

**THE CANNABIS ACT, 2021**

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GOVERNMENT OF ZAMBIA

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**ACT****No. 33 of 2021**

Date of Assent: 19th May, 2021

**An Act to provide for the regulation of the cultivation, manufacture, production, storage, distribution, import and export of cannabis for medicinal, scientific or research purposes; designate the Lead Agency for the licensing of cannabis for medicinal, scientific or research purposes; provide for security measures for the cultivation, manufacture, production, storage, distribution, import and export of cannabis for medicinal, scientific or research purposes; provide for the constitution of the National Cannabis Coordinating Committee and provide for its functions; domesticate the Single Convention on Narcotic Drugs, 1961; and provide for matters connected with, or incidental to, the foregoing.**

[20th May, 2021]

ENACTED by the Parliament of Zambia.

Enactment

**1.** This Act may be cited as the Cannabis Act, 2021 and shall come into operation on the date the Minister may appoint by statutory instrument.

Short title and commencement

**2. (1)** In this Act, unless the context otherwise requires—

Interpretation

“agent” means a person who acts on behalf of, or on the direction of, a licensed entity when carrying out the licensed entity’s business;

“Agency” means the Zambia Medicines and Medical Supplies Agency established under the Zambia Medicines and Medical Supplies Agency Act, 2019;

Act No. 9 of 2019

“appropriate authority” means a relevant public body, statutory body or person, having powers or regulatory functions under any other written law designated by the Committee;

“authorised officer” means a person assigned to carry out the duties of the law enforcement authority for the purposes of this Act and includes—

Act No. 35 of  
2021

(a) a person appointed under the Narcotic Drugs and Psychotropic Substances Act;

Act No. 3 of  
2013

(b) a person appointed under the Medicines and Allied Substances Act, 2013;

Cap. 233

(c) a person appointed under the Plant Pests and Diseases Act;

Cap. 236

(d) a person appointed under the Plant Variety and Seeds Act; and

Act No. 12 of  
2011

(e) a person appointed under the Environmental Management Act, 2011;

“cannabis” means the flowering or fruiting tops of the cannabis plant from which the resin has not been extracted, by whatever name they may be designated, except where used in the expression “cannabis resin”;

“cannabis resin” means the separated resin, whether crude or purified, obtained from cannabis;

“Chairperson” means a person appointed as Chairperson under section 5;

“Committee” means National Cannabis Coordinating Committee established under section 5;

“cultivation” includes planting, sowing, scattering the seeds, growing, nurturing, tending or harvesting of opium, coca leaves, cannabis and cannabis resin from the plant from which they were obtained and the word “cultivate” shall be construed accordingly;

“distribute” means the division and movement of cannabis from the premises of a manufacturer, or from another central point to an intermediate point, or to an end user, by means of any method of transport;

“distributor” means a person who distributes cannabis;

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“Drug Enforcement Commission” means the Drug Enforcement Commission established under the Constitution;	Cap. 1
“emoluments” has the meaning assigned to the word in the Constitution;	Cap. 1
“Emoluments Commission” means the Emoluments Commission established by the Constitution;	Cap. 1
“health facility” has the meaning assigned to words in the Health Professions Act, 2009;	Act. No. 24 of 2009
“health practitioner” means a medical doctor, medical licentiate, pharmacist, dental surgeon or other person as the Minister may, on the advice of the Lead Agency, by statutory instrument, designate;	
“Lead Agency” means the Lead Agency designated under section 4;	
“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;	Act No. 6 of 2019
“licence” means a licence issued under section 15;	
“licensee” means a person issued with a licence to cultivate, produce, store or distribute cannabis for medicinal, scientific or research purposes;	
“licensed activity” means an activity authorised under a licence issued by the Agency;	
“medicine” has the meaning assigned to the word in the Medicines and Allied Substances Act, 2013;	Act No. 3 of 2013
“medical doctor” means a person registered as a medical doctor under the Health Professions Act, 2009;	Act No. 24 of 2009
“medicinal purposes” means use of cannabis for the treatment or prevention of a disease or for some other definite curative or therapeutic purpose, but excludes the satisfaction or relief of a habit or craving for the cannabis;	
“possession” includes to keep or to store a cannabis, or to have in custody or under control or supervision, or a cannabis held by some other person subject to the person’s control, for that person or on that person’s behalf;	
“preparation” means a mixture, solid or liquid containing drug;	

