



New South Wales

Cannabis Legalisation Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to—

- (a) legalise cannabis or cannabis products produced and distributed under the licensing scheme established by the proposed Act, and
- (b) legalise cannabis grown for personal use in particular circumstances, and
- (c) establish the New South Wales Cannabis Authority, and
- (d) regulate the use of cannabis and cannabis products, particularly in relation to protection of persons under 18 years of age and the smoking of cannabis or cannabis products in public places, and
- (e) regulate the packaging, labelling and storage requirements for cannabis and cannabis products and prohibit certain advertising and promotions in relation to cannabis and cannabis products, and
- (f) provide for administrative review of a decision made by the New South Wales Cannabis Authority in relation to licences under the proposed Act, and
- (g) provide for persons to be authorised to enforce and monitor compliance with the proposed Act, and
- (h) make other minor and consequential amendments.

Outline of provisions

Part 1 Preliminary

Part 1 (**clauses 1–6**) contains provisions relating to the name and commencement of the proposed Act, its interpretation and the application of the proposed Act. The Part provides for the legalisation of cannabis, if cannabis, cannabis products and cannabis accessories are cultivated, produced and distributed in accordance with the proposed Act.

Part 2 New South Wales Cannabis Authority

Part 2 (**clauses 7–12**) contains provisions to establish the New South Wales Cannabis Authority (the *Authority*) as a body corporate, including the objects and functions of the Authority, and provides for the establishment of an expert advisory panel and the role of the panel.

Part 3 Cannabis licences, social club licences and personal use

Part 3 (**clauses 13–45**) contains provisions for the licensing scheme authorising a person to produce or distribute cannabis, including as part of a cannabis social club.

All cannabis and cannabis products produced under a cannabis licence are to be provided to the Authority for the Authority to ensure the cannabis has been produced in accordance with the conditions of the licence, and sold to persons authorised to distribute cannabis and cannabis products under a licence.

Cannabis grown by a cannabis social club under a social club licence may be supplied to members of the social club or sold to the Authority for the Authority's distribution to persons authorised to distribute cannabis and cannabis products under a licence.

The Part also contains provisions relating to the conditions each licence is subject to under the proposed Act, and the administration of a licence granted under the Part.

The provisions provide for the number of plants an individual may grow without a licence for personal use at a property.

Part 4 Offences

Part 4 (**clauses 46–55**) contains provisions to protect minors, including limiting the access minors have to cannabis by prohibiting sale or other supply of cannabis and cannabis products by persons to minors and creating an offence for exposing minors to cannabis emissions. A police officer is permitted to seize cannabis, a cannabis product or cannabis accessory in the possession of a person in a public place if the officer suspects on reasonable grounds the person is a minor.

The Part also includes administrative provisions that provide for evidence of age and the liability of an employer for an employee who commits the offence of sale to a minor.

The Part contains offences to restrict persons from consuming cannabis in public places, other than on cannabis consumption premises or cannabis consumed under a social club licence, and to prohibit the use of unlicensed premises as a place for consumption of cannabis or cannabis products. It is an offence to use the Authority endorsement if the cannabis or cannabis product has not been produced, distributed and supplied in accordance with the proposed Act.

Part 5 Advertising and promotion of cannabis and cannabis products

Part 5 (**clauses 56–60**) contains provisions prohibiting certain forms of advertising of cannabis and cannabis products, the promotion of cannabis and cannabis products using prizes and other benefits or tickets, coupons or similar. Implementing or conducting shopper loyalty programs that extend to the purchase of cannabis or cannabis products, or the giving of such products as gifts or

free samples are also prohibited. The Part also prohibits a person from promoting or publicising cannabis or cannabis products under a sponsorship arrangement.

Part 6 Powers of authorised officers

Part 6 (**clauses 61–77**) contains provisions relating to authorised persons and the power provided to authorised persons to enter, inspect and search premises and to require a person to produce information or attend at a time and place to answer questions and produce documents.

Part 7 Miscellaneous

Part 7 (**clauses 78–82**) contains miscellaneous provisions, including a provision allowing the Authority to ban products in particular circumstances, and a provision to prohibit the advertisement and supply of banned products. The Part also contains a provision that enables a person to apply to the Civil and Administrative Tribunal for administrative review of certain decisions, provides for a defence in relation to certain offences for a period of 12 months from commencement of the proposed Act and provides for the Governor to make regulations for the purposes of the proposed Act.

Schedule 1 Amendment of Acts

Schedule 1 amends the Acts specified in the Schedule.

Dictionary

Dictionary defines words used in the proposed Act.



New South Wales

Cannabis Legalisation Bill 2021

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New South Wales

Cannabis Legalisation Bill 2021

No. _____, 2021

A Bill for

An Act to legalise cannabis and cannabis products; to regulate the sale, supply and advertising of cannabis and cannabis products; and for other purposes.

The Legislature of New South Wales enacts—	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Cannabis Legalisation Act 2021</i> .	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Definitions	7
The Dictionary defines words used in this Act.	8
Note. The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	9 10
4 Act does not apply to hemp	11
This Act does not apply to low-THC hemp within the meaning of the <i>Hemp Industry Act 2008</i> .	12 13
5 Legalisation of cannabis	14
Despite another Act or law, it is not a criminal offence to do the following, if otherwise done under this Act—	15 16
(a) cultivate, supply or take part in cultivating or supplying, cannabis, a cannabis product or a cannabis accessory,	17 18
(b) manufacture or produce, or take part in manufacturing or producing, cannabis, a cannabis product or a cannabis accessory,	19 20
(c) possess cannabis, a cannabis product or a cannabis accessory.	21
6 Meaning of “Authority endorsement”	22
For the purposes of this Act, the <i>Authority endorsement</i> means a symbol, an image or words, decided by the Authority and published in the Gazette, that may be used on cannabis or cannabis products to indicate the cannabis or cannabis product has been produced, distributed and supplied under this Act.	23 24 25 26

Part 2	New South Wales Cannabis Authority	1
7	Constitution of New South Wales Cannabis Authority	2
(1)	There is constituted by this Act a body corporate with the corporate name of the New South Wales Cannabis Authority.	3 4
(2)	The Authority is a statutory body representing the Crown.	5
	Note. Section 50 of the <i>Interpretation Act 1987</i> provides for the powers of a statutory corporation.	6 7
8	Objects of Authority	8
	The objects of the Authority are to—	9
(a)	administer the licensing scheme under this Act, and	10
(b)	prevent and minimise the harms associated with cannabis use, and	11
(c)	facilitate a legal cannabis industry, and	12
(d)	reduce demand for illicit cannabis, and	13
(e)	decide and enforce safe ways for cultivating, processing and distributing cannabis and for the quality control of cannabis.	14 15
9	Functions of Authority	16
(1)	The Authority has the functions conferred or imposed on it by or under this Act or another Act.	17 18
(2)	In particular, the Authority has the following functions—	19
(a)	to issue cannabis licences and social club licences under this Act,	20
(b)	to ensure compliance with conditions of cannabis licences and social club licences,	21 22
(c)	to establish minimum and best practice standards for the cultivation, processing and handling of cannabis and cannabis products,	23 24
(d)	to establish a framework for testing the quality, strength and safety of cannabis and cannabis products,	25 26
(e)	to establish and maintain an inventory tracking system for cannabis and cannabis products—	27 28
(i)	produced under a cannabis production licence or a social club licence,	29
	or	30
(ii)	distributed under a cannabis distribution licence,	31
(f)	to purchase from cannabis production licence holders and cannabis social clubs, and sell to cannabis production licence holders and cannabis distribution licence holders, cannabis and cannabis products in New South Wales, other than cannabis to which this Act does not apply,	32 33 34 35
(g)	to establish grades and classes of cannabis and cannabis products and fix the price at which cannabis or cannabis products of a grade or class may be sold to holders of a cannabis distribution licence under this Act that has regard to—	36 37 38
(i)	the price of cannabis and cannabis products sold in contravention of this Act, and	39 40
(ii)	the importance of not substantially increasing the overall consumption and uptake of cannabis use,	41 42
(h)	to encourage businesses engaged in the handling or sale of cannabis and cannabis products to minimise safety risks associated with cannabis and cannabis products,	43 44 45

