



## Ministry of Health & Wellness

Cayman Islands Government

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# Guidance on the possession and use of cannabinol and cannabinol derivatives in the Cayman Islands

## Audience

The intended audience for this note are all health care practitioners registered with the Department of Health Regulatory Services of the Cayman Islands Government.

## Purpose

Following enquiries I have made concerning an incident where a young person gained access to an edible cannabinol / cannabinol derivative containing product it is apparent that certain misconceptions concerning the relevant law may be commonly held.

The product was marketed as containing  $\Delta 8$ -tetrahydrocannabinol ( $\Delta 8$ -THC) and supplied from pharmacy sale without prescription.

It is clear from these enquiries that there is an incorrect belief amongst some health professionals, some members of the general public, and some retailers, that the laws of the Cayman Islands:

- provides exemptions to products containing cannabinol / cannabinol derivatives in products derived from hemp;
- provides an exemption for cannabinol containing products provided that they contain less than 0.3%  $\Delta 9$ -THC; and,
- for THC containing products, only those containing the  $\Delta 9$ -tetrahydrocannabinol ( $\Delta 9$ -THC) isomer are controlled.

This note clarifies what the law is, and what it permits, especially in regard to medical use, dispensing, and general sales of products containing cannabinol / cannabinol derivatives in the Cayman Islands.

## Legislation

The relevant legislation on these issues are the Misuse of Drugs Act (2017), the Pharmacy Act (1979), and the Health Practice Act (2021).

## The legal status of cannabiniol, and cannabiniol derivatives

Schedule 1 of the Misuse of Drugs Act 2017, together with further explanation of the meaning of cannabiniol derivatives contained in Part IV of Schedule 1 of the Act, clearly identifies cannabiniol derivatives, cannabis extracts and tinctures of cannabis as controlled drugs.

Therefore, any person who dispenses, sells, buys, or otherwise deals in products containing cannabiniol or cannabiniol derivatives, without lawful excuse or authority, potentially commits an offence under §3(1) of the Act.

The only authority to prescribe and dispense, or otherwise supply a product containing cannabiniol / cannabiniol derivative is set out in the Misuse of Drugs Act:

*§2A(1) The use of cannabis extracts and tinctures of cannabis for medical or therapeutic purposes, where prescribed by a medical doctor licensed in accordance with the Health Practice Law (2017 Revision) as part of a course of treatment for a person under that medical doctor's care, is lawful.*

Also be aware that in prescribing such materials that the following requirement is met:

*§2A(2) The medical doctor shall establish the dosage of the cannabis extract or tincture of cannabis required for any person for whom the medical doctor prescribes it.*

This may be difficult to achieve for products that have not been prepared as medicines under Good Manufacturing Practice standards.

## Hemp

Hemp has no legally defined status in the Cayman Islands.

There are no laws or regulation in the Cayman Islands permitting the presence of very small quantities of cannabiniol, or derivatives, in any hemp / hemp derived product. Accordingly, any hemp product containing cannabiniol, or cannabiniol derivatives, falls within the scope of, and may contravene provisions of, the Misuse of Drugs Act and is therefore prohibited.

The confusion over the status of hemp products might arise as a result of the Farm Act in the USA which defines hemp as being different to marijuana for legal purposes in the Controlled Substances Act (CSA) of the USA.

There is no extant equivalent law in the Cayman Islands permitting the possession, or use of, hemp products containing cannabiniol, or cannabiniol derivatives.

Nor is there any exemption for products containing less than 0.3%  $\Delta^9$ -tetrahydrocannabinol (THC), which again is a feature of the Farm Act in the USA, that is not present in the Laws of the Cayman Islands.

## THC isomers

In certain States of the USA, such as Florida,  $\Delta 8$ -THC is not controlled, whereas  $\Delta 9$ -THC is illegal under US federal law, and it is likely that there is amongst some people a misconception that those laws / practices are somehow operating in the Cayman Islands, or that there is some kind of imported permission. This is clearly not the case as the laws of the United States have no application in this jurisdiction.

Schedule 1 of the Misuse of Drugs Act 2017, together with further explanation of the meaning of cannabinol derivatives contained in Part IV of Schedule 1, identifies any of the isomers of tetrahydrocannabinol (THC) as being controlled (specifically the schedule lists tetrahydro derivatives of cannabinol, and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, in its definition).


Therefore, it is only lawful in the Cayman Islands, to dispense any product containing any isomer of THC including, but not exclusively,  $\Delta 8$ -THC,  $\Delta 9$ -THC, and  $\Delta 10$ -THC, provided it is prescribed by a medical doctor under the conditions set out in the Misuse of Drugs Act §2A.

## Summary

I therefore advise that in the Cayman Islands:

- (1) you should be careful to only prescribe, dispense, or use, cannabinol / cannabinol derivative products by reference to the Misuse of Drugs Act;
- (2) that there are no exemptions in the Law of the Cayman Islands for hemp derived products;
- (3) all isomers of tetrahydrocannabinol (THC) are controlled under the Misuse of Drugs Act;
- (4) that you should be mindful that in meeting the requirements of the Misuse of Drugs Act, the use of properly formulated medicines are to be preferred when prescribing cannabinol / cannabinol derivatives for clinical care.

Further, where colleagues intend to continue to prescribe or dispense cannabinol / cannabinol containing products, I would strongly encourage them to seek their own independent legal advice on matters relating to the possession and use of the particular products they intend to prescribe or dispense.



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