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- “premises” includes land, any building, dwelling, shop, office or tent together with the land on which the same is situated and the adjoining land used in connection with the land, and includes any vehicle, conveyance or vessel;
- “production” means the separation of cannabis and cannabis resin from the plants from which they are obtained;
- “register” means a register of cannabis established under section 39;
- Act No. 3 of 2012 “relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012;
- “Single Convention” means the Single Convention on Narcotic Drugs which entered into force on 8th August, 1975, and was ratified by Zambia on 13th May, 1998;
- “special stocks” means the amount of cannabis held by the Government for special purposes to meet certain circumstances, and the term “special purposes” shall be construed accordingly;
- “stocks” means the amount of cannabis held in the Republic for medicinal, scientific or research purposes, manufacture of drugs and other substances or for export;
- Act No. 24 of 2009 “treatment has the meaning assigned to the word in the Health Professions Act, 2009;
- “Zambia Environmental Management Agency” means the Zambia Environmental Management Agency established under the Environmental Management Act, 2011; and
- Act No. 12 of 2011 “Zambia Information and Communication Technology Authority” means the Authority established under the Information and Communication Technologies Act, 2009.
- Act No. 15 of 2009 Application **3.** This Act shall not apply to the cultivation of a cannabis plant with a *delta 9 tetrahydrocannabinol* concentration of not more than 0.3 per cent on a dry weight basis exclusively for industrial or horticultural purposes.

PART II  
ADMINISTRATION

4. (1) The Zambia Medicines Regulatory Authority established under the Medicines and Allied Substances Act, 2013 is the Lead Agency responsible for the issuance of licences for the cultivation, manufacture, production, storage, distribution, import and export of cannabis for medicinal, scientific or research purposes.

Lead Agency  
Act No. 3 of  
2013

(2) The Lead Agency shall, in addition to the functions under the Medicines and Allied Substances Act, 2013, perform the functions conferred on the Lead Agency in this Act.

Act No. 3 of  
2013

5. (1) There is constituted the National Cannabis Coordinating Committee which consists of the following part time members appointed by the President:

Constitution  
of National  
Cannabis  
Coordinating  
Committee

(a) a representative of the ministry responsible for health, as Chairperson;

(b) a representative each of the ministries responsible for—

- (i) agriculture;
- (ii) commerce;
- (iii) home affairs;
- (iv) lands; and
- (v) defence;

(c) a representative each of the—

- (i) Drug Enforcement Commission;
- (ii) Zambia Medicines Regulatory Authority;
- (iii) Attorney General; and
- (iv) school of health sciences of a higher education institution; and

(d) a person from the private sector with experience and knowledge in matters related to this Act.

(2) The members of the Committee under subsection (1), except a member under paragraph (d) shall be nominated by their respective ministries, organisations or institutions.

(3) The members of the Committee shall elect the Vice Chairperson from among themselves.

(4) A person shall not be nominated or appointed as a member of the Committee if that person is—

- (a) an undischarged bankrupt;
- (b) legally disqualified from performing the functions of a member of the Committee;
- (c) convicted of an offence involving fraud or dishonesty; or
- (d) convicted of an offence under any law and sentenced to imprisonment for a period exceeding six months without the option of a fine.

Functions of  
Committee

6. The functions of the Committee are to—

- (a) consider application for licences under this Act;
- (b) consider applications for licences to cultivate, manufacture, process, distribute, import and export industrial hemp or conduct research on industrial hemp under the Industrial Hemp Act, 2021;
- (c) provide quotas for the cultivation of cannabis;
- (d) in consultation with the ministries responsible for land and agriculture, the Zambia Environmental Management Agency and the authorities responsible for customary land, designate areas in which, and premises on which cultivation of cannabis is permitted;
- (e) in collaboration with the Drug Enforcement Commission, monitor, supervise and control special stocks and stocks to ensure compliance with this Act and any other written law, in liaison with other appropriate authorities;
- (f) ensure compliance with the requirements of international agreements and prescribed requirements for the cultivation, manufacture, production, storage, distribution, import and export of cannabis for medicinal, scientific or research purposes;
- (g) in collaboration with the Zambia Bureau of Standards, develop and formulate standards, and prescribe codes of practice for licensees;
- (h) collaborate with national, regional and international organisations on matters related to cannabis; and
- (i) advise the President on matters relating to cannabis for medicinal, scientific or research purposes.

