

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

MISUSE OF DRUGS (DECRIMINALISATION OF CANNABIS) AMENDMENT ACT 2017

WHEREAS it is expedient to amend the Misuse of Drugs Act 1972, to remove criminal sanctions in relation to the possession of cannabis, where the amount is less than the statutory amount, where criminal sanctions may apply; and to provide for drug education and treatment for minors found to possess cannabis;

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:

Citation

1 (1) This Act may be cited as the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017.

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

Amends section 6 of the principal Act

2 Section 6(1) of the principal Act is repealed and replaced with the following—

"(1) Subject to any regulations under section 12 for the time being in force, no person shall have a controlled drug in his possession, save for cannabis that is less than or equal to the statutory threshold in Schedule 8, subject to the discretion of the Director of Public Prosecutions to prosecute if the evidence indicates an intention to supply contrary to subsection (3).".

Inserts Section 25A

3 The following section is inserted after section 25 of the principal Act—

"Police powers to seize cannabis

25A (1) A police officer of any rank shall have lawful authority to seize any amount of cannabis in the possession of any person.

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(2) The Minister shall make regulations that provide for substance abuse education or treatment for any person and in particular any minor found to be in possession of any amount of cannabis.”.

Inserts Schedule 8

4 The following Schedule is inserted after Schedule 7 of the principal Act—

“SCHEDULE 8

(Sections 6(1) & (2))

STATUTORY AMOUNT OF CANNABIS WHERE CRIMINAL SANCTIONS
DO NOT APPLY

Controlled Drug
(a) Cannabis

Weight
7 grams

”.

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EXPLANATORY MEMORANDUM

This Bill amends the Misuse of Drugs Act 1972 (“the principal Act”) to remove criminal sanctions for the possession by any person of cannabis that does not exceed the specified statutory amount.

Clause 1 is the citation.

Clause 2 amends section 6 of the principal Act to decriminalise the possession of cannabis lower than the statutory amount where criminal sanctions will not apply, and makes savings provision for prosecution for intent to supply.

Clause 3 inserts a new section 25A empowering the police to seize cannabis in the possession of any person and also provides for drug education or drug treatment.

Clause 4 inserts a new Schedule 8 that specifies the amount of cannabis below which criminal sanctions will not apply.