without use</b> Cultivation and harvest of female-only low-THC cannabis. Possession involving the transportation and storage of cannabis biomass from low-THC cannabis.	500
2	<b>Licence for low-THC cannabis cultivation with use</b> Cultivation and harvest of female-only low-THC cannabis. Possession involving the transportation and storage of cannabis biomass from low-THC cannabis. Supply (and offering to supply) low-THC cannabis and cannabis biomass from low-THC cannabis.	10,000
3	<b>Licence for high-THC cannabis cultivation</b> Cultivation and harvest of female-only high-THC cannabis cultivated indoors. Possession involving the storage of cannabis and cannabis biomass. Supply (and offering to supply) high-THC cannabis and cannabis biomass from high-THC cannabis.	45,000
4	<b>Licence for cultivation of cannabis using male plants</b> Cultivation and harvest of male and female cannabis cultivated indoors for research purposes only. Supply (and offering to supply) high-THC cannabis.	20,000
5	<b>Licence for transportation and storage</b> Possession of cannabis involving the transportation and storage of— (a) cannabis biomass from high-THC cannabis; (b) a preparation — (i) containing controlled cannabinoids; or (ii) extracted from cannabis biomass; (c) high THC-cannabis; and (d) a cannabis-derived product.	5,000
6	<b>Licence for extraction</b> Production of cannabis involving — (a) the processing of cannabis biomass; or (b) the extraction from cannabis biomass of a preparation that contains cannabinoids.	22,500

	<b>Cannabinoid licence class</b>	<b>Annual fee (£)</b>
	Possession of cannabis biomass, processed cannabis biomass, and preparations extracted from cannabis biomass. Supply (or offering to supply) processed cannabis biomass and preparations extracted from cannabis biomass.	
7	<b>Licence for importing into the Isle of Man</b> Importation, possession involving storage of, supply (and offering to supply)— (a) cannabis; (b) cannabis biomass; (c) a preparation — (i) containing controlled cannabinoids; or (ii) extracted from cannabis biomass; and (d) a cannabis-derived product.	10,000
8	<b>Licence for exporting from the Isle of Man</b> Exportation, possession involving storage of, supply (and offering to supply) — (a) cannabis; (b) cannabis biomass; (c) a preparation — (i) containing controlled cannabinoids; or (ii) extracted from cannabis biomass; and (d) a cannabis-derived product.	10,000
9	<b>Licence for manufacturing cannabis-derived products</b> Production of cannabis involving the manufacture of a cannabis-derived product. Possession involving the storage of a preparation and a cannabis-derived product. Possession of cannabis biomass to the extent it is not to be used for extraction. Supply (and offering) to supply a cannabis-derived product.	22,500
10	<b>Licence for operating a test laboratory</b> Possession of any substance, which may contain controlled cannabinoids.	12,500

	<b>Cannabis licence class</b>	<b>Annual fee (£)</b>
11	Possession of a substance containing controlled cannabinoids, or that may prove to contain controlled cannabinoids, for a purpose specified by the Commission in the licence.	nil

## SCHEDULE 3

[Regulation 6(2)]

## ANNUAL FEES (OTHER THAN FIRST YEAR)

Table

	<b>Cannabinoid licence class</b>	<b>Annual fee (£)</b>
All classes	Supply of any substance containing cannabinoids to the extent the supply occurs to put cannabinoids beyond use for consumption by humans or other animals.	nil
1	<b>Licence for low-THC cultivation without use</b> Cultivation and harvest of female-only low-THC cannabis. Possession involving the transportation and storage of cannabis biomass from low-THC cannabis.	250
2	<b>Licence for low-THC cannabis cultivation with use</b> Cultivation and harvest of female-only low-THC cannabis. Possession involving the transportation and storage of cannabis biomass from low-THC cannabis. Supply (and offering to supply) low-THC cannabis and cannabis biomass from low-THC cannabis.	5,000
3	<b>Licence for high-THC cannabis cultivation</b> Cultivation and harvest of female-only high-THC cannabis cultivated indoors. Possession involving the storage of cannabis and cannabis biomass. Supply (and offering to supply) high-THC cannabis and cannabis biomass from high-THC cannabis.	35,000
4	<b>Licence for cultivation of cannabis using male plants</b> Cultivation and harvest of male and female cannabis cultivated indoors for research purposes only. Supply (and offering to supply) high-THC cannabis.	12,000
5	<b>Licence for transportation and storage</b> Possession of cannabis involving the transportation and storage of— (a) cannabis biomass from high-THC cannabis; (b) a preparation — (i) containing controlled cannabinoids; or (ii) extracted from cannabis biomass; (c) high THC-cannabis; and (d) a cannabis-derived product.	2,500
6	<b>Licence for extraction</b> Production of cannabis involving — (a) the processing of cannabis biomass; or (b) the extraction from cannabis biomass of a preparation that contains cannabinoids. Possession of cannabis biomass, processed cannabis biomass, and preparations extracted from cannabis biomass. Supply (or offering) to supply processed cannabis biomass, and preparations extracted from cannabis biomass.	17,500