Act No. 34  
of 2021

7. (1) Despite section 15, the Agency, for the purposes of this Act, is designated to purchase, store, export and import cannabis for medicinal, scientific or research purposes.

Functions of  
Agency

(2) The Lead Agency shall, on the application of the Agency, issue the Agency with a licence to purchase, store, export and import cannabis in accordance with this Act.

(3) Despite the generality of subsection (1), the functions of the Agency are to—

- (a) purchase and take physical possession of the harvested cannabis for medicinal, scientific or research purposes as soon as possible, but not later than four months after the end of the harvest;
- (b) undertake wholesale trading, maintain stocks and export cannabis for medicinal, scientific or research purposes; and
- (c) have the exclusive right of importing, exporting, wholesale trading and maintaining stocks of cannabis other than those held by manufacturers of cannabis preparations for medicinal, scientific or research purposes.

8. (1) Subject to the other provisions of this Act, a member of the Committee shall hold office for a period of three years from the date of appointment and may be re appointed for a further and final period of three years but shall not successively hold office for more than two terms.

Tenure of  
office of  
members  
and vacancy

(2) The office of a member of the Committee becomes vacant if that member of the Committee—

- (a) dies;
- (b) is adjudged bankrupt;
- (c) is absent from three consecutive meetings of the Committee of which that member of the Committee has had notice, without the prior approval of the Committee;
- (d) resigns from office;
- (e) is legally disqualified from performing the duties of a member of the Committee;
- (f) is convicted of an offence under this Act or any other law; or
- (g) ceases to represent the institution that nominated that member of the Committee.

(3) Subject to this Act, a member of the Committee shall, on the expiration of the period for which the member of the Committee is appointed, continue to hold office until another member of the Committee, is appointed to succeed that member of the Committee, but in no case shall the member of the Committee hold office for more than three month after the expiration of that member's term.

(4) The President shall, where the office of a member of the Committee becomes vacant, appoint another person in place of the member of the Committee who vacates office, and the member shall hold office for the remainder of the term.

Proceedings  
of  
Committee

9. (1) Subject to this Act, the Committee may regulate its own procedure.

(2) The Committee shall meet for the transaction of business at least once every three months at a place and time that the Committee may determine.

(3) The Chairperson may call a meeting of the Committee on giving notice of not less than fourteen days if not less than one third of the members of the Committee so request, in writing, except that if the urgency of a particular matter does not permit the giving of that notice, a special meeting may be called on giving a shorter notice.

(4) Five members of the Committee shall constitute a quorum at a meeting of the Committee.

(5) There shall preside at a meeting of the Committee—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice Chairperson;  
and

(c) in the absence of the Chairperson and the Vice Chairperson, a member of the Committee that the members of the Committee present may elect from among themselves for the purpose of that meeting.

(6) A decision of the Committee on any question shall be determined by a majority of the votes of the members of the Committee present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) Where a member of the Committee is, for any reason unable to attend the meeting of the Committee, that member of the Committee may, in writing, nominate another person from the same organisation to attend the meeting in that members stead and that person shall be considered to be a member of the Committee for purposes of that meeting.

(8) The Committee may invite any person whose presence is, in its opinion desirable, to attend and to participate in the deliberation of a meeting of the Committee, but that person shall have no vote.

(9) The Committee shall cause minutes to be kept of the proceedings of meetings of the Committee and sub committee of the Committee.

**10.** (1) The Committee may constitute subcommittees that it considers necessary and delegate any of its functions to these sub committees.

Subcommittees

(2) The Committee may appoint as members of a subcommittee, persons who are, or are not members of the Committee, except that at least one member of a Committee shall be a member of the sub committee.

(3) A person serving as a member of a subcommittee shall hold office for a period that the Committee may determine.

(4) Subject to any specific or general direction of the Committee, a sub committee may regulate its own procedure.