(i)	to provide advice, information, community education and assistance in relation to matters connected with cannabis safety, harm minimisation or other matters of interest to consumers of cannabis,	1 2 3
(j)	to ensure the regulation of cannabis and cannabis products does not lead to the prosecution of personal cannabis use for products without Authority endorsement,	4 5 6
(k)	to ensure the cultivation and processing of cannabis and cannabis products does not cause environmental harm,	7 8
(l)	to prevent the over commercialisation or monopolisation of the cannabis market,	9 10
(m)	to carry out research necessary to perform the Authority's other functions.	11
(3)	The Authority must, within 12 months of the commencement of this Act, investigate and make recommendations to the Minister about establishing a scheme for the process for persons to have a conviction relating to a cannabis offence extinguished.	12 13 14
(4)	Without limiting subsection (3), the Authority may investigate and make recommendations about the following—	15 16
(a)	the types of offence eligible to be extinguished,	17
(b)	the circumstances in which offences are not appropriate to be extinguished,	18
(c)	the way a person may make an application to have an offence extinguished,	19
(d)	the decision-making body for deciding an offence may be extinguished,	20
(e)	a process for review of a decision made by a decision-making body under paragraph (d),	21 22
(f)	other matters the Authority considers appropriate.	23
(5)	In this section— <i>cannabis offence</i> includes an offence involving cannabis under the <i>Drug Misuse and Trafficking Act 1985</i> .	24 25 26
10	Staff	27
	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise the Authority's functions.	28 29
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons employed, or whose services the Authority makes use of, may be referred to as officers or employees, or members of staff, of the Authority. Section 47A of the <i>Constitution Act 1902</i> precludes the Authority from employing staff.	30 31 32 33
11	Expert advisory panel	34
(1)	The Authority must establish an expert advisory panel to assist the Authority in connection with any of the Authority's functions, within 12 months of the commencement of this Act.	35 36 37
(2)	Without limiting subsection (1), the expert advisory panel may do the following—	38
(a)	develop strategies to prevent the over commercialisation of the cannabis industry, or domination by large-scale business in the cannabis industry,	39 40
(b)	review and set THC potency limits to be included as part of the cannabis licensing scheme,	41 42
(c)	review the effectiveness of the law and develop new strategies for reducing harms caused by cannabis and cannabis products,	43 44
(d)	provide expert advice to the Authority.	45

- (3) An expert advisory panel established by the Authority may, but does not need to, include a member of the Authority. 1
2
- (4) The procedure for calling meetings of an expert advisory panel and for the conduct of business at those meetings is to be decided— 3
4
- (a) by the Authority, or 5
- (b) subject to a decision of the Authority—by the panel. 6
- 12 Delegation** 7
- (1) The Authority may delegate a function of the Authority under this Act that is not specified in subsection (2) to— 8
9
- (a) a member of staff of the Authority, whether by name or by reference to the holder of an office, or 10
11
- (b) an authorised officer. 12
- (2) The power of delegation conferred by this section cannot be delegated. 13
- (3) A delegate may sub-delegate to a person referred to in subsection (1) a function delegated by the Authority if the delegate is authorised in writing by the Authority. 14
15

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	2
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In this Part—	5
<i>board members</i> —see section 26(3).	6
<i>cultivation activity</i> —see section 16(1)(b).	7
<i>destruction activity</i> —see section 16(1)(g).	8
<i>micro-cultivation activity</i> —see section 16(1)(c).	9
<i>nursery activity</i> —see section 16(1)(a).	10
<i>processing activity</i> —see section 16(1)(d).	11
<i>research activity</i> —see section 16(1)(f).	12
<i>social club activity</i> —see section 27.	13
<i>wholesale and distribution activity</i> —see section 16(1)(e).	14
14 Requirement for licence	15
A person must not undertake, or take part in, the following activities except as authorised by a licence granted under this Part—	16
(a) a nursery activity,	18
(b) a cultivation activity,	19
(c) a micro-cultivation activity,	20
(d) a processing activity,	21
(e) a wholesale and distribution activity,	22
(f) a retail activity,	23
(g) a cannabis premises activity,	24
(h) a nursery retail activity,	25
(i) a research activity,	26
(j) a destruction activity,	27
(k) a social club activity.	28
Maximum penalty—	29
(a) for an individual—20 penalty units, or	30
(b) for a corporation—500 penalty units.	31
15 Inventory tracking system	32
(1) The Authority is to establish and maintain an inventory tracking system for cannabis and cannabis products—	33
(a) produced and distributed under a cannabis licence, or	35
(b) purchased from the holder of a social club licence and distributed under a cannabis distribution licence.	36
(2) The holder of a cannabis licence must have access to the inventory tracking system.	38
(3) The holder of a cannabis licence is required to update the inventory tracking system in relation to—	39
(a) each time cannabis or a cannabis product is received, and	41

- (b) each time cannabis or a cannabis product is supplied to the Authority. 1
- (4) The Authority may, by written notice given to the holder of a cannabis licence, provide further information about the operation and requirements of the inventory tracking system. 2
3
4
- (5) Failure of a cannabis licence holder to update the inventory tracking system is a breach of a condition of the licence. 5
6
- (6) Cannabis purchased by the Authority from a person who holds a social club licence must be entered in the inventory tracking system by the Authority both— 7
8
 - (a) at the time the cannabis is received, and 9
 - (b) at the time the cannabis is supplied. 10

Division 2 Types of licence and conditions—industry 11

16 Cannabis production licence 12

- (1) The Authority may grant a ***cannabis production licence*** which authorises the licence holder to carry out one or more of the following activities— 13
14
 - (a) the following activities done for the purposes of supplying and growing stock for cultivation within the licensing scheme (a ***nursery activity***)— 15
16
 - (i) importing cannabis seeds, subject to the THC limits for cannabis seeds— 17
18
 - (A) decided by the Authority and published in the Gazette, or 19
 - (B) specified as a condition of a licence, 20
 - (ii) the cultivation of cannabis, 21
 - (iii) supplying cannabis seeds and growing stock to the Authority, 22
 - (iv) carrying out research and testing incidental to the cultivation of cannabis, 23
24
 - (v) the packaging and labelling of growing stock and cannabis seeds for supply to the Authority, 25
26
 - (vi) the receipt of samples of cannabis from a person who holds a cannabis production licence authorised to carry out a research activity, 27
28
 - (b) the following activities done for the purposes of the cultivation of cannabis for supply (a ***cultivation activity***)— 29
30
 - (i) the purchase of growing stock or cannabis seeds from the Authority, 31
 - (ii) the cultivation of cannabis, 32
 - (iii) the supply of cannabis to the Authority, 33
 - (iv) research and testing incidental to the cultivation of cannabis, 34
 - (v) the receipt of samples of cannabis from a person who holds a cannabis production licence authorised to carry out a research activity, 35
36
 - (c) the following activities done for the purposes of small-scale cultivation of cannabis for supply (a ***micro-cultivation activity***)— 37
38
 - (i) the purchase or receipt of growing stock or cannabis seeds from the Authority, 39
40
 - (ii) the cultivation of cannabis up to the maximum amount authorised by the licence, 41
42
 - (iii) carrying out research and testing incidental to the cultivation of cannabis, 43
44
 - (iv) the supply of cannabis to the Authority, 45

- (v) the receipt of samples of cannabis from a person who holds a cannabis production licence authorised to carry out a research activity, 1
2
- (d) the following activities done for the purposes of processing, packaging and 3
labelling of cannabis for supply (a *processing activity*)— 4
 - (i) the purchase or receipt of growing stock, cannabis seeds or cannabis 5
from the Authority, 6
 - (ii) carrying out research and testing incidental to the processing of 7
cannabis and cannabis products, 8
 - (iii) the production of cannabis and cannabis products, 9
 - (iv) the packaging and labelling of cannabis and cannabis products, 10
 - (v) the supply of packaged and labelled cannabis to the Authority, 11
 - (vi) the receipt of samples of cannabis from a person who holds a cannabis 12
production licence authorised to carry out a research activity, 13
- (e) the following activities done for the purposes of distribution of processed 14
cannabis and cannabis products for supply (a *wholesale and distribution 15
activity*)— 16
 - (i) the purchase or receipt of packaged and labelled cannabis and cannabis 17
products from the Authority, 18
 - (ii) the supply of packaged and labelled cannabis and cannabis products to 19
the Authority, 20
- (f) the following activities done for the purposes of research and development of 21
cannabis and cannabis products (a *research activity*)— 22
 - (i) the purchase or receipt of growing stock or cannabis seeds from the 23
Authority, 24
 - (ii) the cultivation of cannabis, 25
 - (iii) the production of cannabis and cannabis products, 26
 - (iv) testing, on humans only, samples of cannabis and cannabis products, 27
 - (v) supplying samples of cannabis, including growing stock, and cannabis 28
products to the Authority and cannabis production licence holders, 29
- (g) obtaining cannabis and cannabis products from a person for the purpose of 30
safe and secure destruction of cannabis and cannabis products in the way 31
decided by the Authority and published in the Gazette (a *destruction activity*). 32
- (2) Each of the following activities are also authorised for a cannabis production 33
licence— 34
 - (a) the supply of cannabis or a cannabis product to a person who holds a cannabis 35
production licence authorised to carry out a destruction activity, 36
 - (b) the destruction of cannabis or a cannabis product authorised to be kept by the 37
licence in the way decided by the Authority and published in the Gazette. 38

