

No. 6 of 2019.

Drugs (Prevention & Abatement of the Saint Christopher
Misuse and Abuse of Drugs)

and Nevis.

(Amendment) Act, 2019.



I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

Governor-General

31st July, 2019.

SAINT CHRISTOPHER AND NEVIS

AN ACT to amend the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, Cap. 9.08.

[Published 15th August 2019, Official Gazette No. 41 of 2019.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. Short title.

This Act may be cited as the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) (Amendment) Act, 2019.

2. Interpretation.

In this Act,

“Act” means the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, Cap. 9.08.

3. Amendment of section 2.

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The Act is amended in section 2

(a) by replacing the definition of the word “supplying” as follows

““supplying” includes distributing, selling or gifting;”.

(b) by inserting the following in the correct alphabetical order

““public place” includes an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, including

(a) all commercial, agricultural and industrial zoned lands and properties;

(b) bars, drinking places, restaurants and clubs;

- (c) tourist establishments, hotels and guesthouses;
- (d) schools and all other educational institutions;
- (e) hospitals whether publicly or privately operated;
- (f) churches or other religious establishments except as is permitted under the Act or any other law;
- (g) correctional facilities whether publicly or privately operated
- (h) public transportation;
- (i) community centres;
- (j) roads, highways and thoroughfares;
- (k) Government offices; and
- (l) other places or buildings of all types, accessible to the public;

“smoke” means to inhale, exhale, burn, combust, vaporize or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form and includes the use of an electronic smoking device that creates an aerosol or vapour, in any manner or in any form, or the use of any orally used device for the purpose of circumventing the prohibition of smoking in a public place;”.

4. Amendment to Section 6

The Act is amended in section 6

- (a) in subsection (4), by inserting after the existing words “subsection (1)”, the new words “and to Regulations made under this Act”;
- (b) in subsection (4) paragraph (a), by deleting the word “hexion” and replacing it with the expression “heroin”;
- (c) in subsection (4) paragraph (e), by replacing the words “fifteen grammes of cannabis or cannabis resin” and substituting the words “fifteen grammes of cannabis or five grammes of cannabis resin”;
- (d) in subsection (6)(a) by replacing the expression “; and” with the expression “;”;
- (e) in subsection (6)(b) the period “.” is deleted and replaced with “; and”
- (f) a new subsection (6)(c) is inserted

“(6)(c) The accused shall identify the person from whom the controlled drug was taken.”.

5. Amendment of Act by inserting sections 6A, 6B and 6C.

The Act is amended by inserting immediately after section 6 the following new sections 6A, 6B and 6C.

“6A. Cannabis possession in public place.

Section 6, subsections (1) and (2) do not apply to

- (a) a person who has in his possession fifteen grammes or less of cannabis or five grammes or less of cannabis resin, in a public place and that person shall
 - (i) be allowed to retain possession of such cannabis; and
 - (ii) be issued with a fixed penalty notice for fifty dollars or, in default of payment, shall be liable to ten hours of community service or in default to imprisonment for three days.
- (b) a person found smoking cannabis or cannabis resin in any public place, not including a registered place of worship of the Rastafarian faith, or any place authorised by this Act and any Regulations made under this Act, shall be issued with a fixed penalty notice for one thousand dollars or in default of payment, shall be liable to up to twenty hours of community service, or in default to a term of five days imprisonment.

6B. Cannabis use and public safety prohibitions.

A person found

- (a) undertaking any task, whilst under the influence of cannabis, if doing so would constitute negligence, professional malpractice, or professional misconduct shall be liable to a fine of twenty thousand dollars or in default of payment, to three hundred hours of community service, or in default, to a term of six months imprisonment;
- (b) to have in his possession, any cannabis on a school bus, on the premises of a school, at any time, or in a private residence that is used at any time to provide licensed child care or other similar social service care at that private residence during hours of operation shall be liable to a fine of thirty thousand dollars or in default of payment to a term of up to three years imprisonment;
- (c) engaging in the use of any cannabis on a school bus, on the premises of a school, at any time, or in a private residence that is used at any time to provide licensed child care or other similar social service care at that private residence during hours of operation shall be liable to a fine of fifty thousand dollars or in default of payment to a term of up to ten years imprisonment;
- (d) operating a motor vehicle while impaired by cannabis use commits an offence and shall be liable in accordance with the provisions of the Vehicles and Road Traffic Act, Cap. 15.06

- (e) smoking of cannabis at any private residence that is located within three hundred feet of a school, during regular hours of operation of the school, shall be liable to a fine of fifty thousand dollars or in default three months imprisonment.

6C. Treatment and programmes for child offenders.

(1) In this section, “child” means a person under the age of 18 years old.

(2) Subject to the provisions of the Child Justice Act, No. 19 of 2013, where a person found in possession of, or engaging in the use of Cannabis or Cannabis resin, is a child, he or she shall be required to participate in a drug counseling programme approved by the Minister.

6. Amendment of section 7.

The Act is amended in section 7 is amended by inserting a new subsection (3) as follows

“(3) Subject to subsection (1), a person may apply to the Minister, through the Council, for a licence to cultivate cannabis for personal use and shall be guided by Regulations made under this Act.”

7. Amendments to the Second Schedule – Controlled Drugs

The Act is amended in the Second Schedule by

- (a) in PART I – CLASS A DRUGS, the items – “Cannabinol, except where contained in cannabis or cannabis resin” and “Cannabinol derivatives” are deleted and are substituted, in alphabetical order, with the items – “TetrahydroCannabinol (THC) either in its isolated form or where contained in cannabis or cannabis resin” and “TetrahydroCannabinol (THC) in all its stereo-isomeric forms or salts”;
- (b) in PART I – CLASS A DRUGS, the item – “Pislocin” is deleted and substituted with the correct spelling – “Psilocin”;
- (c) in PART I – CLASS A DRUGS, the item “psilocybin” is added from the international schedules;
- (d) in PART II – CLASS B DRUGS – the words “not including cannabidiol” is inserted after the item “Cannabis and Cannabis Resin”;
- (e) in PART IV – MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE- the interpretation ““cannabinol derivatives” means the following substances, except where contained in cannabis or cannabis resin, namely, tetrahydro derivatives or cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;” is deleted and substituted with the interpretation as follows

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“tetrahydrocannabinol derivatives” means all the stereoisomeric forms of tetrahydrocannabinol and where contained in cannabis or cannabis resin;”.

ANTHONY MICHAEL PERKINS

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Speaker

Passed by the National Assembly this 31st day of July, 2019.

THOMPSON

SONIA BODDIE-

Clerk of the National Assembly