**11.** (1) A person who is present at a meeting of the Committee or a subcommittee of the Committee at which any matter is the subject of consideration, and in which that person or that person's relative or associate, is directly or indirectly interested in a private capacity shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Committee or subcommittee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Prohibition of publication or disclosure of information to unauthorised person

**12.** (1) A person shall not, without the consent, in writing, given by or on behalf of the Committee, otherwise than in the course of the duties of that person, publish or disclose to any other person, the contents of any document, communication or information, which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

### PART III

#### DECLARATION OF QUOTAS AND LICENSING FOR THE CULTIVATION, MANUFACTURE, PRODUCTION, STORAGE, DISTRIBUTION, IMPORT AND EXPORT OF CANNABIS

Declaration of quotas

**13.** The Committee shall annually declare a quota for the cultivation of cannabis, as prescribed.

Prohibition from cultivation, manufacture, production, storage, distribution, import and export of cannabis

**14.** (1) A person shall not cultivate, manufacture, produce, store, distribute, import and export cannabis for medicinal, scientific or research purposes without a licence from the Lead Agency.

Act No. 35 of 2021

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to the penalty specified for that offence in the Narcotic Drugs and Psychotropic Act.

Application for licence

**15.** (1) A person who intends to cultivate, manufacture, produce, store, distribute, import and export cannabis for medicinal, scientific or research purposes shall apply to the Lead Agency in a prescribed manner and form on payment of a prescribed fee.

(2) An application made under subsection (1), shall be accompanied by a security clearance in the prescribed manner and form.

(3) The Lead Agency shall, on the recommendation of the Committee, within ninety days of receipt of an application under subsection (1), approve or reject the application.

(4) The Lead Agency shall, where the Lead Agency, on the recommendation of the Committee, rejects the application, inform the applicant within thirty days of the Lead Agency's decision in a prescribed manner and form.

(5) The Lead Agency shall, where the applicant meets the prescribed requirements, issue the applicant with a licence in a prescribed manner and form.

**16.** (1) A person licensed to cultivate cannabis shall deliver the harvested cannabis to the Lead Agency within four months of the harvest. Delivery of harvested cannabis

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

**17.** A licence issued by the Lead Agency is valid for a period of three years. Duration of licence

**18.** (1) A licensee who intends to renew a licence shall, within sixty days before the expiration of the licence, apply to the Lead Agency for renewal of the licence in a prescribed manner and form on payment of a prescribed fee. Renewal of licence

(2) The Lead Agency shall, on the recommendation of the Committee, within sixty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Lead Agency shall, where the Lead Agency, on the recommendation of the Committee, rejects the application, inform the applicant, in writing, within seven days of the Lead Agency's decision stating the reasons.

(4) The Lead Agency shall, where the applicant meets the prescribed requirements, issue the applicant with a licence in a prescribed manner and form.

(5) A licensee shall where a licensee does not intend to renew the licence, within sixty days before the expiry of the licence submit to the Lead Agency a status report in a prescribed manner and form.

**19.** (1) The Lead Agency shall, on the recommendation of the Committee, suspend or revoke a licence where the licensee— Notice of suspension or revocation of licence

(a) breaches a condition of the licence;

(b) obtained the licence by fraud, misrepresentation or concealment of a material fact;

(c) is legally disqualified to undertake the licensed activity;

(d) is an undischarged bankrupt; or

(e) is convicted of an offence under the Act or any other law and sentenced to a term of imprisonment exceeding six months without the option of a fine.

(2) The Lead Agency shall, before suspending or revoking a licence in accordance with subsection (1), notify the licensee in a prescribed manner and form of the Lead Agency's intention to suspend or revoke the licence and shall—

(a) give the reasons for the intended suspension or revocation; and

(b) require the licensee to show cause, within a period of not more than thirty days, why the licence should not be suspended or revoked.

(3) The Lead Agency shall not suspend or revoke a licence under this section if the licensee takes remedial measures to the satisfaction of the Lead Agency within the period specified under subsection (2).

(4) The Lead Agency shall, in making its final determination on the suspension or revocation of a licence, consider the submissions made by the licensee under subsection (2).

(5) The Lead Agency may suspend or revoke a licence if the holder after being notified under subsection (2) fails to show cause or does not take any remedial measures, to the satisfaction of the Lead Agency, within the period specified in that subsection.

