



AFKONDIGINGSBLAD VAN SINT MAARTEN

Jaargang 2024
No. 11

Regulation from the Minister of Public Health, Social Development and Labor, Minister of Tourism, Economic Affairs, Transport, and Telecommunication, and the Minister of Justice from 28th February 2024 containing measures to establish an inter-ministerial workgroup tasked with ensuring the legalization of cannabis for medicinal, scientific, religious, and recreational purposes

THE MINISTER OF PUBLIC HEALTH, SOCIAL DEVELOPMENT AND LABOR

THE MINISTER OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC AND
TELECOMMUNICATION,

AND

THE MINISTER OF JUSTICE

Considering:

- the objectives of the Governing Program 2020 - 2024;
- the need for the Government of Sint Maarten to embark on additional income generating measures to improve the current liquidity situation of the Government;
- that persons within our community continue to be penalized for the possession and cultivation of cannabis;
- the lack of data on the socio-economic impact the current criminalization legislation is having on our population;
- the scientific evidence of the positive benefits of the use of marijuana can have, it should no longer be considered as an illegal substance once consumption is regulated;
- that the use of cannabis in many countries is normalized and legalized;
- that the government has decided to consider legalization;
- that the consequences of legalization should be first analyzed;
- that there is no capacity within government to conduct a broad-scope research on impacts of legalization of cannabis for Sint Maarten;
- that legalization affects multiple Ministries so that coordination between these Ministries is necessary;

In view of:

- Article 20 paragraph 2 of the National ordinance structure and organization of national government (Landsverordening inrichting en organisatie landsoverheid) AB 2010 GT no. 6.
- The Council of Ministers decision of August 4th, 2022.

HAS DECIDED

Article 1 – Establishment of the National Cannabis Legalization Committee

1. To establish a workgroup charged with coordinating the realization of legalizing cannabis for medicinal, scientific, religious, and recreational purposes.
2. This workgroup shall be referred to as the National Cannabis Legalization Committee, hereinafter 'the workgroup'.
3. The main objectives are:
Coordinate the execution of the agreed upon Scope of Work and deliverables with the selected organization(s) from the Request for Proposal, to include but not limited to:
 - a. Conduct extensive research into the social, health, legal, and economic impact and desirability of a legalization or tolerance policy would have on society and for the coffers of Government;
 - b. Conduct a literature review/comparative analysis on legislation regulating cannabis;
 - c. Establish a legal and regulatory framework including conditions for the cultivation, manufacturing/processing, testing, distribution, and consumption of cannabis, cannabis products, and cannabis concentrate within Sint Maarten; and
 - d. Amend existing legislation for the depenalization and decriminalization of cannabis possession, cultivation and usage for medicinal, scientific, religious, and recreational purposes.
 - e. Research the impact for law enforcement of legalization or tolerance policy for recreational and medical use of cannabis.
 - f. Establish a framework of prerequisites for implementing legalization or tolerance policy for recreational and medical use of cannabis.
 - g. Take into account the rules and regulations on the French side of the island and consult with the relevant stakeholders to establish the impact of a legalization or tolerance policy of cannabis for recreational and medical use for French Saint Martin
 - h. Take into account the process, considerations and objections in Aruba where the government decided to limit the legalization to medical use only (and exclude recreational use).

Article 2 – Layout and Composition

1. The workgroup consists of a maximum of nine members, who are appointed by the Council of Ministers based on recommendation from the Ministers of their respective ministries.
2. Members are appointed for the duration of the project.
3. The chairperson and deputy chairperson are to be appointed from the Ministry of Public Health, Social Development and Labor.
4. Each Ministry can appoint three persons from their Ministry to be in the workgroup.
 - a. Three (3) persons from the Ministry of Public Health Social Development and Labor;
 - b. Three (3) persons from the Ministry of Justice; and

- c. Three (3) persons from the Ministry of Tourism, Economic Affairs, Telecommunication and Transportation , and Transportation Telecommunication.
5. The appointment of members to the workgroup are to be provided by the respective Ministries and presented to the Minister of Public Health, Social Development and Labor within two (2) weeks after the signing of this Ministerial Regulation.

Article 3 - Tasks of the Committee

1. Coordinate the implementation of the scope of work to be carried out by the hired consultant;
2. Review reports and recommendations from the consultant, prepare a vision plan, and present to the Council of Ministers the proposals; and
3. Establish a shared understanding of the key policy decisions needed to structure the framework Sint Maarten will adopt, and present to the Minister of Public Health, Social Development who will prepare the advice for inter-ministerial signing by the Minister of Justice and Minister of TEATT, and then present to the Council of Ministers.