17 Relationship with Authority 39

- (1) It is a condition of a cannabis production licence and a social club licence that 40
cannabis and cannabis products may only be supplied to the Authority. 41
- (2) Subsection (1) does not apply to a cannabis production licence with authority to carry 42
out a research activity if the cannabis is— 43
 - (a) supplied to the holder of a cannabis production licence, and 44
 - (b) a sample of cannabis. 45
- (3) It is a condition of a cannabis distribution licence that the holder may only purchase 46
cannabis or cannabis products from the Authority. 47

18	Products must have Authority endorsement	1
(1)	The Authority must ensure cannabis or a cannabis product supplied to a person who holds a cannabis distribution licence authorised to carry out a retail activity or a nursery retail activity—	2
		3
		4
(a)	has been prepared in accordance with the conditions and requirements of a cannabis production licence, and	5
		6
(b)	if the Authority is satisfied paragraph (a) has been complied with—the cannabis or cannabis products supplied include the Authority endorsement.	7
		8
(2)	The Authority may affix the Authority endorsement on products supplied to the Authority, or may, by condition of a licence, require the holder of a cannabis production licence authorised to carry out a nursery activity, a processing activity or a wholesale and distribution activity to affix the Authority endorsement.	9
		10
		11
		12
(3)	If the Authority is not satisfied that cannabis or a cannabis product affixed with the Authority endorsement is cannabis or a cannabis product prepared in accordance with the conditions of a licence the Authority may—	13
		14
		15
(a)	return the product to the cannabis production licence holder, subject to conditions, or	16
		17
(b)	supply the cannabis or cannabis product to a person who holds a cannabis production licence authorised to carry out a destruction activity, or	18
		19
(c)	destroy the cannabis or a cannabis product authorised to be kept by the licence in the way decided by the Authority and published in the Gazette.	20
		21
19	Cannabis distribution licence	22
	The Authority may grant a <i>cannabis distribution licence</i> which authorises the licence holder to carry out one or more of the following activities—	23
		24
(a)	the following activities done for the purposes of sale of processed cannabis and cannabis products to the public (a <i>retail activity</i>)—	25
		26
(i)	the purchase of packaged and labelled cannabis and cannabis products from the Authority,	27
		28
(ii)	the sale of cannabis products to the public,	29
(iii)	the sale of growing stock or cannabis seeds to the public,	30
(iv)	the supply of cannabis to a person who holds a cannabis production licence authorised to carry out a destruction activity,	31
		32
(v)	the destruction of cannabis authorised to be kept by the licence in the way decided by the Authority and published in the Gazette,	33
		34
(b)	the following activities done for the purposes of sale of growing stock and cannabis seeds to the public (a <i>nursery retail activity</i>)—	35
		36
(i)	the purchase of growing stock or cannabis seeds from the Authority,	37
(ii)	the sale of growing stock or cannabis seeds to the public,	38
(c)	the following activities done for the purposes of the provision of public premises for the consumption of cannabis (a <i>cannabis premises activity</i>)—	39
		40
(i)	providing a public place for the on-site consumption of cannabis and cannabis products (<i>cannabis consumption premises</i>) including cannabis and cannabis products obtained elsewhere,	41
		42
		43
(ii)	supplying cannabis to a person who holds a cannabis production licence authorised to carry out a destruction activity,	44
		45
(iii)	destroying cannabis authorised to be kept by the licence in the way decided by the Authority and published in the Gazette.	46
		47

20	Persons employed or engaged by cannabis licence holder	1
	Authorisation under a cannabis licence extends to all persons employed or engaged by the holder of the licence to carry out the activities authorised by the licence while acting within the scope of the person’s employment or engagement.	2 3 4
21	General conditions of cannabis licences	5
	A cannabis licence is subject to the following conditions—	6
	(a) each person employed or engaged in activities under the licence must—	7
	(i) be issued with an identification card that identifies the licence and displays the person’s name and date of birth and a recent photograph of the person, and	8 9 10
	(ii) while employed or engaged in activities under the licence—carry the person’s identification card, and	11 12
	(iii) not be a minor,	13
	(b) the holder of the licence must prepare and implement a risk management plan for the activities authorised by the licence that—	14 15
	(i) complies with requirements specified by the Authority, and	16
	(ii) has been approved by the Authority,	17
	(c) the holder of the licence, and a person employed or engaged by the holder of a licence, must complete the training required by the Authority,	18 19
	(d) the theft, loss or apparent unauthorised interference with cannabis or cannabis products to which the licence relates must be reported immediately to a police officer and the Authority,	20 21 22
	(e) the holder of the licence must immediately inform the Authority by written notice if—	23 24
	(i) a licence or other authority held by the person under Commonwealth, State or Territory law that regulates activities involving cannabis or cannabis products, medicines, poisons or therapeutic goods is suspended, cancelled or amended, or	25 26 27 28
	(ii) proceedings are commenced in which the licence or other authority may be suspended, cancelled or amended,	29 30
	(f) the holder of the licence must inform the Authority by written notice within 7 days after—	31 32
	(i) the holder changes the holder’s name, address or contact details as previously notified to the Authority, or	33 34
	(ii) for a corporation—	35
	(A) a person ceases to be or commences as a director of the corporation, or	36 37
	(B) a director changes the director’s name, address or contact details as previously notified to the Authority,	38 39
	(g) reasonable steps must be taken to prevent a minor from entering or remaining in an area where there is cannabis or cannabis products,	40 41
	(h) the holder of the licence may store and transport cannabis and cannabis products as reasonably necessary for a purpose authorised by the licence,	42 43
	(i) the cannabis or cannabis products intended for consumption must not be handled in a way that will render, or is likely to render, the cannabis or cannabis products unsafe for consumption,	44 45 46
	(j) other conditions specified by the Authority which may, without limitation, include conditions about—	47 48

- (i) surveillance and security measures that must be complied with, and 1
- (ii) matters relating to the preparation or treatment of cannabis or cannabis products, and 2
3
- (iii) records that must be kept, and 4
- (iv) returns that must be provided to the Authority. 5

22 Conditions of cannabis production licence 6

The Authority may impose the following conditions on a cannabis production licence— 7
8

- (a) only cannabis and cannabis products of a type specified in the licence may be cultivated, 9
10
- (b) cannabis may only be cultivated on land, or at premises, specified in the licence, 11
12
- (c) the cannabis to which the licence relates must not be stored, prepared or treated except on land, or at premises, specified in the licence, 13
14
- (d) reasonable steps must be taken to remove or treat residue of products derived from cannabis after harvesting or moving cannabis products, and as otherwise reasonably required, to avoid unintended seeding or cultivation of cannabis, 15
16
17
- (e) the quantity of cannabis or cannabis products produced or received must not exceed the quantity specified in the licence, 18
19
- (f) if the licence authorises the conduct of research—a person with appropriate scientific qualifications and experience, as decided by the Authority, must be responsible for the conduct of the research, 20
21
22
- (g) any other conditions specified by the Authority. 23

23 Conditions of cannabis distribution licence 24

The Authority may impose the following conditions on a cannabis distribution licence— 25
26

- (a) cannabis and cannabis products may only be stored or sold on land, or at premises, specified in the licence, 27
28
- (b) the premises must not be within 200 metres of a school or childcare centre, 29
- (c) the quantity of cannabis and cannabis products stored on the premises must not exceed the quantity specified in the licence, 30
31
- (d) cannabis or cannabis products known to be unsuitable or unsafe must not be sold, 32
33
- (e) the licence holder or manager of the premises must not allow a person to consume cannabis or cannabis products on the premises unless the licence holder is authorised to carry out a cannabis premises activity on the premises to which the retail licence relates, 34
35
36
37
- (f) the licence must be displayed on premises where cannabis is sold, or cannabis consumption premises, in a way that— 38
39
 - (i) is attached to the inside of the premises, and 40
 - (ii) is easily readable by persons entering the premises by the principal entrance to the premises, and 41
42
 - (iii) lists the conditions to which the licence is subject, 43
- (g) any other conditions specified by the Authority. 44