(6) Where a licence is revoked under this Act, the Lead Agency shall inform the licensee, in writing, of the revocation of the licence and the licensee shall surrender that licence, subject to the conditions that the Lead Agency may impose with respect to the winding up of the licensed activity.

Notice of  
change of  
particulars

**20.** (1) A licensee shall notify the Lead Agency of a change in the particulars relating to the licensed activity in a prescribed manner and form on payment of a prescribed fee.

(2) The Lead Agency shall, in consultation with the Committee, within thirty days of receipt of the notification under subsection (1)—

(a) change the particulars relating to the licensed activity on the licence for the licensee and in the register; and

(b) notify the licensee of the change of the particulars of the licence.

**21.** (1) A licensee shall submit to the Lead Agency—

(a) an annual return or no change return in a prescribed manner and form on payment of a prescribed fee; and

(b) a status report in a prescribed manner and form.

Submission  
of annual  
returns and  
status report

(2) An annual return under subsection (1) shall cover the period 1st January to 31st December of the preceding financial year and the licensee shall submit the annual return or no change return by 31st March of the following financial year.

(3) A licensee shall, where the status of the licensed activity has not changed, specify in a prescribed manner and form, the financial year in which the return is filed and include a general statement of a no change in any given particulars in the return from the filing of the previous return.

(4) A person who fails to submit the annual report and status report within the prescribed period commits an offence.

**22.** (1) A licence issued under this Act shall not be transferred to a third party without prior authorisation of the Lead Agency, on the recommendation of the Committee.

Transfer of  
licence

(2) A licensee who intends to transfer a licence shall apply to the Lead Agency in a prescribed manner and form on payment of a prescribed fee.

(3) An authorised officer shall, before the licence is transferred, conduct an inspection of the premises of the person to whom a licence is to be transferred and submit a report to the Lead Agency.

(4) A licensee and the person to whom the licence is to be transferred shall comply with any other relevant written laws relating to a transfer of a licence.

(5) The Lead Agency shall, on the recommendation of the Committee, within ninety days of receipt of an application under subsection (2), approve or reject the application taking into consideration the report submitted by an authorised officer under subsection (3).

(6) The Lead Agency shall, where the Lead Agency, on the recommendation of the Committee, rejects the application under subsection (5), inform the applicant in the prescribed manner and form.

- (7) The Lead Agency shall, where the person to whom a licensee intends to transfer the licence meets the prescribed requirements, transfer the licence to that person for the remainder of the validity of the licence.
- Variation of licence      **23.** (1) A licensee shall, at any time during the validity of the licence apply to the Lead Agency in a prescribed manner and form on payment of a prescribed fee, for the variation of the terms and conditions of the licence.
- (2) The Lead Agency shall, in consultation with the Committee, within thirty days of receipt of an application under subsection (1)—
- (a) vary or reject the variation of the terms and conditions of the licence; and
- (b) notify the licensee of the variation or rejection thereof.
- Notice of cessation of licensed activities      **24.** (1) A licensee who intends to cease conducting the licensed activity shall submit to the Lead Agency a notice of cessation in a prescribed manner and form.
- (2) The licensee shall, within thirty days of the cessation of the licensed activity, submit to the Lead Agency a detailed report of the licensed activity in a prescribed manner and form.
- (3) The licensee shall, where the licensed activity ceases before the expiry of the licence, surrender to the Lead Agency the licence and the Lead Agency shall cancel the licence.
- Designation of areas      **25.** (1) The Committee shall, in consultation with an appropriate Lead Agency, designate areas as premises for a licensed activity under this Act taking into account the—
- (a) risk of diversion;
- (b) risk of contamination subject to the Environmental Management Act, 2011;
- (c) economic decentralisation; and
- (d) any other matter as prescribed.
- (2) Despite subsection (1)—
- (a) a licensee shall not undertake a licensed activity—
- (i) in an area within a twenty five kilometres radius of a public or private school, public park, public library and alcoholism or drug abuse treatment and rehabilitation centre; and
- (ii) where the cultivation does not conform to the requirement of security and other requirements under this Act.
- Act No. 12 of 2011

**26.** (1) An independent laboratory shall, for the purposes of verification, test a cannabis plant or cannabis preparation, before it is exported or sold.