Article 4 – Working Method

1. The workgroup meets at least once per month.
2. An extra-ordinary meeting can be convened at the written request of the minister, another minister concerned, or at least two members, or if the chairman deems this necessary.
3. A meeting will not take place if at least half of the members are not present and if there is not at least one representative from each ministry.
4. Once a meeting has been canceled due to non-compliance with the requirements referred to in the third paragraph, the next meeting will take place, regardless of the number of members present.
5. The workgroup can request the minister or, where appropriate, another minister concerned to attend a meeting in order to discuss the policy with regard to a specific request for advice or policy intention.
6. The meetings are closed, however at the request of the members, the chairman can admit experts from outside the workgroup to the meeting, in order to give the members the opportunity to learn the views of the persons with regard to a particular subject.
7. The workgroup is obliged to report quarterly to the Ministers involved on the activities carried out.

Article 5

1. This regulation goes into effect from the date of signing.
2. This regulation will be published in the Afkondingsblad.

The *twenty-eight* of February 2024
Minister of Public Health, Social Development, and Labor

The Minister of Tourism, Economic Affairs,
Traffic and Telecommunication

The *twenty-seventh* of February 2024
Minister of Justice

Uitgegeven de zesde maart 2024
De Minister van Algemene Zaken
Namens deze,
Hoofd afdeling Juridische Zaken & Wetgeving

ELUCIDATION

General Part

Based on the Governing Program for 2020-2024 it is the intention of the Government of Sint Maarten to legalize cannabis for medicinal, scientific, religious, and recreational purposes. Considering the inter-ministerial efforts needed in order to realize the legalization of cannabis, a ministerial regulation structuring the roles and responsibilities of each Ministry and the establishment of an inter-ministerial workgroup has been established. The inter-ministerial workgroup will consist of 3 representatives each from the Ministry of Public Health, Social Development and Labor (Ministry of VSA), the Ministry of Justice, and the Ministry of Tourism, Economic Affairs, Telecommunication and Transportation (Ministry of TEATT). The Ministry of VSA remain the lead of the workgroup, with the appointment of the Chairperson and Deputy Chairperson.

The National Cannabis Legislation Committee is tasked with coordinating the realization of legalizing cannabis. The main objective of the workgroup is to coordinate the execution of:

- a. Conduct extensive research into the social, health, legal, and economic impact and desirability of a legalization or tolerance policy would have on society and for the coffers of Government;
- b. Conduct a literature review/comparative analysis on legislation regulating cannabis;
- c. Establish a legal and regulatory framework including conditions for the cultivation, manufacturing/processing, testing, distribution, and consumption of cannabis, cannabis products, and cannabis concentrate within Sint Maarten; and
- d. Amend existing legislation for the depenalization and decriminalization of cannabis possession, cultivation and usage for medicinal, scientific, religious, and recreational purposes.
- e. Research the impact for law enforcement of legalization or tolerance policy for recreational and medical use of cannabis.
- f. Establish a framework of prerequisites for implementing legalization or tolerance policy for recreational and medical use of cannabis.
- g. Take into account the rules and regulations on the French side of the island and consult with the relevant stakeholders to establish the impact of a legalization or tolerance policy of cannabis for recreational and medical use for French Saint Martin
- h. Take into account the process, considerations and objections in Aruba where the government decided to limit the legalization to medical use only (and exclude recreational use).

The workgroups shall consist of a maximum of nine members, who are appointed by the Council of Ministers based on recommendation from the Ministers of their respective ministries. Members are appointed for the duration of the project. The chairperson and deputy chairperson are to be appointed from the Ministry of Public Health, Social Development and Labor.

Each Ministry can appoint three persons from their Ministry to be in the workgroup.

- a. Three (3) persons from the Ministry of Public Health Social Development and Labor;
- b. Three (3) persons from the Ministry of Justice; and
- c. Three (3) persons from the Ministry of Tourism, Economic Affairs, Telecommunication and Transportation , and Telecommunication.

The appointment of members to the workgroup are to be provided by the respective Ministries and presented to the Minister of Public Health, Social Development and Labor within two (2) weeks after the signing of this Ministerial Regulation.

Once the proposals from the local and/or international organisations are submitted and bidder is selected, the workgroup will begin meeting with the winning bidder to coordinate the implementation of the scope of work to be carried out. From the deliverables provided by the winning bidder, the workgroup is tasked with preparing a shared understanding of the key policy decisions needed to structure the model Sint Maarten will adopt, and present to the Council of Ministers. Once the policy directions are approved, the winning bidder can proceed with drafting the legislation and amendments. The workgroup is obliged to report quarterly to the Ministers involved on the activities carried out.

The objective and ultimate goal for this project is to establish an executable pathway to the legalized, safe, healthy and regulated Cannabis industry designed to benefit the people of St. Maarten.

Minister of Public Health, Social Development, and Labor

The Minister of Tourism, Economic Affairs,
Traffic and Telecommunication

Minister of Justice