24	Production and sale outside of New South Wales	1
(1)	Nothing in this Part limits the Authority from receiving cannabis or a cannabis product from a person who holds a licence or similar authority issued outside of New South Wales, if the Authority is satisfied the cannabis or cannabis product meets the same standards as cannabis or a cannabis product produced under a cannabis production licence.	2 3 4 5 6
(2)	Nothing in this Part limits the holder of a cannabis licence from the supply of cannabis or cannabis products outside New South Wales if authorised by a condition of the licence.	7 8 9
	Division 3 Social club licences	10
25	Definitions	11
	In this Division—	12
	<i>member</i> , of a cannabis social club, includes a board member and a social club member.	13 14
	<i>social club members</i> —see section 26(7).	15
26	Licence for social clubs	16
(1)	The Authority may grant a <i>social club licence</i> to a group of individuals who grow and share cannabis on a not-for-profit basis (a <i>cannabis social club</i>).	17 18
(2)	Each cannabis social club is to be made up of at least 5 members.	19
(3)	A cannabis social club must nominate 5 members to be the <i>board members</i> .	20
(4)	For the purposes of this Act, a board member is a holder of a social club licence.	21
(5)	A cannabis social club must advise the Authority of the names of the board members.	22
(6)	The cannabis social club must advise the Authority—	23
	(a) if a board member ceases to be a board member, and	24
	(b) the name of the replacement board member.	25
(7)	Individuals who are not board members may join the cannabis social club as <i>social club members</i> .	26 27
(8)	Members of a cannabis social club are entitled to make decisions about the operation, processes and organisation of the cannabis social club.	28 29
(9)	An individual who is a minor is not eligible to be a member of a cannabis social club.	30
27	Activities authorised by social club licence	31
	A social club licence authorises the social club to carry out one of more of the following activities (each a <i>social club activity</i>)—	32 33
	(a) the purchase of growing stock or cannabis seeds from the Authority,	34
	(b) the supply of cannabis, other than for sale, to members of the social club for personal use,	35 36
	(c) the processing of cannabis into a cannabis product for the purpose of supplying the cannabis product, other than for sale, to members of the social club for personal use,	37 38 39
	(d) if the social club decides to sell all or some of the social club’s cannabis or cannabis products—the sale of cannabis or cannabis products to the Authority,	40 41

(e)	the destruction of cannabis in the way decided by the Authority and published in the Gazette,	1 2
(f)	the supply of cannabis to a person who holds a cannabis production licence with the authority to carry out a destruction activity.	3 4
28	Conditions of a social club licence	5
	A social club licence is subject to the following conditions—	6
(a)	cannabis may only be cultivated on land, or at premises, specified in the licence,	7 8
(b)	the quantity of cannabis cultivated must not exceed 6 cannabis plants for each member of the social club up to a maximum of 99 cannabis plants,	9 10
(c)	cannabis and cannabis products consumed on land, or at premises, specified in the licence may be consumed only by a member of the social club to which the licence relates,	11 12 13
(d)	the cannabis social club must not operate within 200 metres of a school or childcare centre,	14 15
(e)	the theft, loss or apparent unauthorised interference with cannabis on the premises authorised by the licence must be reported immediately to a police officer and the Authority,	16 17 18
(f)	reasonable steps must be taken to prevent a minor from entering or remaining in an area on the premises, specified in the licence, where there is cannabis,	19 20
(g)	the cannabis or cannabis products must not be handled in a way that will render, or is likely to render, the cannabis unsafe for consumption,	21 22
(h)	the cannabis to which the licence relates must not be stored, prepared or treated except on land, or at premises, specified in the licence,	23 24
(i)	reasonable steps must be taken to remove or treat residue of products derived from cannabis after harvesting or moving cannabis products, and as otherwise reasonably required, to avoid unintended seeding or cultivation of cannabis,	25 26 27
(j)	cannabis and cannabis products may only be stored or supplied on land, or at premises, specified in the licence,	28 29
(k)	any other conditions specified by the Authority.	30
29	Packaging, labelling and storing cannabis or cannabis product	31
(1)	It is a condition of a cannabis distribution licence that cannabis or a cannabis product supplied under the licence must be labelled, stored and packaged in a way that includes—	32 33 34
(a)	the Authority endorsement, and	35
(b)	the recommended storage conditions, and	36
(c)	the strain of cannabis plants that the cannabis or the cannabis product is derived from, and	37 38
(d)	a statement, in the way decided by the Authority, of how much THC and cannabidiol the cannabis or cannabis product contains, and	39 40
(e)	a warning label of a type decided by the Authority, that children and pregnant women should not consume cannabis or a cannabis product, and	41 42
(f)	other health warnings as decided by the Authority, and	43
(g)	if packaged—	44
(i)	if a container is used—a statement that the container contains cannabis or a cannabis product, and	45 46

(ii)	the date the cannabis or cannabis product was packaged, and	1
(h)	except in the case of a cannabis plant, either—	2
(i)	the expiry date, or	3
(ii)	a statement that no expiry date has been determined, and	4
(i)	the cannabis licence holders that cultivated or produced the cannabis or cannabis product.	5 6
(2)	Without limiting subsection (1)—	7
(a)	a container in which a cannabis plant, other than cannabis seed, is packaged or stored must include information about the number of cannabis plants in the container, and	8 9 10
(b)	a container in which cannabis seed is packaged must include the estimated number of seeds in the container and the weight of those seeds.	11 12
Division 4 Administration of cannabis licences and social club licences		13
30 Application of Division		14
This Division applies to a cannabis licence or a social club licence unless a contrary intention appears.		15 16
31 Application for licence		17
(1)	An application for a licence—	18
(a)	must be made in the form approved by the Authority, and	19
(b)	must be accompanied by the application fee specified in section 33, and	20
(c)	if the application is for a cannabis licence—must be accompanied by a risk management plan submitted for the approval of the Authority for the activities authorised by the licence that complies with requirements specified by the Authority, and	21 22 23 24
(d)	if the application is for a social club licence—must be made jointly by the board members.	25 26
(2)	The Authority may require an applicant to provide further information or evidence as reasonably required to decide an application.	27 28
(3)	The Authority must, as far as reasonably practicable, decide an application within 2 months after receipt of the application, not including a period when the Authority is waiting for further information or evidence from the applicant.	29 30 31
32 Multiple licences		32
The Authority must not grant or renew a cannabis production licence or a cannabis distribution licence if it would result in the person holding both licences at the same time.		33 34 35
33 Fees		36
(1)	Before a cannabis licence is granted or renewed, the applicant must pay to the Authority the application fee of \$550.	37 38
(2)	Before a social club licence is granted or renewed, the applicant must pay to the Authority the application fee of \$55.	39 40
(3)	The holder of a cannabis production licence must pay to the Authority an annual fee of \$550, other than for a year an application fee or renewal fee is paid.	41 42

(4)	The Authority may cancel or suspend a licence for failure to pay the fee relevant to the licence specified in this section in the time required.	1 2
34	Grounds for finding a person is not suitable to hold a licence	3
	A person is not a suitable person to hold a licence if—	4
(a)	the Authority is satisfied the person is not a fit and proper person to hold the licence, or	5 6
(b)	the person is a minor or, for an application made by—	7
(i)	a corporation—a director of the corporation is a minor, or	8
(ii)	a cannabis social club—a board member is a minor, or	9
(c)	the person does not have the capacity, or has not made or proposed to make appropriate arrangements, to satisfy the requirements of this Act applicable to the activities proposed to be authorised by the licence, or	10 11 12
(d)	the person has breached a condition of a licence on more than 1 occasion, or	13
(e)	the person has not paid the fees payable to the Authority as required by this Part, or	14 15
(f)	the person has been convicted of any of the following, unless the offence relates to the possession, cultivation or sale of cannabis—	16 17
(i)	an indictable offence against—	18
(A)	the <i>Drug Misuse and Trafficking Act 1985</i> or regulations under that Act or a corresponding law of another jurisdiction, or	19 20
(B)	the <i>Narcotic Drugs Act 1967</i> of the Commonwealth or regulations under that Act, or	21 22
(C)	the <i>Poisons and Therapeutic Goods Act 1966</i> or regulations under that Act or a corresponding law of another jurisdiction, or	23 24
(D)	the <i>Therapeutic Goods Act 1989</i> of the Commonwealth or regulations under that Act, or	25 26
(E)	any other law prescribed by the regulations,	27
(ii)	an offence involving theft, dishonesty, fraud or violence that—	28
(A)	is an indictable offence, or	29
(B)	would, if committed in New South Wales, be an indictable offence,	30 31
(iii)	an offence—	32
(A)	punishable by imprisonment for life or for a term of 5 years or more or by a fine of \$500,000 or more, or	33 34
(B)	that would, if committed in New South Wales, be punishable under a law of New South Wales by imprisonment for life or for a term of 5 years or more or by a fine of \$500,000 or more, or	35 36 37
(C)	committed under a law of the Commonwealth that is punishable by imprisonment for life or for a term of 5 years or more or by a fine of \$500,000 or more, or	38 39 40
(g)	the person is disqualified under section 39(3).	41
35	Grant, refusal or renewal of licence	42
(1)	The Authority may, on application by a person, grant, refuse or renew a licence.	43
(2)	Subject to this Act, a licence remains in force for the period specified in the licence at the time the licence is granted or renewed.	44 45
(3)	The period specified must not exceed—	46