Quality control of cannabis plant or cannabis preparation

(2) An independent laboratory under subsection (1) shall be a recognised laboratory as prescribed.

**27.** (1) An owner or occupier of land shall clear or cause to be cleared from that person's land any plant from which a cannabis is derived, and is found to be growing wild or being cultivated in contravention of this Act, as determined by the Committee, in consultation with the Zambia Environmental Management Agency.

Clearing of plants from land by owner or occupier

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

(3) The Committee shall, where a person contravenes subsection (1), in addition to the penalty under subsection (2) direct the—

(a) seizure of the plant by the relevant appropriate authority and cause that person's land to be cleared in the presence of an authorised officer; or

(b) supervision of the cultivation of the plant until maturity before seizure of the plant by an appropriate authority.

**28.** (1) Despite section 15, the Lead Agency shall on the commencement of this Act issue a licence to the Zambia National Service for the cultivation of cannabis for medicinal, scientific or research purposes on terms and conditions that the Lead Agency may determine.

Reservation of cultivation of cannabis for medicinal, scientific or research purposes

(2) The Lead Agency shall in the licence issued under subsection (1) specify a fixed period or an extended period as determined by the President, during which no person, other than the Zambia National Service shall be licensed to cultivate cannabis for medicinal, scientific or research purposes.

(3) The Lead Agency shall by notice in the Gazette inform the public of the terms and conditions of a licence granted under this section.

(4) The President may, by statutory instrument, declare certain areas and activities as reserved areas on terms and conditions that the President may determine.

PART IV

SECURITY MEASURES FOR THE CULTIVATION, MANUFACTURE,  
PRODUCTION, STORAGE, DISTRIBUTION, IMPORT AND EXPORT OF  
CANNABIS FOR MEDICINAL, SCIENTIFIC OR RESEARCH PURPOSES

- Compliance with security measures      **29.** (1) A licensee shall ensure compliance with security measures under this Act and any other written law for the purposes of the licensed activity.
- Unauthorised access and visual monitoring of premises for licensed activity      **30.** (1) A licensee shall cause premises used for the purposes of carrying out the licensed activity to be designed in a manner that prevents unauthorised access to these premises.  
(2) A licensee shall, in addition to the requirement under subsection (1), install at the premises used for the purposes of a licensed activity a visual recording device that—  
(a) is type approved by the Zambia Information and Communications Technology Authority;  
(b) detects any attempted or actual unauthorised access; and  
(c) is monitored at all times.
- Intrusion detection system of premises      **31.** (1) A licensee’s premises shall be secured by means of an intrusion detection system that operates and is capable of detecting any attempted or actual unauthorised access on the premises or tampering with the intrusion detection system.  
(2) The intrusion detection system under subsection (1) shall be monitored twenty four hours by personnel qualified to monitor the intrusion detection system.  
(3) Qualified personnel under subsection (2) shall, where an attempted or actual unauthorised access to the premises licensed for the purposes of a licensed activity or the tampering of the intrusion system is detected, record the—  
(a) date and time of the occurrence; and  
(b) measures taken in response to the detection and the date and time when the measures were taken.
- Physical barriers      **32.** A licensee shall provide physical barriers that prevent unauthorised manufacture or storage of cannabis for medicinal, scientific or research purposes.
- Restricted access      **33.** (1) Access to premises licensed for the purposes of a licensed activity shall be restricted to personnel working at those premises.

(2) A person in control of any premises under subsection (1) shall—

- (a) be physically present while persons, other than authorised personnel, are on the premises where the licensed activity is being undertaken; and
- (b) keep a record of personnel and persons entering or exiting the premises where the licensed activity is being undertaken

#### PART V

##### POSSESSION OF CANNABIS

**34.** (1) Subject to this Act, the following classes of persons shall be generally authorised, for the practice or exercise of the person's profession, function or employment, to be in possession of a preparation of cannabis for medicinal, scientific or research purposes:

General  
authorisation  
for certain  
classes of  
persons

- (a) health practitioner;
- (b) veterinary surgeon;
- (c) nurse;
- (d) person in charge of a laboratory used for the purpose of research or instruction and attached to—
  - (i) a university or other educational institution;
  - (ii) a health facility; or
  - (iii) any research institution or approved business entity; or
- (e) person appointed as authorised officer in accordance with this Act.

