

# AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

## MISUSE OF DRUGS AMENDMENT ACT 2017

WHEREAS it is expedient to amend the Misuse of Drugs Act 1972 to remove the criminal sanction in respect of possession of three grams or less of 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 This Act, which amends the Misuse of Drugs Act 1972 ("the principal Act"), may be cited as the Misuse of Drugs Amendment Act 2017.

### Amends section 6 of principal Act

2 Section 6 of the principal Act is amended by inserting after subsection (2)—

"(2A) Subsection (2) does not apply to the possession by a person of cannabis that in the aggregate does not exceed three grams in weight.

(2B) Notwithstanding that a person does not commit an offence by virtue of subsection (2A), section 25 (entry on premises: search; seizure) shall apply to the possession by a person of three grams or less of cannabis in contravention of subsection (1) as if such person had or may have committed an offence under subsection (2).".

### Commencement

3 This Act shall come into operation on such day as the Minister responsible for drug prevention may by notice in the Gazette appoint.

## MISUSE OF DRUGS AMENDMENT BILL 2017

### EXPLANATORY MEMORANDUM

This Bill would amend the Misuse of Drugs Act 1972 (“the principal Act”) to remove the criminal sanction in respect of simple possession of three grams or less of cannabis.

Clause 1 is self-explanatory.

Clause 2 would remove the criminal sanction imposed by section 6(2) of the principal Act in respect of possession of three grams or less of cannabis, but possession of any amount of cannabis would remain prohibited under section 6(1). Under section 25, the police would still be able to search for and seize any amount of cannabis, and it would then be forfeited to the Crown.

Clause 3 is self-explanatory.