

Decriminalization of Cannabis Act 2014

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WHEREAS it is expedient to amend the Misuse of Drugs Act 1972, by the removal of all penal controls and criminal sanctions in relation to the possession and handling of cannabis and/or cannabis resin, where the weight of same does not exceed 14 grams in contemplation of de-penalizing possession of cannabis and/or cannabis resin in accordance with Schedule 7 (c) of the Misuse of Drugs Act 1972;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

1 Short Title

(1) This Act may be cited as the Decriminalization of Cannabis Act 2014

(2) In this Act, "the principal Act" means the Misuse of Drugs Act 1972

2 Interpretation

"Cannabis" (except in the expression "cannabis resin") means any plant or part thereof within the botanically designed genus Cannabis, but does not include any fibre produced from the stalk of the plant;

"Cannabis Resin" means the separated resin, whether crude or purified, obtained from any plant of the genus Cannabis;

3 Amends Section 6

Section 6 (1) is amended as follows: “Subject to any regulations under section 12 for the time being in force, no person, of the age of 18 years or above shall have a controlled drug in his possession, save for small quantities of cannabis and/or cannabis resin, that does not exceed 14 grams being less than the currently prescribed statutory threshold deemed for supply, pursuant to Schedule 7 (c)”.

4 Amends Section 7

Section 7 is amended as follows: “(1) A person commits an offence if he knowingly handles a controlled drug which is intended, whether by him or some other person, for supply in contravention of section 5(1).

(2) A person handles a controlled drug for the purpose of this section if – (a) he is in any way concerned in carrying, removing, harbouring, keeping or concealing the controlled drug or anything containing the controlled drug, subject to Section 6 (1) as amended; or he deals in any manner with the controlled drug, save for cannabis or cannabis resin, that is below the statutory threshold deemed for supply, pursuant to Schedule 7 (c)”.

5 A new Schedule, Schedule 8 has been included to read as follows:

SCHEDULE 8 ‘Police powers to restrict cannabis usage by individuals in possession of less than 20 grams of cannabis or cannabis resin’:

(a) A police officer of any rank shall have lawful authority to seize any amount of cannabis or cannabis resin deemed to be in the possession of a minor, under 18 years of age, as referred to in Schedule 4 of the Misuse of Drugs Act 1972;

(b) A police officer of any rank shall have lawful authority to demand any individual over the age of 18 years, to cease from using cannabis or cannabis resin in any public place, as referred to in Schedule 4 of the Misuse of Drugs Act 1972;

(c) A police officer of any rank shall have lawful authority to seize any cannabis or cannabis resin from any individual who fails to comply with a demand to cease using cannabis in a public place as referred to in Schedule 4 of the Misuse of Drugs Act 1972.

6 Commencement

This Act comes into operation on 30 June 2014

Decriminalization of Cannabis Bill 2014

Explanatory Memorandum

This Opposition Bill Amends the Misuse of Drugs Act 1972 (“the principal Act “) for the purpose of removing all criminal penalties and sanctions for the possession by any person in Bermuda, of 14 grams of cannabis or cannabis resin. The Bill specifies 14 grams of cannabis, or cannabis resin as the amount for which no criminal penalty or sanction can be imposed in law , and therefore for which no prosecution will be brought against persons with this amount of cannabis. The Bill seeks to expand the net of depenalization, and nolle prosequi qualification, to a wider number of persons in Bermuda. The primary aim of the Bill is to enshrine in statute, consistent and fair prosecution decisions for cannabis possession, by mandating the gram weight threshold that attracts no penalty or prosecution.