(2) Cannabis, under subsection (1), shall, except when the necessities of the practice of the profession, function or employment, otherwise requires, be kept in a locked receptacle which shall be opened only by the person or by some other person authorised by virtue of this section, to be in possession of cannabis.

**35.** (1) The Minister may, if the Minister is satisfied that the person cannot remain a person generally authorised, by notice in the *Gazette*, revoke the authority of that person, where that person authorised under section 34—

Withdrawal  
of general  
authorisation

- (a) is or has been convicted of an offence under this Act, or of attempting to commit any offence or of soliciting, inciting, aiding or abetting, any other person to commit any offence;

(b) is adjudged, certified or otherwise proved to be legally disqualified by any relevant written law;

(c) is undergoing treatment as a temporary or voluntary patient in terms of any relevant written law; or

(d) is proved, to the satisfaction of a medical doctor, to have become a drug addict.

(2) The Minister may, where the general authority of a person has been revoked in accordance with this Act, at any time restore the authorisation where the reasons for revocation cease to exist.

Dealing  
with  
cannabis  
over  
electronic  
communication  
network

**36.** (1) A person shall not distribute cannabis, by means of an electronic communications network without general authorisation as specified in section 35.

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

#### PART VI

##### REPORTS, RECORDS, INVENTORIES AND REGISTERS

Records and  
reports of  
licensed  
activity

**37.** A licensed entity shall establish and maintain, on a current basis, a complete and accurate record or inventory of cannabis manufactured, distributed, received, sold, supplied or otherwise disposed of, except that this section shall not require the maintenance of a perpetual inventory.

Cannabis  
tracking  
system

**38.** The Committee may, using the information collected under section 37 and any other information to which the Agency has access, establish and maintain a national cannabis tracking system to—

(a) enable the tracking of cannabis;

(b) prevent cannabis from being diverted to an illicit market or activity; and

(c) prevent illicit cannabis from being a source of supply of cannabis in the legal market.

Keeping of  
registers of  
cannabis

**39.** A licensee shall keep and maintain a register of the cannabis cultivated, manufactured, produced, stored, distributed, imported and exported for medicinal, scientific or research purposes in the prescribed manner and form.

Preservation  
of  
documents

**40.** A licensee shall preserve registers, records, inventories, books, prescriptions, orders in writing and other documents issued or made for the purposes of this Act and as prescribed, for a period of two years of the date on which the last entry was made or issued.

PART VII  
INSPECTIONS

**41.** (1) An authorised officer may for the purpose of enforcing the provisions of this Act, at any reasonable time, enter any premises where any activity in relation to cannabis for medicinal purposes is being undertaken, pharmacy, agro veterinary shop, container, vessel, vehicle, aircraft or other conveyance that the authorised officer has reasonable grounds to believe is used for the commission of an offence or purposes contrary to the provisions of this Act, and—

Power of  
authorised  
officer

- (a) search any premises where any activity in relation to cannabis for medicinal purposes are being undertaken, including a pharmacy, an agro veterinary shop, a container, vessel, vehicle, an aircraft or other conveyance, or the premises of a manufacturer, importer, exporter, seller or distributor of cannabis or any person licensed or regulated under this Act, including a private dwelling, where information or documents which may be relevant to an inspection may be kept or which are being used for the commission of an offence under this Act;
- (b) search any person on the premises if the authorised officer has reasonable grounds to believe that the person has possession of an article, document, record, controlled substance that has a bearing on an investigation, except that a person shall only be searched by a person of the same sex;
- (c) examine any document, record, book, article or cannabis found on the premises that has a bearing on an inspection or investigation;
- (d) require information to be given about any document, record, book, article or cannabis in any premises by—
  - (i) the owner of the premises;
  - (ii) the person in control of the premises;
  - (iii) any person who has control of the document, record, book, article, cannabis; or
  - (iv) any other person who may have the information;
- (e) seize any document, book, record, article, computer or other electronic storage device or cannabis that has a bearing on an inspection or investigation or is used for purposes contrary to the provisions of this Act;