(a)	for a cannabis production licence or a social club licence—5 years, and	1
(b)	for a cannabis distribution licence—1 year.	2
(4)	The Authority may refuse an application—	3
(a)	if the application does not comply with a requirement imposed under this Act, or	4 5
(b)	if the applicant is not a suitable person to hold the licence, or	6
(c)	for a ground specified in section 36.	7
(5)	The Authority is to give the applicant written notice of a decision to grant or refuse a licence.	8 9
(6)	If the Authority fails to give an applicant notice of a decision to grant or refuse the application within 2 months after receipt of the application, the Authority is taken to have refused to grant the application.	10 11 12
36	Other grounds for refusal	13
	The grounds for refusing an application for the grant, renewal or amendment of a licence are—	14 15
(a)	land and premises, or part of land and premises, proposed to be used under the licence, or under the licence as proposed to be amended, are not suitable for the purpose in terms of location, facilities and security arrangements, or	16 17 18
(b)	the arrangements required as a condition of the licence, or the licence as proposed to be amended, have not been met to the satisfaction of the Authority, or	19 20 21
(c)	taking the conditions of the licence into account, the risk of cannabis or cannabis products being diverted for unlawful purposes and the risk of environmental harm or harm to humans arising from the activities authorised by the licence, if the application is granted, will not be reduced to an acceptable level, or	22 23 24 25 26
(d)	for a cannabis licence—the risk management plan proposed to be implemented under the licence, or under the licence as proposed to be amended, is not suitable, to the satisfaction of the Authority, for the activities to be authorised under the licence.	27 28 29 30
37	Grounds for suspension or cancellation of licence	31
	Each of the following constitutes grounds for suspending or cancelling a licence—	32
(a)	the licence holder is not a suitable person to carry out the activities authorised by the licence,	33 34
(b)	the person has breached a condition of a cannabis licence or social club licence on more than 1 occasion,	35 36
(c)	the licence was granted in error,	37
(d)	the licence was obtained improperly,	38
(e)	the holder of the licence has ceased to carry on the activities authorised by the licence,	39 40
(f)	an event has occurred or circumstances have become known that, if an application were now to be made by the holder of the licence for the licence, the licence would not be granted or it would not be granted on the same conditions,	41 42 43 44
(g)	an emergency situation has arisen that warrants the suspension, cancellation or amendment of the licence—	45 46

(i)	to keep cannabis and cannabis products secure and ensure that the cannabis and cannabis products are not diverted for unlawful purposes, or	1 2 3
(ii)	to minimise the risk of environmental harm or harm to humans arising from the activities under the licence.	4 5
38	Suspension of licence	6
(1)	If the Authority is satisfied that there are grounds for the suspension of a licence, the Authority may, by written notice given to the holder of a licence, suspend the licence.	7 8
(2)	Notice of the suspension must specify—	9
(a)	the date or time the suspension takes effect, and	10
(b)	the period of the suspension, and	11
(c)	the grounds for the suspension.	12
(3)	Before the Authority acts under this section, the Authority must, unless satisfied urgent action is required, allow the holder of the licence at least 28 days to make submissions to the Authority about the proposed suspension.	13 14 15
(4)	The Authority must give notice of the suspension of the licence to—	16
(a)	the Commissioner of Police, and	17
(b)	all other persons who are holders of the licence.	18
39	Cancellation of licence	19
(1)	If the Authority is satisfied there are grounds for the cancellation of the licence, the Authority may, by written notice given to the holder of a licence, cancel the licence.	20 21
(2)	Notice of the cancellation must specify—	22
(a)	the date or time the cancellation takes effect, and	23
(b)	the grounds for the cancellation.	24
(3)	If the Authority cancels a licence, the Authority may also disqualify the holder of the cancelled licence, or if the holder is a corporation, a director of the corporation, from obtaining a licence or a specified type of licence.	25 26 27
40	Suspension or cancellation may be subject to conditions	28
(1)	A licence may be suspended or cancelled unconditionally or subject to conditions decided by the Authority.	29 30
(2)	A condition of the licence imposed under this section may, without limitation, include requiring the holder, or former holder, of the licence to—	31 32
(a)	restrict or prohibit the activities otherwise authorised by the licence, or	33
(b)	take specified action or refrain from taking specified action, including, without limitation, a requirement—	34 35
(i)	to carry out or provide the cannabis for a destruction activity, or	36
(ii)	to store or transport cannabis or material derived from cannabis, or	37
(iii)	to allow an arrangement to be put in place for another person to do an activity authorised under the licence, or	38 39
(c)	keep cannabis and cannabis products secure and ensure the cannabis or cannabis products are not diverted for unlawful purposes, or	40 41
(d)	minimise the risk of environmental harm or harm to humans arising from the former activities under the licence.	42 43

(3)	The Authority may require the licence holder, or former licence holder, to—	1
(a)	clean up residue of products derived from cannabis, or	2
(b)	treat the premises or place, or anything at the premises or place, formerly used under the licence in a specified way, or	3 4
(c)	allow an arrangement to be put in place for another person to undertake an action, or	5 6
(d)	for a cannabis licence holder, or former cannabis licence holder—provide information or prepare a report on specified matters.	7 8
(4)	A condition under this section may be made on or in anticipation of the expiry or cancellation of the licence, or within a period decided by the Authority, after the expiry, suspension or cancellation of the licence.	9 10 11
(5)	The holder of a licence or the former holder of a licence who contravenes a condition under this section is guilty of an offence.	12 13
	Maximum penalty—	14
(a)	for an individual—20 penalty units, or	15
(b)	for a corporation—500 penalty units.	16
41	Amendment of licence	17
(1)	A licence may be amended on application by the holder of the licence.	18
(2)	A licence may be amended on the Authority’s own initiative or on renewal of the licence.	19 20
(3)	The grounds for refusing an amendment are set out in section 36.	21
42	Licences not transferable	22
	A licence is not transferable.	23
43	Suspension or cancellation of licence	24
	The Authority may, on application by the holder of a licence, approve the suspension or cancellation of the licence.	25 26
44	Non-disclosure of criminal intelligence	27
(1)	The Authority is not, under this or another Act or law, required to give reasons for not granting or renewing a licence, or for suspending, cancelling or amending a licence, to the extent the reasons would disclose criminal intelligence.	28 29 30
(2)	The Authority is not, under this Act, required to give reasons to an applicant, or the holder of a licence, for proposing not to grant or renew the licence or proposing to suspend, cancel or amend the licence, to the extent the reasons would disclose criminal intelligence.	31 32 33 34
(3)	In deciding an application for a review of a decision of the Authority under this Part, the Civil and Administrative Tribunal, and an Appeal Panel of the Tribunal in deciding an internal appeal against a review under the <i>Civil and Administrative Tribunal Act 2013</i> —	35 36 37 38
(a)	is to ensure it does not, in the reasons for the Tribunal’s decision or otherwise, disclose criminal intelligence without the approval of the Commissioner of Police, and	39 40 41
(b)	to prevent the disclosure of criminal intelligence, is to receive evidence and hear argument in the absence of the public, the applicant for the administrative	42 43

review, the applicant's representative and any other interested party, unless the Commissioner of Police approves otherwise. 1
2

Division 5 Personal cultivation of cannabis 3

45 Limits on individuals growing cannabis for personal use 4

(1) A person who resides on premises may grow not more than— 5

(a) if no more than 2 persons reside on the premises—6 cannabis plants, or 6

(b) if more than 2 persons reside on the premises—12 cannabis plants. 7

(2) A person who contravenes subsection (1) commits an offence. 8

Maximum penalty—10 penalty units. 9

(3) For subsection (1), a person resides on premises if the premises are the person's home or usual place of residence. 10
11

(4) A cannabis plant may be grown under this section only if the cannabis plant is grown— 12
13

(a) out of public sight, or 14

(b) in an area to which the public does not have unrestricted access. 15

(5) The following persons may be deemed persons who commit an offence under subsection (1)— 16
17

(a) a person who resides on the premises, 18

(b) if there is no person residing on the premises—the owner of the premises. 19

Maximum penalty—10 penalty units. 20

Part 4	Offences	1
Division 1	Offences relating to the protection of minors	2
46	Sale of cannabis and cannabis products and cannabis accessories to minors	3
(1)	A person must not sell cannabis, a cannabis product or a cannabis accessory to a minor.	4
	Maximum penalty—	5
		6
(a)	for an individual—100 penalty units for a first offence or 500 penalty units for a second or subsequent offence, or	7
		8
(b)	for a corporation—500 penalty units for a first offence or 1,000 penalty units for a second or subsequent offence.	9
		10
(2)	It is a defence to a prosecution for an offence under this section if the court is satisfied that—	11
		12
(a)	the minor to whom the cannabis, cannabis product or cannabis accessory was sold was over 14 years of age at the time of the sale, and	13
		14
(b)	at or before the time of the sale documentary evidence was produced to the defendant that—	15
		16
(i)	might reasonably be accepted as applying to the minor to whom the cannabis, cannabis product or cannabis accessory was sold, and	17
		18
(ii)	demonstrated the minor was at least 18 years of age.	19
47	Purchasing cannabis, cannabis products and cannabis accessories on behalf of minors	20
		21
(1)	An adult must not purchase cannabis, a cannabis product or a cannabis accessory on behalf of a minor.	22
	Maximum penalty—50 penalty units.	23
		24
(2)	It is a defence to a prosecution for an offence under this section if the court is satisfied—	25
		26
(a)	the minor on whose behalf the cannabis, cannabis product or cannabis accessory was purchased was over 14 years of age, and	27
		28
(b)	at or before the time of the sale documentary evidence was produced to the defendant that—	29
		30
(i)	might reasonably be accepted as applying to the minor to whom the cannabis, cannabis product or cannabis accessory was sold, and	31
		32
(ii)	demonstrated the minor was at least 18 years of age.	33
48	Social sharing	34
(1)	A person must not gift, share with, or otherwise supply or offer to supply to another person cannabis or a cannabis product unless—	35
		36
(a)	the other person is an adult, and	37
(b)	the person does not take that action for the purpose of either, directly or indirectly—	38
		39
(i)	obtaining the ownership or possession of or control over property,	40
(ii)	obtaining a privilege, service pecuniary advantage or benefit of valuable consideration, or	41
		42
(iii)	avoiding a material detriment.	43
	Maximum penalty—20 penalty units.	44