	<b>Cannabinoid licence class</b>	<b>Annual fee (£)</b>
7	<p><b>Licence for importing into the Isle of Man</b>  Importation, possession involving storage of, supply (and offering to supply)—</p> <p>(a) cannabis;</p> <p>(b) cannabis biomass;</p> <p>(c) a preparation —</p> <p>(i) containing controlled cannabinoids; or</p> <p>(ii) extracted from cannabis biomass; and</p> <p>(d) a cannabis-derived product.</p>	7,500
8	<p><b>Licence for exporting from the Isle of Man</b>  Exportation, possession involving storage of, supply (and offering to supply) —</p> <p>(a) cannabis;</p> <p>(b) cannabis biomass;</p> <p>(c) a preparation —</p> <p>(i) containing controlled cannabinoids; or</p> <p>(ii) extracted from cannabis biomass; and</p> <p>(d) a cannabis-derived product.</p>	7,500
9	<p><b>Licence for manufacturing cannabis-derived products</b>  Production of cannabis involving the manufacture of a cannabis-derived product.  Possession involving the storage of a preparation and a cannabis-derived product.  Possession of cannabis biomass to the extent it is not to be used for extraction.  Supply (and offering to supply) a cannabis-derived product.</p>	15,000
10	<p><b>Licence for operating a test laboratory</b>  Possession of any substance, which may contain controlled cannabinoids.</p>	8,000

	<b>Cannabis licence class</b>	<b>Annual fee (£)</b>
11	<p>Possession of a substance containing controlled cannabinoids, or that may prove to contain controlled cannabinoids, for a purpose specified by the Commission in the licence.</p>	nil

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for the issuing of licences by the Isle of Man Gambling Commission (“the Commission”) to engage in various activities in relation to certain controlled drugs (within the meaning of the Misuse of Drugs Act 1976 (“the 1976 Act”)) and prescribe the fees payable where such a licence is issued.

Part 1 (regulations 1 to 3) is introductory.

Part 2 (regulations 4 and 5 and Schedule 1) relates to licences. Regulation 4 provides that where a person is authorised by a licence of the Commission issued under that regulation to produce, supply, offer to supply or have in the person’s possession any of the drugs specified in Schedule 1 to the Regulations (cannabis, etc.), it shall not under section 4(1) or 5(1) of the 1976 Act be unlawful for that person to do any of those things in accordance with the terms of the licence and in compliance with any conditions attached to it. Regulation 5 provides that where a person is authorised by a licence of the Commission issued under that regulation which is in force to cultivate cannabis plants, it shall not under section 6 of the 1976 Act be unlawful for that person to cultivate any such plant in accordance with the terms of the licence and in compliance with any conditions attached to it.

Part 3 (regulation 6 and Schedules 2 and 3) prescribes the fees payable where a licence is issued to a person under regulation 4 or 5 or section 3(2)(b) of the 1976 Act (restriction of importation and exportation of controlled drugs). The prescribed fees include fees for the first year and for later years.

Part 4 (regulation 7) makes consequential amendment to the Misuse of Drugs (Miscellaneous Enactments) (Application) Order 2013 (as amended). That Order applied the Misuse of Drugs Regulations 2001 to the Island (SI 2001/3998) subject to the modifications specified in that Order.