- (f) take samples of cannabis as may be necessary for the purposes of testing, examination or analysis;
  - (g) take extracts from, or make copies of, any book, record or document found on the premises that has a bearing on an inspection or investigation;
  - (h) use any computer system or any other electronic device on the premises, or require the assistance of any person on the premises to use that computer system or electronic device, to—
    - (i) search any data contained in, or available to the computer system or electronic device;
    - (ii) reproduce any record from the data;
    - (iii) seize any output from the computer or electronic device for examination and copying; and
    - (iv) attach and, if necessary, remove from the premises for examination and safeguarding any document, record, book or article that has a bearing on an inspection or investigation.
- (2) An authorised officer who removes any document, book, record or article from any premises under subsection (4) shall—
- (a) issue a receipt for the document, book, record or article to the owner of, or person in control of, the premises; and
  - (b) return the document, book, record or article as soon as practicable after achieving the purpose for which it was removed.
- (6) A person commits an offence if that person—
- (a) delays, assaults, threatens or obstructs an authorised officer in the performance of the authorised officer's functions;
  - (b) refuses to give an authorised officer reasonable assistance that the authorised officer may require for the purpose of exercising the authorised officer's powers;
  - (c) gives an authorised officer false or misleading information in answer to an inquiry made by the authorised officer; or
  - (d) impersonates an authorised officer or presents oneself to be an authorised officer.

(7) A person convicted of an offence under subsection (6) is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(8) An authorised officer shall furnish a written report and any other information relating to an inspection to the appropriate authority, as the Committee may require.

(9) Nothing in this section requires a person to disclose or produce information or a document, if the person would in an action in a court be entitled to refuse to disclose or produce the information or document.

## PART VIII

### GENERAL PROVISIONS

**42.** A person who is aggrieved by a decision made under this Act may appeal to the High Court. Appeals

**43.** (1) Except as authorised by this Act, a person commits an offence if that person— Permitting premises to be used for unlawful use of cannabis

(a) knowingly opens, leases, rents, uses or maintains any place, whether permanently or temporarily, for the purpose of distributing, or using cannabis; or

(b) manages or controls any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant or mortgagee, knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully storing, distributing or using cannabis.

(2) A person convicted of an offence under subsection (1) is liable, to a fine not exceeding five hundred thousand penalty units or to a term of imprisonment not exceeding fifteen years, or to both.

**44.** A person who commits an offence under this Act for which a specific penalty is not provided for is, on conviction liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years or to both. General penalty

**45.** (1) The President may, by statutory instrument, on the recommendation of the Committee, make Regulations for the better carrying out of the provisions of this Act and for anything required to be prescribed as specified in this Act. Regulations

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(2) Despite the generality of subsection (1), Regulations made under subsection (1) may—

- (a) prescribe the manner of delivery of cannabis for medicinal, scientific or research purposes;
  - (b) provide areas that may be designated as a storage facility for cannabis for medicinal, scientific or research purposes;
  - (c) prescribe the manner in which cannabis for medicinal, scientific or research purposes shall be stored at registered locations or designated facilities, including in emergency medical service vehicles;
  - (d) provide for requirements to ensure health facilities, emergency medical services agencies, and designated facilities deliver cannabis for medicinal purposes to each other in the event of—
    - (i) shortages of cannabis for medicinal purposes;
    - (ii) a public health emergency; or
    - (iii) a mass casualty event;
  - (e) provide for measures to prevent diversion of cannabis for medicinal, scientific or research purposes;
  - (f) provide for the provision of emergency medical services using cannabis for medicinal purposes consistent with this Act;
  - (g) prescribe fees or charges payable in respect of any matter arising under, provided for, or authorised by this Act;
  - (h) prescribe the forms for applications, licences, approvals, registers, notices, orders and any other documents required for the purposes of this Act;
  - (i) prescribe the information to be given in returns and other documents submitted or made for the purposes of this Act;
  - (j) provide for the control or restrict the cultivation or production of cannabis;
  - (k) possession, sale, use and distribution of cannabis for medicinal, scientific or research purposes;
  - (l) supply and monitoring of special stocks and stocks; and
  - (m) limit the amounts of cannabis that can be cultivated in a year.
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