(2)	To avoid any doubt, it is not lawful for a parent, guardian or caregiver of a minor to gift, share with or otherwise supply or offer to supply the minor with a form of cannabis or cannabis product.	1 2 3
49	Seizure of cannabis, cannabis products or cannabis accessories in possession of minors	4 5
(1)	A police officer may seize cannabis, a cannabis product or cannabis accessory in the possession of a person in a public place if the officer suspects on reasonable grounds the person is a minor.	6 7 8
(2)	Cannabis, a cannabis product or a cannabis accessory seized under subsection (1) is forfeited to the Crown.	9 10
(3)	Cannabis, a cannabis product or a cannabis accessory may be seized under subsection (1) from a person's possession even though the person is under the age of criminal responsibility.	11 12 13
50	Offence to expose minors to cannabis emissions	14
	A person who consumes cannabis or a cannabis product must not expose a minor to the emissions of the consumption.	15 16
	Maximum penalty—10 penalty units.	17
51	Evidence of age	18
	For the purposes of this Part, documentary evidence includes an evidence of age document within the meaning of the <i>Liquor Act 2007</i> .	19 20
52	Liability of employers	21
(1)	If an employee contravenes section 46, the employer is taken to have contravened that section, whether or not the employee contravened the provision without the employer's authority or contrary to the employer's orders or instructions.	22 23 24
(2)	It is a defence to a prosecution against an employer for the contravention if it is established—	25 26
(a)	the employer had no prior knowledge of the contravention, and	27
(b)	the employer could not, by the exercise of due diligence, have prevented the contravention.	28 29
(3)	An employer may be proceeded against and convicted under section 46 by virtue of this section whether or not the employee has been proceeded against or convicted under section 46.	30 31 32
(4)	For the purposes of this section, a person who authorised a person who contravenes section 46 to sell cannabis, a cannabis product or cannabis accessory as the person's agent is taken to be an employer of a person who contravenes section 46.	33 34 35
Division 2	Other offences	36
53	Restrictions on place of consumption	37
(1)	A person must not consume cannabis in a public place or in a vehicle that is in a public place.	38 39
	Maximum penalty—2 penalty units.	40
(2)	For the purposes of subsection (1), a public place does not include—	41
(a)	a cannabis consumption premises, or	42

(b)	cannabis consumed on premises the subject of a social club licence if the person consuming the cannabis is a social club member.	1 2
54	Use of unlicensed premises as place for consumption of cannabis or cannabis products	3 4
(1)	A person who is the occupier, or has or takes part in the care, management or control of unlicensed premises commits an offence if that person allows those premises to be kept or used as a place where unreasonable general access is allowed for the consumption of cannabis or cannabis products, other than a cannabis accessory. Maximum penalty—20 penalty units.	5 6 7 8 9
(2)	Subsection (1) does not apply to the consumption of cannabis or cannabis products by a person on premises on which that person resides, whether the person is the occupier of the premises or not.	10 11 12
(3)	For the purposes of deciding whether premises are a place where unreasonable general access is allowed for the purpose of consumption of cannabis, the court must consider—	13 14 15
(a)	the degree to which the availability of access to the premises is made publicly known,	16 17
(b)	whether persons are required to pay to enter the premises,	18
(c)	the potential for harm relating to cannabis consumption that could occur on the premises,	19 20
(d)	the extent to which cannabis consumption is the main activity occurring on the premises,	21 22
(e)	whether other products and services are sold on the premises.	23
(4)	A person who acts as an occupier or a person having a part in the care, management or control of premises is to be treated as an occupier of the premises, but without affecting the liability of another person.	24 25 26
(5)	In this section— <i>unlicensed premises</i> means premises that are not cannabis consumption premises or premises the subject of a social club licence.	27 28 29
55	Offence to unlawfully use Authority endorsement	30
	Cannabis or a cannabis product that has not been produced, distributed and supplied in accordance with this Act must not use the Authority endorsement. Maximum penalty—20 penalty units.	31 32 33

Part 5	Advertising and promotion of cannabis and cannabis products	1
		2
56	Certain advertising prohibited	3
(1)	A person must not, in New South Wales and for a direct or indirect benefit, display a cannabis advertisement in, or so it can be seen or heard from, a public place.	4
	Maximum penalty—	5
		6
(a)	for an individual—20 penalty units for a first offence or 80 penalty units for a second or subsequent offence, or	7
		8
(b)	for a corporation—6,000 penalty units for a first offence or 10,000 penalty units for a second or subsequent offence.	9
		10
(2)	A person must not, in New South Wales—	11
(a)	distribute to the public an unsolicited object that constitutes or contains a cannabis advertisement, or	12
		13
(b)	if the object constitutes or contains a cannabis advertisement—sell, hire or supply, for a direct or indirect benefit, an object to a person, other than a person, or the employee of a person, who is the holder of a cannabis licence under this Act.	14
		15
		16
		17
	Maximum penalty—	18
(a)	for an individual—20 penalty units for a first offence or 80 penalty units for a second or subsequent offence, or	19
		20
(b)	for a corporation—6,000 penalty units for a first offence or 10,000 penalty units for a second or subsequent offence.	21
		22
(3)	A reference to a cannabis advertisement is to be read as including a reference to a cannabis product advertisement.	23
		24
(4)	However, this section does not apply—	25
(a)	to a person who holds a cannabis distribution licence, if the cannabis advertisement is for the purpose of promoting the retail activity, nursery retail activity or cannabis premises activity authorised by the licence, and	26
		27
		28
(b)	if the advertisement does not relate to a particular type of cannabis or cannabis product—to an advertisement about the price of cannabis or a cannabis product or discounts or special prices for cannabis or cannabis products.	29
		30
		31
(5)	In this section—	32
	<i>cannabis advertisement</i> —	33
(a)	means writing, or a still or moving picture, sign, symbol or other visual image or message or audible message, or a combination of 2 or more of them, that gives publicity to, or otherwise promotes or is intended to—	34
		35
		36
(i)	promote the purchase or use of cannabis or a cannabis product, or	37
(ii)	promote the trademark or brand name, or part of a trademark or brand name, of cannabis or a cannabis product, or	38
		39
(iii)	notify the availability of cannabis or a cannabis product, or	40
(iv)	promote the sale of cannabis or a cannabis product, or	41
(v)	promote cannabis consumption behaviour, but	42
(b)	does not include the display of a licence required as a condition of a cannabis distribution licence under Part 3.	43
		44

57 Cannabis and cannabis product promotions involving prizes or gifts	1
(1) A person must not, in connection with the sale of cannabis or a cannabis product, or for the purpose of promoting the sale of cannabis or a cannabis product, supply, from inside or outside New South Wales, to a person in New South Wales—	2 3 4
(a) a prize, gift or other benefit, or	5
(b) a stamp, coupon, token, voucher, ticket or other thing by virtue of which any person may become entitled to, or may qualify for, a prize, gift or other benefit, whether that entitlement or qualification is absolute or conditional.	6 7 8
(2) Subsection (1) applies whether or not the person supplied with the benefit or thing is a purchaser of cannabis or a cannabis product.	9 10
(3) Subsection (1) does not apply to the supply of a benefit or thing to a person who is, or is the employee of, the holder of a cannabis licence.	11 12
(4) A person must not, in connection with the sale of cannabis or a cannabis product, or for the purpose of promoting the sale of cannabis or a cannabis product, conduct, from inside or outside New South Wales, a scheme—	13 14 15
(a) to promote the sale of cannabis or a cannabis product or to promote cannabis use generally, and	16 17
(b) the whole or part of which is implemented in New South Wales.	18
(5) It is a defence in proceedings for an offence under this section to prove the benefit or thing supplied was only incidentally connected with the purchase of cannabis or a cannabis product and equal opportunity to receive that benefit or thing and to buy products other than cannabis or a cannabis product was afforded generally to persons who purchased products, whether or not they were cannabis products.	19 20 21 22 23
(6) It is no defence in proceedings for an offence under this section to prove the benefit or thing concerned was of negligible or no value.	24 25
Maximum penalty—	26
(a) for an individual—20 penalty units for a first offence or 80 penalty units for a second or subsequent offence, or	27 28
(b) for a corporation—6,000 penalty units for a first offence or 10,000 penalty units for a second or subsequent offence.	29 30
58 Loyalty programs	31
(1) A person must not implement or conduct a program under which—	32
(a) a gift or other benefit may be obtained by a purchaser of cannabis or cannabis products on the basis of the amount or type of products purchased, regardless of whether the program extends to the purchase of other products or goods, or	33 34 35
(b) a purchaser of goods or products may be entitled to a gift of cannabis or cannabis products, regardless of whether the purchaser may choose to accept another type of gift instead.	36 37 38
Maximum penalty—	39
(a) for an individual—20 penalty units, or	40
(b) for a corporation—500 penalty units.	41
(2) However, subsection (1) does not apply to a program under which a gift or other benefit may be obtained by a purchaser of goods on the basis of the method of payment used, including the use of a particular credit card.	42 43 44

