

Cannabis Law Report Op-Ed: Will Bermuda's MMR Regulated Structure Shroud Itself In The Same Cloak Of Mystery As Financial Industry?

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The then relevantly recent revelations from the **Mossack Fonseca** hack had shed a not very friendly light on the murky goings on in offshore financial centers around the world and maybe the powers that be in Bermuda had realized that here was a new industry in the ascendency that could provide part of the solution to their future problems if money fled the jurisdiction after a tightening of international offshore centers financial regulation.

Also, legally prescribed medical cannabis could provide an alternative route to pain relief and maybe even cures for cancer patients on the island.

The Bermuda government could also consider hosting the nascent industry in a number of inventive ways whilst the US bickers over the next decade about a federally legislated environment.

Imagine: what better place to start growing a medical cannabis industry, a beautiful friendly island in the Caribbean with a detailed knowledge of global financial and taxation issues and over 40 years of contacts in the investment and financial industry.



The Bermudan government could manage transactions, build some research centers and a few well managed growing facilities in a perfect climate for the plant. Agricultural land is a scarce commodity in Bermuda, why not use it for the most profitable research crop you can?

The government and inward investors could provide employment across the board, and employment with transferable skills to boot; from horticulturalists, to bio chemists and tech specialists, just to name a few.

Maybe investors could even be persuaded to bankroll a new university and provide education and job opportunities to the next generation of Bermudans so they wouldn't be entirely dependent on tourism, the left overs from an increasingly regulated offshore financial industry,

and even better, steer some tempted individuals away from the flood of cocaine still coming out of south and central America as a way of turning a dollar.

With all that in mind we contacted the relevant government department to try and discover more about their plans. A number of weeks later we received a rather perfunctory response, which, as a rather dull legal publication we'd half expected anyway, and thought nothing more of it.

Our source in Bermuda though wasn't so easily placated and set to work trying to discover whether we were dealing with general indifference or a more serious culture of obfuscation and secrecy.

A little bit of FOI discovery via the rights given under a Bermudan PATI ([Public Access To Information Act 2010](#)) application brought up our enquiry and a short email exchange between the Minister of Health and Seniors, Ms Jeanne Atherden and Permanent Secretary for Health and Seniors Dr Jennifer Attride-Stirling dated May 31 2016.



Dr Jennifer Attride-Stirling
Source Bermuda Govt Website

CLR had asked about a published article in the [Royal Gazette](#) that mentioned that six applications for CBD products that had recently been approved and whether we could learn more about those approvals.

Attride-Stirling's internal email to the Health Minister about our enquiry informed her ***"The non-response answer we'll be giving is.....These applications are private / personal medical requests protected by patient confidentiality"***

This set our source to wonder whether the medical cannabis legislation being set was actually of any benefit to needy patients, doctors wishing to prescribe or those outside government wishing to make medical cannabis an economically viable product in the self-governing British Overseas Territory.

Further digging revealed a little known provision under [Section 12 of the Misuse of Drugs Act 1972](#) and Regulation 4 of the [Misuse of Drugs Regulations 1973](#) that grants the Minister of National Security the authority to issue a license to possess controlled substances for medical

and research purposes. Applications are submitted to the Chief Medical Officer, and a recommendation is made to the Minister of National Security, regarding approval. The Minister can then sign off on the application and a license is issued.

One of the requirements of the application is that patients must find a doctor in [Bermuda](#) to “oversee treatment”. Patients revealed to our source that this is not as straightforward as it might appear as it became increasingly apparent to them that there is currently more than some reluctance among the medical community to be involved in prescribing medical cannabis to patients.

The Government claims that all applications thus far have been approved.

Further PATI requests revealed the number of applications made in relation to cannabis, derivatives of Cannabis or Synthetic cannabis since 2014 have been remarkably, well, small.

All were approved and the commercial import licenses were granted only for government use.

Commercial Import Licenses

2014 **3**

2015 **0**

2016 **3**

Personal Import Licenses

2014 **1**

2015 **1**

2016 **3**

Documents also obtained under PATI reveal where the government is currently sourcing their medical cannabis for research use and local patients.

Mettrum (<https://www.facebook.com/mettrum/>) Canada, who we note as an aside, Health Canada had to add new terms and conditions to their operating license after the company was caught using the banned pesticide myclobutanil in their products in late 2016.

Other suppliers include Cannimed (<https://www.cannimed.ca/>) Canada, Aunt Zeldas <http://azcannaoil.com/> in California, Bluebird Botanicals (<https://www.bluebird-botanicals.com/>) in Colorado and the CBD Store Washington State.

So, although there may be nothing particularly untoward about the Bermudan government's handling of the system they have so far devised for a regulated medical cannabis market, we'd suggest that spending all that time and energy in the process of creating and implementing legislation in order to source some medical cannabis from a few Canadian & US retailers seems somewhat pointless and then wrapping it all up in a veil of semi-secrecy with no educational programme for the medical community suggests a severe lack of forethought on the part of politicians and bureaucrats.

Finally, what it all looks like, from the outside anyway, is a raft of missed financial and business opportunities that could provide a generation's worth of employment and educational opportunities for Bermudans, never mind the taxation benefits for the government and the virtual eradication of the recreational black-market. Even Jamaica's proposed regulated system isn't as flawed as this.