59	Free samples	1
	A person must not, for the purpose of inducing or promoting the sale of cannabis or a cannabis product, offer, give or distribute to another person, not being a person who is, or is the employee of, the holder of a cannabis licence, free cannabis or a free cannabis product.	2 3 4 5
	Maximum penalty—	6
	(a) for an individual—20 penalty units for a first offence or 80 penalty units for a second or subsequent offence, or	7 8
	(b) for a corporation—6,000 penalty units for a first offence or 10,000 penalty units for a second or subsequent offence.	9 10
60	Prohibition of sponsorships	11
(1)	A person must not promote or publicise, or agree to promote or publicise, in New South Wales, either of the following under a contract or arrangement, whether or not legally binding, under which a sponsorship is provided, or is to be provided by another person—	12 13 14 15
	(a) cannabis or a cannabis product or a trademark or brand name of cannabis or a cannabis product,	16 17
	(b) the name or interests of the holder of a cannabis licence, whether or not the licence holder also manufactures or distributes a product other than cannabis or a cannabis product, in association directly or indirectly with the cannabis or cannabis product.	18 19 20 21
(2)	A person must not provide, or agree to provide, a sponsorship under a contract or arrangement of a kind referred to in subsection (1).	22 23
(3)	For the purposes of subsection (1)(b), the name or interests of the holder of a cannabis licence are taken to be in association directly or indirectly with the cannabis or cannabis product if that name or those interests are commonly associated by members of the public in New South Wales with the cannabis or cannabis product.	24 25 26 27
(4)	In this section—	28
	<i>sponsorship</i> includes—	29
	(a) a scholarship, prize, gift or other benefit, and	30
	(b) a financial arrangement, other than a genuine contract of employment or a genuine contract for services, for the direction, promotion or publicity of 1 or more of the matters referred to in subsection (1)(a) and (b) through the medium of sporting, arts, youth, educational or other similar activities.	31 32 33 34
	Maximum penalty—	35
	(a) for an individual—20 penalty units for a first offence or 80 penalty units for a second or subsequent offence, or	36 37
	(b) for a corporation—6,000 penalty units for a first offence or 10,000 penalty units for a second or subsequent offence.	38 39

Part 6	Powers of authorised officers	1
Division 1	Preliminary	2
61	Definitions	3
	In this Part—	4
	<i>authorised purpose</i> —see section 62(2).	5
	<i>motor vehicle</i> has the same meaning as in the <i>Road Transport Act 2013</i> .	6
	<i>occupier</i> of premises means the person who has the management or control of the premises.	7
	<i>premises</i> includes—	8
	(a) a building or structure, or	9
	(b) land or a place, whether enclosed or built on or not, or	10
	(c) a mobile plant, vehicle, vessel or aircraft.	11
	<i>records</i> includes plans, specifications, maps, reports, books and other documents, whether in writing, in electronic form or otherwise.	12
	<i>specify</i> an act, matter or thing includes—	13
	(a) describe the act, matter or thing, and	14
	(b) specify a class of acts, matters or things.	15
	<i>vessel</i> means a kind of vessel used in navigation.	16
62	Purposes for which functions under Part may be exercised	17
(1)	An authorised officer may exercise the functions conferred by this Part for the following purposes—	18
	(a) investigating, monitoring and enforcing compliance with the requirements and conditions imposed under this Act,	19
	(b) obtaining information or records for purposes connected with the administration of this Act,	20
	(c) enforcing, administering or executing this Act.	21
(2)	In this Part, a reference to an <i>authorised purpose</i> is a reference to a purpose referred to in subsection (1).	22
Division 2	Authorised officers	23
63	Appointment of authorised officers	24
	The Authority may appoint a government sector employee to be an authorised officer for the purposes of this Act.	25
64	Scope of authority	26
(1)	An authorisation of a person as an authorised officer may be given generally, or subject to conditions, limitations or restrictions or only for limited purposes.	27
(2)	If an authorisation is given subject to conditions, limitations or restrictions or only for limited purposes, nothing in this Act authorises or requires the authorised officer to act in contravention of the conditions, limitations or restrictions or for other purposes.	28

65	Identification	1
(1)	Every authorised officer who is not a police officer is to be provided with an identification card as an authorised officer by the Authority.	2 3
(2)	While exercising the functions of an authorised officer under this Act, the officer must, if requested by a person affected by the exercise of a function, produce to the person the officer's identification card as an authorised officer or, for a police officer, the officer's police identification.	4 5 6 7
Division 3 Information gathering powers		8
66	Exercise in conjunction with other powers	9
	A power conferred by this Division may be exercised whether or not a power of entry under Division 4 is being exercised.	10 11
67	Powers of authorised officers to require information and records	12
(1)	An authorised officer may, by written notice given to a person, direct the person to give to the officer information or records, or both, as the authorised officer may require for an authorised purpose.	13 14 15
(2)	A notice under this Division must specify the way—	16
(a)	information or records are required to be given, and	17
(b)	a reasonable time by which the information or records are required to be given.	18
(3)	A notice under this Division may only require a person to give existing records that are in the person's possession or are within the person's power to obtain lawfully.	19 20
(4)	The person to whom a record is given under this Division may take copies of it.	21
(5)	If a record directed to be given under this Division is in electronic, mechanical or other form, the record must be given in written form, unless the notice otherwise provides.	22 23 24
68	Power of authorised officers to require answers	25
(1)	An authorised officer may direct a person whom the authorised officer suspects on reasonable grounds to know matters for which information is reasonably required for an authorised purpose to answer questions about the matters.	26 27 28
(2)	An authorised officer may, by written notice, direct a person to attend at a specified place and time to answer questions under this section if attendance at that place is reasonably required for the questions to be properly put and answered.	29 30 31
(3)	The place and time at which a person may be directed to attend under subsection (2) is to be a place and time nominated by the authorised officer that is reasonable in the circumstances.	32 33 34
69	Recording of evidence	35
(1)	An authorised officer may cause questions and answers to questions given under this Division to be recorded if the officer has informed the person who is to be questioned that the record is to be made.	36 37 38
(2)	A record may be made using sound recording apparatus or audio visual apparatus, or another method decided by the authorised officer.	39 40
(3)	A copy of a record must be provided by the authorised officer to the person who is questioned as soon as practicable after it is made.	41 42
(4)	A record may be made under this section despite the provisions of another law.	43

Division 4	Entry to premises	1
70	Powers of authorised officers to enter premises	2
(1)	An authorised officer may enter premises at an hour during which business is in progress or is usually carried on at the premises.	3 4
(2)	A power to enter premises conferred by this Act authorises entry by foot, vehicle, vessel or aircraft or by other means.	5 6
(3)	Entry to premises may be effected with or without the authority of a search warrant.	7
(4)	When exercising a power of entry under this Part, an authorised officer may be accompanied by assistants the authorised officer considers necessary.	8 9
(5)	This section does not apply to premises that are the subject of a cannabis social club licence.	10 11
71	Entry into residential premises only with permission or warrant	12
	This Division does not empower an authorised officer to enter a part of premises used only for residential purposes without the permission of the occupier or the authority of a search warrant.	13 14 15
72	Search warrants	16
(1)	An authorised officer under this Act may apply to an issuing officer for the issue of a search warrant if the authorised officer believes on reasonable grounds that—	17 18
(a)	a requirement imposed by or under this Act is being or has been contravened at the premises, or	19 20
(b)	there is, in or on the premises, a matter or a thing connected with an offence under this Act or the regulations.	21 22
(2)	An issuing officer to whom an application is made may, if satisfied there are reasonable grounds, issue a search warrant authorising an authorised officer named in the warrant—	23 24 25
(a)	to enter the premises, and	26
(b)	to exercise a function of an authorised officer under this Part.	27
(3)	Part 5, Division 4 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> applies to a search warrant issued under this section.	28 29
(4)	Without limiting the generality of section 71 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , a police officer—	30 31
(a)	may accompany an authorised officer executing a search warrant issued under this section, and	32 33
(b)	may take all reasonable steps to assist the authorised officer in the exercise of the officer’s functions under this section.	34 35
(5)	In this section—	36
	<i>issuing officer</i> means an authorised officer within the meaning of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	37 38
73	Requiring assistance	39
(1)	An authorised officer may direct the owner or occupier of premises, or a person in or on premises, other than a public place, to provide reasonable assistance the authorised officer specifies for the purposes of exercising the authorised officer’s functions under this Division in relation to the premises.	40 41 42 43

(2)	The direction may be given orally to the person or by written notice served on the person.	1 2
74	Powers that may be exercised on premises	3
(1)	An authorised officer may, at premises lawfully entered, do anything that in the opinion of the authorised officer is necessary to be done for an authorised purpose, including the things specified in subsection (2).	4 5 6
(2)	Without limiting subsection (1), an authorised officer may do the following—	7
(a)	examine and inspect a thing,	8
(b)	take and remove samples of a thing,	9
(c)	make examinations, inquiries, measurements or tests the authorised officer considers necessary,	10 11
(d)	take photographs or other recordings the authorised officer considers necessary,	12 13
(e)	direct a person to produce records for inspection,	14
(f)	examine and inspect records,	15
(g)	copy records,	16
(h)	seize a thing the authorised officer has reasonable grounds for believing is connected with an offence against this Act,	17 18
(i)	move a seized thing from the place where it is seized or leave it at the place where it is seized and take reasonable action to restrict access to the thing,	19 20
(j)	direct the occupier of the premises where a thing is seized to keep it at the premises or at another place under the control of the occupier,	21 22
(k)	do anything else authorised under this Act.	23
(3)	The power to examine and inspect a thing includes a power to use reasonable force to break open or otherwise access anything, including a floor or wall containing the thing.	24 25 26
(4)	The power to seize a thing connected with an offence includes a power to seize—	27
(a)	a thing in relation to which the offence has been committed, and	28
(b)	a thing that will afford evidence of the commission of the offence, and	29
(c)	a thing that was used for the purpose of committing the offence.	30
(5)	The power to do a thing under this section includes a power to arrange for that thing to be done.	31 32
(6)	A power to do something under this section about a thing may be exercised without the consent of the owner of the thing.	33 34
(7)	In this section, a reference to an offence includes a reference to an offence that there are reasonable grounds for believing has been committed.	35 36
Division 5	Miscellaneous	37
75	Taking possession of records to be used as evidence	38
(1)	If an authorised officer takes possession of records under this Part for the purpose of obtaining evidence or protecting evidence from destruction, the records may be kept by the Authority until the completion of any proceedings, including proceedings on appeal, in which the records may be evidence.	39 40 41 42

(2)	The person from whom the records are taken must be provided, within a reasonable time after the records are taken, with a copy of the records certified by an authorised officer as a true copy.	1 2 3
(3)	A copy of records provided under this section is, as evidence, of equal validity to the records of which it is certified to be a copy.	4 5
76	Obstruction of authorised officers	6
	A person must not obstruct, hinder or interfere with an authorised officer in the exercise of the authorised officer’s functions under this Part.	7 8
	Maximum penalty—	9
	(a) for a corporation—1,000 penalty units, or	10
	(b) otherwise—20 penalty units.	11
77	Failure to comply with direction	12
	A person must not, without reasonable excuse, fail to comply with a direction of an authorised officer made under this Part.	13 14
	Maximum penalty—	15
	(a) for a corporation—1,000 penalty units, or	16
	(b) otherwise—20 penalty units.	17

Part 7	Miscellaneous	1
78	Ban of undesirable cannabis products	2
(1)	The Authority may declare, by notice published in the Gazette, a specified cannabis product to be a banned cannabis product, if the Authority considers the product to be inappropriate.	3 4 5
(2)	A person, including the holder of a cannabis licence, must not advertise or supply a cannabis product that has been declared to be a banned cannabis product. Maximum penalty—20 penalty units.	6 7 8
(3)	Without limiting subsection (1), the Authority may consider a product to be inappropriate if—	9 10
(a)	the name of the product, or the products design or packaging, is likely to be attractive to minors, or	11 12
(b)	the product is likely, for another reason, to have a special appeal to minors, or	13
(c)	the name of the cannabis product, or the design or packaging of the cannabis product, is indecent or offensive, or	14 15
(d)	the product is likely to be confused with confectionery, or	16
(e)	it is in the public interest to declare the product to be a banned cannabis product.	17 18
79	Defence of reasonable excuse	19
	In proceedings in which a person is charged with an offence of contravening a provision of this Act, it is a defence to the prosecution of the offence if the person charged proves the person had a reasonable excuse for the contravention.	20 21 22
80	Administrative review of decisions of Authority by Civil and Administrative Tribunal	23
	A person may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of a decision of the Authority under this Act as follows—	24 25 26
(a)	an applicant for the grant, renewal or amendment of a licence may apply for an administrative review of a decision of the Authority not to grant, renew or amend the licence or as to the conditions of the licence,	27 28 29
(b)	the holder or former holder of a licence may apply for an administrative review of a decision of the Authority—	30 31
(i)	to refuse approval of a suspension or cancellation of a licence on the application of the holder of the licence, or	32 33
(ii)	to suspend, cancel or amend the licence, or	34
(iii)	to impose a condition on the licence.	35
81	Defence for 12 months from commencement for certain offences	36
(1)	This section applies from the commencement of this Act for a period of 12 months after the commencement.	37 38
(2)	If a person undertakes, or takes part in, an activity specified in section 14 without a licence for the activity, it is a defence for the person to prove that the person has applied for a licence, or taken reasonable steps to apply for a licence, in relation to the activity to which the offence relates.	39 40 41 42

82 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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Schedule 1	Amendment of Acts	1
1.1	Drug Misuse and Trafficking Act 1985 No 226	2
	Section 8C	3
	Insert after section 8B—	4
	8C Relationship with Cannabis Legalisation Act 2021	5
	Nothing in this Act affects a provision of or made under the <i>Cannabis Legalisation Act 2021</i> or renders unlawful anything done in accordance with a provision of that Act.	6 7 8
1.2	Law Enforcement (Powers and Responsibilities) Act 2002 No 103	9
	Schedule 2 Search warrants under other Acts	10
	Insert in alphabetical order—	11
	<i>Cannabis Legalisation Act 2021</i> , section 72.	12
1.3	Public Health (Tobacco) Act 2008 No 94	13
	Section 4 Definitions	14
	Omit the definition of <i>non-tobacco smoking product</i> . Insert instead—	15
	<i>non-tobacco smoking product</i> —	16
	(a) means a product, other than a tobacco product, that is intended to be smoked, and	17 18
	(b) includes a product known or described as herbal cigarettes, but	19
	(c) does not include cannabis or a cannabis product within the meaning of the <i>Cannabis Legalisation Act 2021</i> .	20 21

Dictionary

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minor means an individual who is under 18 years of age.	1
motor vehicle , for Part 6—see section 61.	2
nursery activity , for Part 3—see section 16(1)(a).	3
nursery retail activity —see section 19(b).	4
occupier , for Part 6—see section 61.	5
premises , for Part 6—see section 61.	6
processing activity , for Part 3—see section 16(1)(d).	7
public place has the same meaning as in the <i>Summary Offences Act 1988</i> .	8
records , for Part 6—see section 61.	9
research activity , for Part 3—see section 16(1)(f).	10
retail activity —see section 19(a).	11
sell includes sell whether by wholesale or retail and barter and exchange, and also includes dealing in, agreeing to sell, or offering or exposing for sale, or keeping or having in possession for sale, or sending, forwarding, delivering or receiving for sale or on sale, or authorising, directing, causing, suffering, permitting or attempting any of those acts or things.	12 13 14 15
social club activity , for Part 3—see section 27.	16
social club licence —see section 26(1).	17
social club members , for Part 3, Division 3—see section 26(7).	18
specify , for Part 6—see section 61.	19
supply includes sell and distribute, and also includes agreeing to supply, or offering to supply, or keeping or having in possession for supply, or sending, forwarding, delivering or receiving for supply, or authorising, directing, causing, suffering, permitting or attempting any of those acts or things.	20 21 22 23
THC means Dronabinol (delta-9-tetrahydrocannabinol).	24
under includes—	25
(a) by, and	26
(b) for the purposes of, and	27
(c) in accordance with, and	28
(d) within the meaning of.	29
vessel , for Part 6—see section 61.	30
wholesale and distribution activity , for Part 3—see section 16(1)(e).	31